

REQUEST FOR EXPRESSION OF INTEREST (REOI)

Contract Title:

Consultancy to Prepare a CARICOM Model Law and Regulations on Deposit Insurance and to Formulate Proposals for a Special Resolution Regime for Financial Institutions in CARICOM Member States

- 1. Contract reference no.**
EU/SFCICP/EDPTR/SER/ 2022-EW
 - 2. Procedure**
Open Tendering
 - 3. Source of Funding**
11TH EDF - Financing Agreement FED/2018/040-087
 - 4. Contracting Authority**
Caribbean Community (CARICOM)
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CONTRACT SPECIFICATION

5. Contract description

The Project seeks to –

- (i) develop a harmonised legal framework comprising a model deposit insurance Bill and subsidiary regulations; and
- (ii) formulate s proposals for a model resolution regime for financial institutions in CARICOM Member States.

The two (2) complementary thematic areas seek to strengthen the financial safety-net architecture and preserve financial stability by providing:

- (i) an appropriate legal and regulatory framework which guarantees eligible depositors in the Community with a minimum level of protection against losses due to the failure of a covered financial institution; and

- (iii) recommendations for a robust resolution framework to allow for the orderly intervention in, and restructuring of non-viable financial institutions.

The Consultants will be required to elaborate and refine the drafting instructions for the Model Law in accord with the standards and best practices set out in the approved CARICOM Policy on Deposit Insurance for the consideration and concurrence of Member States. Where necessary, the Consultants will advise on the further refinement of the standards¹ to address the peculiar circumstances of CARICOM Member States. The drafting instructions will be used as the basis for the preparation of the Model Law and relevant regulations which would facilitate the harmonisation of the legal and regulatory framework for deposit insurance in Member States.

In the case of the other thematic area, the Consultant will be required to undertake a review of the provisions for the resolution of financial institutions (banking, insurance, securities and other non-bank sectors) in the existing laws in Member States as well as evaluate gaps in the national frameworks. Within the context of this evaluation, the Consultant will advance proposals to bring the domestic regimes in line with the international standards articulated by the FSB and the IADI, taking into account the peculiarities of CARICOM Member States. The proposals for the harmonised resolution regime should address the challenges presented by the failure of financial institutions with cross-border operations given the interconnectedness of the financial sector within the Community and should identify strategies for mitigating cross border contagion risk.

The Consultancy will be executed over a period of eighteen (18) months and will require extensive consultations (on a country-by-country basis and regional consultative meetings) with financial supervisors, deposit insurers, other financial safety-net partners and stakeholders in Member States. Country-specific consultations and data gathering exercises will be conducted in Member States and with regional institutions as agreed by the Consultant and the Secretariat.

The Consultant will participate in regional consultations and other technical meetings, which will be arranged by the Secretariat in order to build stakeholder consensus on the proposed deposit insurance legislation and proposals for the resolution regime.

6. Number and titles of lots

One (1) lot only

¹ For example, the definition proposed for 'deposits' as well as the determination of insurable deposits, excluded deposits, ownership categories and coverage rules.

7. Maximum budget

USD 307,490.00

8. Scope for additional services

The CARICOM Secretariat may, at its discretion, extend the project in duration and/or scope subject to the availability of funding up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Consultant.

CONDITIONS OF PARTICIPATION

9. Eligibility

Participation is open to all natural persons and legal persons participating either individually or in a grouping (consortium) of tenderers of any nationality. Participation is also open to international organisations.

10. Candidature

All eligible natural and legal persons (as per clause 9 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping that has been constituted informally for a specific tender procedure. All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the CARICOM Secretariat.

11. Number of EOIs

No more than one (1) Expression of Interest (EOI) may be submitted by a natural or legal person, whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an EOI). In the event that a natural or legal person submits more than one EOI, all EOIs in which that person has participated will be excluded.

12. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed EOI will be excluded from this Open Tender procedure unless prior approval from the CARICOM Secretariat has been obtained. Short-listed consultants may not form alliances or subcontract to each other for the contract in question.

13. Grounds for exclusion

As part of the EOI, consultants must submit a signed declaration, included in the

standard EOI form, to the effect that they are not in any of the exclusion situations listed in Clause 13 of Module 2 of the CARICOM Secretariat's Guidelines and Procedures Manual (GPM) available at: <https://caricom.org/wp-content/uploads/GPM-23-Oct-20-1.pdf>

14. Sub-contracting

Subcontracting is Not allowed.

15. Number of consultants to be short-listed

On the basis of the EOIs received, between 4-6 consultants will be invited to submit detailed tenders for this contract. If the number of eligible consultants meeting the selection criteria is less than the minimum of 3, the CARICOM Secretariat may invite the consultants who satisfy the criteria to submit a tender.

PROVISIONAL TIMETABLE

16. Provisional date of invitation to tender

29 August 2022

17. Provisional commencement date of the contract

1 November 2022

18. Initial period of implementation of tasks

Eighteen (18) months

SELECTION AND AWARD CRITERIA

19. Selection criteria

The following selection criteria will be applied to consultants. In the case of EOIs submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

1. **Financial capacity of candidate** (based on item 3 of the EOI form). In case of the candidate being a public body, equivalent information should be provided.
Criteria for legal persons: -
 - i. the average annual turnover of the candidate must be at least equal to the 60% of the maximum budget of the contract; and
 - ii. Net current assets must be positive for the current and previous year.

Criteria for natural persons:

- i. the available financial resources of the candidate must be at least equal to 60% of the maximum budget of the contract; and
- ii. the financial situation of the candidate should not be in deficit, taking into account debts, at the beginning and end of the year.

2. **Professional capacity of candidate** (based on items 4 and 5 of the EOI form)

Criterion for legal and natural persons:

- i. at least three (3) staff currently work for the candidate in fields related to this contract;
- ii. has professional experience in subject matters related to this contract or any other related fields.

3. **Practical capacity of candidate** (based on items 5 and 6 of the EOI form)

Criteria for legal and natural persons:

- i. The candidate has provided services under at least one (1) contract of a similar nature, with a budget of at least equal to 60% of the maximum budget of this contract, within the past five (5) years from the submission deadline as specified in this tender.
- ii. Documentary evidence of successful completion of at least one (1) of the contract described in 3 (i) above.

Previous experience which would have led to a breach of contract and termination by the CARICOM Secretariat shall not be used as a reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

A consultant may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must, in that case, prove to the CARICOM Secretariat that it will have at its disposal the resources necessary for the performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance, the parent company of the consultant, must respect the same rules of eligibility, as the consultant.

If more than 6 eligible consultants meet the above selection criteria, the relative strengths and weaknesses of the EOIs of these consultants must be re-examined to identify the six best consultants. The only factors which will be taken into

consideration during this re-examination are:

- a. the highest number of projects in criterion 3 (i)
- b. the project with the highest value in criterion 3 (i)
- c. Preference will be given to experience in the Caribbean region

20. Award criteria

Best value for money.

SUBMISSION OF EXPRESSIONS OF INTEREST (EOIs)

21. Deadline for receipt of EOIs

10 August 2022 on or before 16:30hrs (Guyana time)

Any EOI received after this deadline will not be considered.

22. EOI format and details to be provided

EOIs must be submitted using the format of a standard template, which is available at the following Internet address: <https://caricom.org/procurement-notice/>

Any additional documentation (brochure, letter, etc.) sent with an EOI will not be taken into consideration.

23. How EOIs may be submitted

EOIs must be submitted in English exclusively via email in a password protected pdf file to procurement.tenders@caricom.org

EOIs submitted by any other means will not be considered.

24. Alteration or withdrawal of EOIs

Consultants may alter or withdraw their EOI by written notification prior to the deadline for submission of EOIs. No EOI may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 23. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

25. Operational language

All written communications for this tender procedure and contract must be in English.

26. Data Protection and Privacy

Any personal data requested is done on the authority of the CARICOM Secretariat,

who for the purposes of this EOI is the contracting authority. If processing your reply to the EOI involves transfer of personal data (such as names, contact details and CVs) to the Secretariat, they will be processed solely for the purposes of the monitoring of the procurement procedure and of the implementation of the contract by the Secretariat and to comply with its obligations under its Data Protection and Privacy Rules. The intended recipients of any such data shall be staff of the Secretariat involved in the procurement procedure and contract implementation. Any personal data that is required under this EOI is compulsory and any failure to provide same may lead to rejection of the EOI. Any person whose personal data is under the control of the Secretariat pursuant to this EOI shall have the right to access, modify, correct or delete its data in accordance with the Secretariat's Data Protection and Privacy Rules available at <https://caricom.org/wp-content/uploads/CCS-Data-Protection-and-Privacy-Rules-GC.pdf>. For the part of any personal data transferred by to the Secretariat pursuant to this tender, the controller for the processing of personal data carried out within the Secretariat is: -

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27. Additional information

The opening hours of the CARICOM Secretariat are 08:30 hrs to 16:30 hrs Monday to Friday.