



ORGANISATION OF EASTERN CARIBBEAN STATES

REQUEST FOR EXPRESSIONS OF INTEREST

NAME OF PROJECT - OECS REGIONAL HEALTH PROJECT
GRANT NO.: D513

Assignment Title: Legal Consultancy Services: Recommendations and Drafting of Regional Legal Instruments and Model Legislation for a Regional Digital ID System in the OECS

Reference No. LC-OECS Commission-245223-CS-CQS

The Organisation of Eastern Caribbean States (OECS) has received financing from the World Bank toward the cost of the OECS Regional Health Project (ORHP), and intends to apply part of the proceeds for legal consulting services for Recommendations and Drafting of Regional Legal Instruments and Model Legislation for a Regional Digital ID System in the OECS.

The objectives of the consulting services (“the Services”) is to 1) make recommendations about the requisite legal enabling environment for the selected integration option to support the implementation of the OECS unique ID system in the Participating States, and 2) draft necessary laws and regulations, both at the OECS level and model legislation to be adopted at the national level.

The OECS now invites eligible Legal Firms (“Legal Consultant”) to indicate their interest in providing the Services. Interested Legal Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The minimum required qualifications and experience are listed in section 5.0 of the TOR below.

The attention of interested Legal Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank’s “Procurement Regulations for IPF Borrowers” July 2016 and revised in November 2017 and August 2018 (‘Procurement Regulations’), setting forth the World Bank’s policy on conflict of interest. In addition, please refer to the following specific information on conflict of interest related to this assignment:

Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other clients, or that may place them in a position of being unable to carry out the assignment in the best interests of the Borrower. Without limitation on the generality of the foregoing, Consultants shall not be hired under the circumstances set forth below:

- a) a firm that has been engaged by the Borrower to provide Goods, Works, or Non-consulting Services for a project (or an affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm), shall be disqualified from providing Consulting Services resulting from, or directly related to, those Goods, Works, or Non-consulting Services. This provision does not apply to the various firms (Consultants, contractors, or suppliers), which together are performing the contractor's obligations under a turnkey or design and build contract;
- b) a firm that has been engaged by the Borrower to provide Consulting Services for the preparation or implementation of a project (or an affiliate that directly or indirectly controls, is controlled by, or is under common control with that Consulting firm), shall be disqualified from subsequently providing Goods, Works, or Non-consulting Services resulting from, or directly related to those Consulting Services. This provision does not apply to the various firms (Consultants, contractors, or suppliers), which together are performing the contractor's obligations under a turnkey or design and build contract;
- c) neither a Consultant (including personnel and sub-consultants), nor an affiliate (that directly or indirectly controls, is controlled by, or is under common control with that Consultant), shall be hired for any assignment that, by its nature, creates a conflict of interest with another assignment of the Consultant;
- d) Consultants (including their experts and other personnel, and sub-consultants), that have a close business or family relationship with a professional staff of the Borrower, or of the project implementing agency, or of a recipient of a part of the Bank's financing, or any other party representing or acting on behalf of the Borrower, that is directly or indirectly involved in any part of:
 - i. the preparation of the TOR for the assignment;
 - ii. the selection process for the contract; or
 - iii. the supervision of the contract, may not be awarded a contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the Bank throughout the selection process and the execution of the contract.

To obtain the maximum degree of comparison among Expressions of Interests (EOIs) and facilitate the evaluation process, the EOI should be a maximum of 40 pages and include the following information included below:

- **Title page with name of firm submitting the EOI:** should contain name of firm (or joint venture and/or a sub-consultancy, if applicable), address, email, telephone, name of contact person and date of submission.
- **Expression of Interest:** including the firm's general and specific experience, pool of experts etc.

Consultants may associate with other firms in the form of a joint venture or a subconsultancy to enhance their qualifications.

A Consultant will be selected in accordance with the Consultants' Qualification selection method set out in the Procurement Regulations.

Further information can be obtained at the address below during office hours *08:30 a.m. – 4:30 p.m. (0830 to 1630 hours)*.

Organisation of Eastern Caribbean States
OECS Regional Health Project
P.O. Box 179
Morne Fortune
Castries
Saint Lucia
TEL: +1 758-455-6349/68
E-mail: procurement@oecs.int

An electronic copy of the Expressions of Interest must be sent by October 4, 2021 to:

Yasmine Anatole, Procurement Officer

At the following email address:

procurement@oecs.int

copied to: avion.bamodu@oecs.int
faith.hjnbaptiste@oecs.int
clarence.henry@oecs.int

The email submissions should include the name and address of the Firm and shall be clearly marked in the subject line as “**Expression of Interest – Legal Consultancy Services: Recommendations and Drafting of Regional Legal Instruments and Model Legislation for a Regional Digital ID System in the OECS:**”

The Terms of Reference and Guidelines for the Submission of Expressions of Interest for this consultancy is provided below.



THE ORGANISATION OF EASTERN CARIBBEAN STATES COMMISSION

TERMS OF REFERENCE

LEGAL CONSULTANCY SERVICES

Recommendations and Drafting of Regional Legal Instruments and Model Legislation for a Regional Digital ID System in the OECS

Reference No. LC-OECS Commission-245223-CS-CQS

1.0. BACKGROUND

The OECS Regional Health Project (ORHP) is currently being implemented in four (4) protocol member states of the Organisation of Eastern Caribbean States (OECS): the Commonwealth of Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines (the “Participating States”). The main aim of the project is to improve preparedness capacities of health systems for public health emergencies in the OECS region.

The Health Unit within the OECS Commission is the lead unit with responsibility for the development and implementation of coordination mechanisms for health emergency services for OECS countries to strengthen regional capacity to mobilize first responders and critical health supplies to affected areas, including inter alia, strengthening of systems, facilitating movement of patients and/or specialized health human resources in the context of public health emergencies.

The Multi-Purpose Identification System (MPID), a sub-component of the Electronic Government for Regional Integration Project (EGRIP) implemented in the post-2010 period, was initially executed in the Participating States¹. The EGRIP supported Participating States on the provision, cost reduction, and delivery of public services.

The MPID sub-component was expected to support the overall EGRIP through the strengthening of the national ID system. A major expected outcome from the MPID was an OECS Unique Identifier (UI) for every citizen of the Participating States. The OECS UI was expected to be implemented through the issuance of a single identification card equipped with the necessary security features, and facilitate the movement of health human resources and patients during health emergencies among the participating states and eventually throughout the Eastern Caribbean Economic Union (ECEU). Following the ratification of the Revised Treaty of Basseterre (RTB) which established the ECEU or the OECS Economic Union, in January 2011, the OECS Authority,

¹ Antigua and Barbuda, Montserrat and Saint Kitts and Nevis were not part of the EGRIP implementation.

in 2011, approved the use of picture identification cards issued by Protocol Member States (which comprises the Participating States along with Antigua and Barbuda, Montserrat and Saint Kitts and Nevis) as legitimate documents for entry and departure within the OECS Economic Union Area (EUA). The issuance of a card with a single unique identifier will strengthen the use of the national identification cards for travel throughout the EUA as it enhances the identification of citizens of Participating States and their family members by host Participating States officials, which is important for granting the issuance of indefinite stay entry at the official border and securing access to essential public services such as education and health care at the same terms with citizens of the host Participating States.

An initial assessment conducted by the OECS Commission in March 2019 highlighted several challenges to the successful implementation of the MPID in the Participating States including limited implementation of the required legislation, ineffective communications strategy, outdated technology and limited political will for effective coordination.

The OECS unique ID system is a new project that seeks to build on the MPID concept and implement a digital ID system. In particular, the project will provide the platform for the development of a unique identifier and card to be issued to citizens and residents of Participating States.

Through the OECS unique ID system, Participating States are each developing a digital identification system at the national level (NIDs) and are seeking the mutual recognition of their respective NIDs and interoperability of the NID data bases through either (1) a centralized data exchange maintained by the OECS or (2) a decentralized data exchange infrastructure which would be maintained by the Participating States at the national level but with the governance being maintained centrally at the OECS. The national ID systems of Participating States supported by one or the other option of data exchange is referred to as OECS NID Data-exchange Interoperability System (ONDIS).

Discussions have been held by senior technical personnel in the Participating States to explore the technology options for data exchange for advancing the implementation of the OECS unique ID system. The action plan for developing the OECS unique ID system proposed three integration solution options, but the governance system to be developed will focus on the implementation of integration Option 2.

- Option 1 – where each country develops, deploys, and manages its own technical solutions,
 - Option 2 – where a single technical solution is developed for all countries and each country deploys and manages a centrally developed technical solutions and
 - Option 3 – a single technical solution developed, deployed, and managed for all countries.
- Participating States have expressed preference for integration option 2.

The legal framework to support the EGRIP [and the MPID] included six (6) pieces of legislation:

1. the Electronic Transactions Bill,
2. the Electronic Crimes Bill,
3. the Electronic Filling Bill,
4. the Electronic Transfer of Funds Bill,

5. the Electronic Evidence Bill and
6. the Data Protection Bill.

2.0. PURPOSE OF THE CONSULTANCY

This consultancy will be divided into two (2) phases.

In the first phase, the objective of this consultancy is to make recommendations about the requisite legal enabling environment for the selected integration option to support the implementation of the OECS unique ID system in the Participating States.

In the second phase, the objective will be to draft necessary laws and regulations, both at the OECS level and model legislation to be adopted at the national level.

To achieve the core objective of this consultancy, the Legal Firm must consider, among others, the requirement for the digitization of the civil registry process, creation of a population registry and the interoperability of foundational systems with functional systems at both the national and regional levels. The Legal Firm must also examine existing legislation drafted under EGRIP with a view to determining the need for modernization of these pieces of legislation to support the implementation of the selected integration option for data exchange to advance the OECS unique ID system in the Participating States.

3.0. SCOPE OF SERVICES AND DELIVERABLES

The components of this consultancy are:

PHASE 1

- (i) To review existing legislation and policies at both the national and regional levels that could apply to support the implementation of the selected integration option for implementing the OECS unique ID system;
- (ii) Conduct in-depth research in coordination with national and regional stakeholders including the civil registry, health department, the Offices of the Attorney Generals, the electoral department, social security agency, ICT Unit(s) among others in the Participating States on the legal and policy requirements for implementing the selected integration option for supporting the implementation of the OECS unique ID system;
- (iii) Prepare a report of the findings of Phase 1 for presentation to the decision-making body.

PHASE 2

- (iv) Upon the choice of the preferred integration option, the Legal Firm will draft recommendations for Policy Reform to support that option; and
- (v) As appropriate, draft regional legal instruments and draft model legislation for adoption at the national level to support the preferred option, inclusive of the requirement for the digitalization of the civil registration process, the collection of biometrics and data information of citizens and the interoperability of foundational systems and functional systems both nationally and regionally. The draft model legislation should be compatible with the data protection and electronic transfers and transactions provisions of the EGRIP legislation.

The assignment will take into account the legal and policy requirement for implementation of the preferred integration option across the ECEU.

The scope of work for the Legal Firm will be guided by the objective and components highlighted above.

Specific Responsibilities and Tasks

3.1. In particular, the Legal Firm shall perform and be responsible for all the services described below. The Services shall include, but not be limited to the following:

PHASE 1

- (i) Conduct an assessment of the current legal framework governing civil status registration, social security registration, national ID registration and card issuance among other relevant legislation in the Participating States;
- (ii) Conduct a comprehensive review of the six (6) pieces of legislation previously identified for supporting the implementation of the MPID System with a view to determine relevance and areas for strengthening legislative provisions;
- (iii) Review the legal and policy requirements for the implementation of a digitalized civil status registration framework with interoperability at the national (among foundational and functional systems) and regional levels;
- (iv) Review the legal and policy requirements for the implementation of a system for the collection of biodata and biometrics on citizens and legal residents;

PHASE 2

- (v) Draft recommendations for Policy Reform to support the implementation of the preferred option
- (vi) Draft Model Legislation to strengthen the legal requirements for the implementation of the preferred integration option both nationally and regionally; and
- (vii) Present the draft Legislation and proposed Policy Reforms to the Project Coordinating Team for this consultancy and Legal Unit of the OECS Commission along with other relevant stakeholders from the Participating States for validation.

4.0. DURATION OF THE ASSIGNMENT

The Assignment is expected to be undertaken within six (6) months and is scheduled to be conducted between November 2021 to April 2022. Further, the Legal Firm shall:

- (i) Take all the necessary steps to ensure that the entrusted task is executed properly and on schedule in accordance with the established Terms of Reference;
- (ii) Perform the task in accordance with the Terms of Reference and according to internationally accepted standards.

The allocation of days per activity is to be agreed.

5.0. DELIVERABLES

The Legal Firm will be required to deliver the following Reports for submission to the Project Coordinating Team at the OECS Commission:

ACTIVITIES	DELIVERABLES	Time Frame	% of Payment
PHASE 1			
1.	Inception Report that validates the TOR or proposes changes thereto together with the proposed work plan.	One week after contract signing	10%
2.	Report on the gaps and recommendations based on the Review of existing Legislation Framework and Policies.	Seven weeks after contract signing	20%
3.	<ul style="list-style-type: none">a. Report on the consultations with key stakeholders from the Participating States on the legal and policy requirements for implementation of the selected integration option for implementing the OECS unique ID system.b. Report of the findings of Phase 1 for presentation to the Project Coordinating Team and other decision-making bodies.	Fourteen weeks after contract signing	20%

PHASE 2			
4.	Draft Report including, as appropriate, draft of legal instruments and Model Legislation to support the implementation of preferred integration option nationally and regionally.	Twenty weeks after contract signing	20%
5.	Presentation of Model Legislation to the Project Coordinating Team for this consultancy and Legal Unit of the OECS Commission along with other relevant stakeholders from the Participating States for validation.	Twenty-Two weeks after contract signing	10%
6.	Final Report including final version of legal instruments and Model Legislation and Policies.	Twenty-Four weeks after contract signing	20%
TOTAL		24 Weeks	100%

6.0. FIRM QUALIFICATIONS

The Legal Firm shall be a firm whose members consist of legal specialists of high international repute with relevant international experience in the subject-matter areas that are included in this TOR.

The following are the minimum requirements:

- (i) At least 10 years of professional experience in lawmaking, judicial issues, national and/or international consultancy on policy review, legislative and regulatory framework development and amendment;
- (ii) Experience in the subject-matter areas that are included in this TOR, including, without limitation, legal aspects of civil registration and digital identification systems (including health data registries), data protection (including familiarity with national level implementation of the EU General Data Protection Regulation), e-transactions, cybersecurity, and related issues.
- (iii) At least one Legal expert with advanced university degree (Master's degree or equivalent) in a relevant field of Law;
- (iv) At least one team member qualified to practice law in one of the Participating States and who is familiar with the OECS/CARICOM or commonwealth legal framework.
- (v) Experience in cooperation and interaction with government bodies, parliamentarians, and other intergovernmental organizations.
- (vi) Demonstrated experience in developing legal instruments on matters relating to national or international governance;
- (vii) Fluency in written and spoken English and ability to communicate effectively to diverse audiences;

7.0. REPORTING REQUIREMENTS

A Project Coordinating Team comprising the following OECS Divisions/Units i.e. Regional Integration, Human and Social Division, Information Technology, Legal and Procurement will have oversight and supervise the work of the Legal Firm. The Project Coordinating Team along with the OECS UI System Regional Implementation Team (RIT), comprising the World Bank Digital Transformation Focal Points, will provide technical guidance, advice and operational oversight in guiding the Legal Firm towards the accomplishment of the assigned tasks.

In the conduct of work, the Legal Firm shall cooperate fully with the relevant departments and Units of the OECS Commission, Government Ministries, Departments and Agencies.