

## Terms of reference



Empowered lives.  
Resilient nations.

### GENERAL INFORMATION

**Title:** Legal Consultant

**Project Name:** HCFC Phase – out Management Plan First Stage implementation

**Reports to:** UNDP Programme Specialist

**Duty Station:** Kingston, Jamaica

**Expected Places of Travel (if applicable):** N/A

**Duration of Assignment:** 45 non-consecutive working days

### REQUIRED DOCUMENTATION FROM CONTRACTOR

<input checked="" type="checkbox"/>	Letter of presentation highlighting main qualifications and experience relevant to this TOR; CV and Signed P11
<input checked="" type="checkbox"/>	Sample of similar work completed within the last two years
<input checked="" type="checkbox"/>	Completed Technical Proposal
<input checked="" type="checkbox"/>	Completed financial proposal

### I. BACKGROUND

The Jamaica Country Programme (CP) for the phasing-out of ozone depleting substances was approved at the twentieth meeting of the Executive Committee of the Multilateral Fund (MLF) in October 1996 and implementation began in February 1997. The CP provided data on consumption and usage of Ozone Depleting Substances (ODS) and identified actions that must be undertaken by the Government and private industry to achieve the phase-out of these substances within the time-frames established under the Protocol. The CP included support for the establishment of a National Ozone Unit (NOU), public education and awareness initiatives and support to execute projects approved under the Refrigerant Management Plan (RMP) and Terminal Phase out Management Plan (TPMP). Between 1995 and 2001, and with the assistance of the Multilateral Fund (MLF), Jamaica implemented a number of projects to reduce its consumption of ODS in the refrigeration and air-conditioning (R&AC) servicing sector, the main sector where ODS were consumed in the country.

Jamaica completely phased out the consumption of Annex A, Group 1 Chloro-fluorocarbons (CFCs) in

2006 and has commenced the process of phasing out consumption of Annex C, Group 1 Hydro-chlorofluorocarbons (HCFCs) through implementation of the HCFC Phase out Management Plan

(HPMP) project. The HPMP will enable Jamaica to meet all of the Montreal Protocol's HCFC control targets.

The country needs to build the competence of the Refrigeration and Air-Conditioning (RAC) sector to adapt to the use of zero Ozone Depleting Potential (ODP) substitutes. Certification and licensing of RAC Technicians assures the public that qualified personnel will be installing and servicing equipment in a manner that safeguards their health and minimises the risk of refrigerant emissions to the atmosphere. Currently, several training institutions offer certification indicating completion of refrigeration and air-conditioning technology courses, however trained individuals do not operate as licensed technicians which is one way to ensure that industry standards are being maintained.

Legislation has been previously established to regulate the trade in Ozone Depleting Substances (ODS) via the *Trade (Montreal Protocol) (Trade in Ozone Depleting Controlled Substances) Order, 2014*. However, provisions need to be made for the establishment of a certification and licensing system for RAC Technicians to operate optimally and safely with the paradigm shift to comfortably make the transition away from HCFC based technologies to ozone friendly technologies with reduced carbon footprints.

It is against this background that UNDP is seeking to engage a consultant to assist the Government of Jamaica to identify the legislation and or policies to be reinforced or modified that will assist in the development of a certification and licencing framework for RAC Technicians.

## II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

### DUTIES AND RESPONSIBILITIES

Under the oversight and direct supervision of the Programme Specialist, the Legal Consultant will conduct an assessment of the country's legislative structure in support of the establishment of a certification and licencing framework for the RAC sector.

#### Scope of work:

Specifically, the Legal Consultant will carry out the following tasks:

- Submit an **inception report** clearly detailing the methodology to be employed to undertake the scope of work below along with a detailed work plan. The report should also include a sample of all tools to be used during the consultancy.
- Submit a **draft report** following consultations with the key stakeholders. The report should include a detailed review and assessment of the country's existing policy and

legal framework, identify any gaps to prevent the establishment of a certification and licensing framework and provide recommendations for the revision or enactment of new legislation (if applicable) for the establishment of same. This report should also include a roadmap, outlining the certification and licensing process and the necessary support that will be required (including timelines, roles and responsible entities as well as the required resources).

- Validate the key findings through a **presentation to key stakeholders** incorporating feedback received from the draft report. This presentation will be organized by the NOU (date, venue, time, and invitation letters). However, the consultant will be expected to provide the NOU with a list of the relevant stakeholders to be invited.
- Submit a **final report**, utilizing the feedback from the draft report and the validation session. The Legal Consultant will be expected to make the necessary changes including any existing gaps, lessons learnt and recommendations.
- Develop **drafting recommendations** in support of the revision of existing or the development of new legislation as may be appropriate to enable the establishment of a certification and licensing system for the RAC Technicians.

Deliverable	Estimated level of effort	Payment Percentage
Deliverable 1: Inception report detailing the methodology used to undertake the scope of work including any tools that will be used during the consultancy	5 days	10%
Deliverable 2: Draft report	18 days	30%
Deliverable 3 Stakeholder presentation of findings and validation session	2 days	30%
Deliverable 4: Final report	10 days	15%
Deliverable 5: Drafting Recommendations	10 day	15%
Total	45 days	100%

**IMPLEMENTATION AND REPORTING ARRANGEMENTS**

The consultancy will be for forty five (45) non-consecutive working days over a three month period. The duty station for the contract assignment will be Kingston, Jamaica. Under the oversight and direct supervision of the Programme Specialist, the consultant will work in close collaboration with the National Ozone Officer based in the National Environment and Planning Agency (NEPA). As Manager of the contract, the UNDP Programme Specialist will provide quality assurance and oversight for the assignment. The substantial technical review and final approval of deliverables by the consultant will be performed by UNDP in collaboration with the Director, Planning, Projects, Monitoring, Evaluation and Research Division at NEPA. Payments will be made upon receipt and approval of deliverables by UNDP Jamaica and NEPA. All work/documents associated with this consultancy is the property of UNDP and the Government of Jamaica and must be submitted before final payment will be made.

All reports should be submitted using the standard cover page (located on UNDP's website) with the draft and final reports developed with respect to the following chapters:

- List of acronyms and abbreviations
- Table of Contents, including list of annexes
- Executive summary (maximum 2 pages)
- Introduction (including purpose, objectives and scope)
- Description/overview of the assignment
- Approach and methodology
- Findings (including limitations)
- Analysis and explanation of findings and interpretations
- Recommendations
- Lessons learned
- Conclusions

In addition, the final report should contain the following annexes:

- Terms of reference for consultancy
- Comprehensive list (including contact information) of all stakeholders engaged during the consultancy
- Sign-in sheets of any consultation
- List of key reference documents

Any other relevant material

#### IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

##### REQUIRED QUALIFICATIONS AND EXPERIENCE

###### Education:

- First level University Degree in International or Environmental law

###### Experience:

- At least five years of experience working with diverse stakeholders on issues of environmental management, climate change, Environmental or International Law, international conventions and protocols
- Experience in undertaking similar work (developing licencing and certification frameworks) as evidenced by sample of previous work
- At least five years of experience working in developing, reviewing and/or drafting recommendations for legislation;
- Experience engaging national/project stakeholders on issues of environmental management
- Strong communication skills including report writing and presentation (demonstrated by sole authorship of at least two (2) reports
- Experience in working with government and/or International development partners is an advantage.
- Knowledge of the Jamaican Legal system including international conventions and protocols would be an asset

###### Skills:

- Strong analytical, research and writing skills.

###### Language skills:

- Fluent in English with excellent oral and written communication skills.

#### V. EVALUATION METHOD AND CRITERIA

Individual consultants will be evaluated based on the following methodology:

##### Cumulative analysis

*When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:*

- a) responsive/compliant/acceptable, and*
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

*\* Technical Criteria weight; 70%*

*\* Financial Criteria weight; 30%*

*Only candidates obtaining a minimum of 49 points will be considered for the Financial Evaluation*

<b>Criteria</b>	<b>Weight</b>	<b>Maximum Point</b>
<u>Technical</u>		
<ul style="list-style-type: none"> <li>Criteria A: qualification requirements as per TOR:</li> </ul>		
<b>1. Relevance of Education/ Degree</b> <ul style="list-style-type: none"> <li>First level university degree in International or Environmental law</li> </ul>	10	
<b>Skills and Experience</b> <ul style="list-style-type: none"> <li>Minimum of 5 years' experience working in environmental management, environmental or international law, climate change and/or related areas)</li> <li>Demonstrated experience in undertaking similar work as evidenced by sample of work</li> <li>Strong communication skills including report writing and presentation (demonstrated by sole authorship of at least two (2) reports</li> <li>Demonstrated experience engaging national/project stakeholders on issues of environmental management;</li> <li>Demonstrated experience in developing, reviewing and/or drafting instructions for legislation;</li> </ul>	12 12 6 10 10	
<b>Adequacy of Competencies for the Assignment</b> <ul style="list-style-type: none"> <li>Excellent command of the English Language and drafting ability as demonstrated by technical proposal</li> </ul> <p>Points awarded as follows:</p> <ul style="list-style-type: none"> <li>Clarity (2 points)</li> <li>Specificity (2 points)</li> <li>Language (2 points)</li> <li>Feasibility (2 points)</li> <li>Approach to work (2 points)</li> </ul>	10	

TOR Approved by:

Name: Denise Antonio

Denise Antonio, Resident Representative

Date: 16/9/2019.