



TERMS OF REFERENCE

Reference No.	PN/FJI/031/22
Consultancy Title	Drafting of the Metrology Regulations
Application deadline	30/03/2022
Location	Betio – Tarawa, Kiribati
Type of Contract	Individual Contractor
Post Level	National
Languages required:	English
Duration of Initial Contract:	4 Months (80 Working Days)

1. BACKGROUND

Kiribati's long-term development path is defined by the recently launched 20 Year Vision Development plan (KV20) 2016-2036. The KV20 is motivated by a collective aspiration for a better society by the year 2036. The vision of the KV20 is for Kiribati to become a wealthy, healthy and peaceful nation. It seeks to achieve the development aspiration by maximizing the development benefits from fisheries and tourism as key productive sectors.

The KV20 recognizes the need develop an inclusive private sector driven by a sound enabling business environment with good policy and regulatory environment that supports the interest of both consumers and producers. Kiribati Development Plan 2016-2019, which is a short term development strategy seeks to review outdated business laws in order to align such laws with the current trade and development regime, with broader objective of ensuring that trade outcomes generates equal benefits for all. Developing an inclusive and equitable private sector, with good trade outcomes, requires a good quality infrastructure with effective and efficient metrology function.

Kiribati has experienced growth of trade over the years. Such growth however comes with emerging challenges in the scope of various trade policy circles. To respond to the emerging trade policy challenges, the Government adopted Trade Policy Framework and National Quality Policy in 2017. The vision of the Trade Policy Framework is to have a dynamic and competitive economy for equitable distribution of wealth and prosperity. The vision of the National Quality Policy is for Kiribati's products to comply with relevant standards and technical regulations at national and international markets, thus withstanding comparison to similar products and services from other countries. The National Quality Policy therefore seeks to enhance competitive economy by strengthening the core functions of quality infrastructure, which include Metrology, Standardization, Accreditation body and Conformity assessment

The Government of Kiribati through National Quality Policy has recognized that reliable and traceable measurements are required to ensure that exports of industrial and agricultural goods are acceptable on global markets, ensure that domestic and imported goods placed on the market are safe and to prevent fraud in commercial transactions

▪ The metrology function of Ministry of Commerce, Industry and Cooperatives (MCIC) under the Consumer Protection Division however, is confronted with key institutional and regulatory challenges. The MCIC operations in the field of metrology is still guided by Weights and Measures Act 1984, which is outdated and does not conform with international standards. MCIC faces lack of basic measurement standards and measurement equipment limited institutional capacity to effectively conduct weight and measures inspections; weak enforcement of legislative framework; limited capacity and inadequate qualified staffs to support the metrology functions of MCIC. The Government of Kiribati seeks to address this critical situation as a matter of priority and wishes to strengthen the metrology functions of MCIC.

2. DUTIES AND RESPONSIBILITIES

2.1. Scope of Work

The primary objective of the assignment is to review the Weights and Measures Regulations 1997, identify the gaps and draft a new Metrology Regulations. The review is expected to improve governance in the metrology sector. The consultant is required to undertake the following specific key tasks to achieve the assignment objective:

a) Drafting Metrology Regulations

- ❖ Review the new Metrology Act 2021 to identify sections that require the Regulation.
- ❖ Identify gaps under the Weights and Measures Regulations 1977.
- ❖ Consult the Metrology Officers, OAG and policy makers including metrology officers at MCIC Kiritimati.
- ❖ Develop the public consultation paper on the new Metrology Regulations.
- ❖ Conduct the workshop on the new Regulation with MCIC staff and all metrology sectors; and
- ❖ Draft the new Metrology Regulation.

3. GEOGRAPHICAL AREA TO BE COVERED

The project will be implemented in Kiribati and consultation will be undertaken in Tarawa.

4. EXPECTED BENEFICIARIES

- ❖ Ministry of Commerce, Industries and Cooperatives (MCIC)
- ❖ Policy makers and key stakeholders in the metrology sector in Kiribati

5. EXPECTED OUTPUTS AND DELIVERABLES

- ❖ Legal Analysis Report on the status of regulatory and legislative framework of metrology in Kiribati, with identified gaps and recommendations in the old regulation.
- ❖ Public Consultation Paper on the new Metrology Regulations.
- ❖ Stakeholder consultative reports providing outcomes and list of stakeholders consulted.
- ❖ Training Manual for MCIC metrology officers; and
- ❖ New Metrology Regulations.

6. INSTITUTIONAL ARRANGEMENT

- ❖ The activities will be managed in coordination with the Ministry of Commerce, Industry and Cooperatives (MCIC); and
- ❖ MCIC will provide access to office space, organise meetings and provide administrative support where needed. The assignment will be delivered through a stakeholder-driven approach. The consultant is expected to work closely with Officer of Attorney General (OAG); Business Regulatory Centre of MCIC and other stakeholders identified in collaboration with MCIC.

7. DURATION OF THE WORK

- ❖ All the activities are expected to be completed in a 4 months' period.

8. DUTY STATION AND RESOURCES PROVIDED

- ❖ The assignment is to be undertaken remotely with possibility of travel to duty station subject relaxation of COVID Restriction.

9. REQUIRED SKILLS AND EXPERIENCE

The consultant is expected to meet the following requirements.

A minimum Degree in the area of Legal Metrology; Weight and Measures; Physical Science, Engineering or related field.

a) Qualification and skills

- ❖ Minimum Degree in the area of Legal Metrology; Weights and Measures, Physical Science, Engineering or related field.
- ❖ Excellent communication, analytical, and report writing skills; and
- ❖ Excellent team working abilities.

b) General professional experience

- ❖ Minimum 10 years of relevant working experience in the field of metrology, weights and measures and quality infrastructure, both in technical capacity and in institutional positions.
- ❖ At least one documented assignment in reviewing or developing a metrology framework in Developing economies or Small Islands Developing States; and
- ❖ Experience in the Pacific Islands Countries would be advantageous.

c) Competencies

- ❖ Demonstrated experience and understanding of international standards related to Legal Metrology.
- ❖ Demonstrated ability to facilitate consultative meetings and to make presentations of technical findings to a wide audience.
- ❖ Expertise in conducting situation analysis and needs assessments related to metrology and quality infrastructure in developing countries or small Island States; and
- ❖ Experience in providing legal advice to improve legislative and regulatory frameworks for

metrology consistent with international best practices in order to strengthen national quality infrastructure.

d) Language requirements

Fluency of English language is required.

3. SCHEDULE OF PAYMENTS

Deliverables	Due Date	% Of overall contract amount:
❖ Legal Report on the status of regulatory and legislative framework of metrology in Kiribati, with identified gaps and recommendations.	❖ Upon submission of the Final Legal Report	25%
❖ Policy paper to inform drafting of the metrology regulations based on the legal report.	❖ Upon submission of the Final Public Consultation Paper	35%
❖ Draft metrology Regulations based on the approved Metrology Act 2021.	❖ Upon submission of the Draft Metrology Regulation	30%
❖ Stakeholder consultative reports providing outcome and list of stakeholders consulted at different stages of outputs development.	❖ Upon submission of all Stakeholder Consultative Reports	10%

4. EVALUATION METHOD AND CRITERIA

4.1. Cumulative analysis

- ❖ The proposal will be evaluated using the cumulative analysis method with a split of 70% and 30% financial scoring.

Criteria	Weighting Scoring
Qualification	
❖ Minimum Degree in the area of Legal Metrology; Weights and Measures, Physical Science, Engineering or related field.	10
Experience	
❖ Minimum 10 years of relevant working experience in the field of metrology, weights and measures and quality infrastructure, both in technical capacity and in institutional positions.	10
❖ Experience in facilitating dialogue among key stakeholders at a high political level to formulate, validate and adopt policies and policy statements.	15
❖ Demonstrated experience and understanding of Metrology law to identify gaps related to Kiribati context.	15
❖ Demonstrated experience and understanding of international standards related to Legal Metrology.	20
Technical Criteria	70%
Financial Criteria	30%

The Proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically, and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

The final evaluation method will be based on a cumulative analysis of both the technical and financial proposals. When using this weighted scoring method, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- ❖ Responsive/compliant/acceptable; and
- ❖ 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 per cent; Financial Criteria weight: 30 per cent.**

Documentation required

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:

- ❖ **Letter of Confirmation of Interest and Availability** using the template provided in Annex II.
- ❖ **Personal CV**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- ❖ **Technical proposal**, including a) a brief description of why the individual considers him/herself

as the most suitable for the assignment; and b) a methodology, on how they will approach and complete the assignment.

- ❖ **Financial proposal**, as per template provided in Annex II. Note: National consultants must quote prices in United States Dollars (USD).

Consultant must send a financial proposal based on a Lump Sum Amount. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs.

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources in the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Incomplete and joint proposals may not be considered. Consultants with whom there is further interest will be contacted. The successful consultant shall opt to sign an Individual Contract or a Reimbursable Loan Agreement (RLA) through its company/employer with UNDP.

Annexes

- ❖ Annex I - Individual IC General Terms and Conditions
- ❖ Annex II – Offeror's Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template

For any clarification regarding this assignment please write to Mr. Dale Kacivi - procurement.fj@undp.org/dale.kacivi@undp.org

All applications must be clearly marked with the title of consultancy and submitted by 30th March 2022, 5:00pm (Fiji Time) online via UN Jobs website <https://jobs.undp.org/> or etenderbox.pacific@undp.org