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## UNITED NATIONS DEVELOPMENT PROGRAMME

### TERMS OF REFERENCE

#### I. POSITION INFORMATION

<b>Title:</b>	<b>Legal Specialist</b>
<b>Type of Contract:</b>	Long-Term Agreement (LTA)
<b>Post Level:</b>	Local Consultant
<b>Direct Supervisor:</b>	Programme Officer, UNDP Trinidad
<b>Unit:</b>	Energy, Environment & Disaster Management
<b>Contract Duration:</b>	Maximum of 10 days per month for 3 years

#### 1. Background:

The Government of the Republic of Trinidad and Tobago (**GORTT**) acceded to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol for the Phase-out of Ozone Depleting Substances in 1989, and operates under Article V (1) of the Montreal Protocol. Trinidad and Tobago was the first country of the Caribbean Commonwealth to become a party to this multilateral environmental agreement and has been successful in phasing out the imports of chlorofluorocarbon (CFCs) within the targets of the Montreal Protocol. Trinidad and Tobago has also acceded to the Kigali Amendment to the Montreal Protocol in November 2017.

As obligated under the Montreal Protocol, Trinidad and Tobago has implemented an HCFC Phase out Management Plan (HPMP) which began in 2013. This plan outlines the activities and programmes to be undertaken by the various stakeholders in the refrigeration and air conditioning (RAC) sector to reduce demand and eventually phase out the use of HCFCs. This country is mandated to reduce imports of HCFCs from 10% of the baseline (average of 2009 and 2010 HCFC imports) by 2015 and 35% by 2020. Trinidad and Tobago is also currently preparing for implementation of the hydrofluorocarbon (HFC) phasedown. To assist in implementing national obligations under the Montreal Protocol as well as improve the sector, Trinidad and Tobago has developed a voluntary Licensing and Certification Scheme for Refrigeration and Air Conditioning Technicians in collaboration with key stakeholders and implemented through the National Ozone Unit. There is need however to formalise this system.

**In this regard, a suitably qualified national of Trinidad and Tobago is being sought for the position of Legal Consultant. This position is responsible for the development of a framework to support a Licensing and Certification System for Refrigeration & Air-Conditioning Technicians in Trinidad & Tobago. It is the intention that this work will be done in the framework of the implementation of the enabling activities of Kigali.**

In addition to this the National Ozone Unit also requires legal assistance in the implementation of activities under other national projects related but not limited to ozone layer protection, regulation of the RAC industry, and energy efficiency in Refrigeration and Air Conditioning Systems

## **2. Key deliverables**

- A legislative review toward developing a framework to support a Licensing and Certification System for Refrigeration & Air-Conditioning Technicians in Trinidad & Tobago.
- A legislative review toward developing a framework to support implementing energy efficiency in the RAC Sector
- A legislative review toward developing a framework to support to regulation of the RAC sector in Trinidad and Tobago
- A legislative review toward developing an incentive framework to support ozone protection and climate consideration in the RAC sector

## **3. Activities to be implemented under this LTA**

- Provide legal assistance to develop a framework to encourage the technology choices and application on the RAC sectors aiming to increase energy efficiency in line with the commitments with the Montreal Protocol and UNFCCC.
- Maintain legal based discussions with the NOU, stakeholders, international and national consultants regarding establishment of a legal framework for the RAC Sector;
- Review the current legal framework that governs air conditioning and refrigeration and identify possible avenue for the incorporation of a licensing system
- Review the current state of the licensing and certification system of RAC technicians in Trinidad and Tobago
- Identify the role of all national certification bodies in the current licensing and certification initiatives and determine the role required of these bodies in establishment of a legalized licensing and certification system for the RAC sector
- Recommend an enabling legal framework to support the development of a licensing and certification system of the RAC sector
- Identify and Recommend the administrative and institutional framework needed for management of a licensing and certification system
- Support the NOU and Energy Bodies to identify barriers, challenges and opportunities to develop a legal framework to mainstream EE principles;
- Support awareness-raising activities for legal provisions in the RAC sector

#### **4. Duration**

The Contract (LTA) will enter into effect upon signature by both parties, expected for one year of duration and can be extended up to 2 (two) additional periods of 1 (one) year each up to a maximum of 3 (three) years.

#### **5. Tasks**

- Support the HCFC Phase out Management Plan
- Support the preparation and implementation of the GEF Funded Project “Energy Efficiency through the Development of Low-carbon RAC Technologies in Trinidad and Tobago”
- Support the development of the K-CEP funded National Cooling Plan

#### **6. Fees**

The consultant will receive payment based on his/her daily fees, for the maximum of 360 (maximum of 10 days per month for 3 years) days under this assignment.

The candidate shall quote his/her services on a *per diem amount* basis or professional daily fees for services based on the deliverables identified below. All other mission travel related costs and other foreseeable mission related expenses must be quoted separately from the professional fee.

A Best value for Money approach will be used in the evaluation of the applicants and will lead to a combined score for technical capabilities and the financial offer.

No travel costs should be included. Should any travel be required from the consultant, it will be paid separately. Plane ticket, Terminal expenses and Daily Subsistence allowance as per UNDP rules, will be provided for the Consultant’s required travels.

#### **7. Qualifications and Requirements**

The candidate should be highly motivated and capable of working independently. The ability to work with a wide variety of stakeholders from governments, agencies, private companies, NGOs, and research institutions is essential. A good understanding of the Trinidad and Tobago’s RAC sector and national legislative framework is also required.

In addition, the Legal Consultant should possess:

- An LLB and either a LEC, LPC or BPTC
- At least 7 years’ experience and knowledge in environmental legislation
- Knowledge of the national RAC sector would be considered an asset
- Good working relations with both government and non-government entities
- At least 5 years’ experience and knowledge in developing national legislation
- Strong oral and written communication skills
- Working knowledge of the Montreal Protocol, and other relevant multilateral agreements would be an asset

Language-Proficiency in English

Method: Highest total score of weighted interview and financial criteria. The price proposals of all shortlisted consultants<sup>1</sup>, who have attained a minimum 70% score at the Interview stage, will be compared. UNDP will award a contract to the individual who receives the highest score out of a predetermined weighted, Interview and Financial criteria as follows: 70% Interview criteria, 30% Financial criteria.

**Table 1**

Shortlisting Criteria		Maximum points*
1	Relevance of Education/ Degree- An LLB and either a LEC, LPC or BPTC	25
2	Years of Relevant Experience- Working experience of at least of at least 7 years' experience and knowledge in environmental legislation	30
3	At least 5 years' experience and knowledge in developing national legislation	30
4	Working knowledge of the Montreal Protocol, and other relevant multilateral agreements	5
5	Proficiency in English and ability to write reports	10
<b>Total</b>		<b>100</b>

Once candidates have been shortlisted, i.e. they have attained a score of at least 70%, based on the requirements in the Terms of Reference, only then, would they be interviewed for the position.

At the interview stage, candidates must attain a score of 70% for their financial proposals to be evaluated.

*The final evaluation process is based on a 70:30 weighting, with 30 points being allocated to the financial component.*

The following formula (cumulative analysis) is used to determine the financial scoring:  $p = y (\mu/z)$ , Where:

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

$\mu$  = price of the lowest priced proposal

z = price of the proposal being evaluated

<sup>1</sup> See **Table 1** for Shortlisting Criteria for progression to the Interview Stage.