

TERMS OF REFERENCE (TOR)



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Resilient nations.*

A. POST DETAIL:

Position:	International Legal Expert on Renewable Energy
Project Title:	Strengthening targeted national capacities to improve decision-making and mainstreaming global environmental obligations into national development priorities
Type of appointment:	Individual Contract
Contract Duration:	40 days over a period of 3 months (May – July 2022)
Duty station:	Dili, Timor-Leste
Expected starting date:	2 May 2022
Expected end date:	31 July 2022

B. PROJECT BACKGROUND

The United Nations Development Programme (UNDP), acting as an implementing agency of the Global Environment Facility (GEF), is providing assistance to the Government of Timor-Leste in implementing GEF Medium Size Project (MSP) “ Strengthening targeted national capacities to improve decision-making and mainstreaming global environmental obligations into national development priorities”. Timor-Leste is fully committed to meet its obligations under the Multilateral Environmental Agreements (MEAs), with this project (among other related projects) intended to facilitate an important step towards developing the capacities in Timor-Leste for an effective national environmental management framework.

The project is assisting the Government of Timor-Leste to achieve the national priorities it has set in its National Strategic Development Plan for 2011 to 2030, and in its current annual National Priorities by enhancing national capacities. This project is designed to build the capacity of the agencies to engage effectively together in the series of concurrent national assessment and planning exercises, the subsequent development and implementation of policies and substantial programme, and the monitoring of results and strengthening of future planning and actions. More specifically, this project will address specific cross-cutting capacity development priorities identified in the National Capacity Self-Assessment (NCSA) in order to catalyze Timor-Leste’s more effective participation in environmentally sound and sustainable development in a way that produces co-benefits for the global environment. Thus, the goal of this project is for the Timor-Leste to be better enabled to meet their obligations under the three Rio Conventions. This requires the country to have the necessary capacities to coordinate efforts, as well as best practices for integrating global environmental priorities into planning, decision-making, and reporting processes. To that end, the objective of this project is to strengthen institutional capacity for effectively managing information systems for national MEA obligations and monitoring impact and progress.

This project is being carried out via four linked components: Component 1 focuses on enhanced institutional and technical capacities to use data and information for planning and decision-making; Component 2 focuses on coordination of technical directorates; Component 3 focuses on global environmental obligations mainstreamed into select sectoral policies, legislation, plans and programmes; and Component 4 focuses on enhanced awareness and value of the global environment.

The Public Institute of the National Authority for Electricity – Autoridade Nacional para a Eletricidade, Instituto Publico (ANE, I.P.) – was established in 2021–based on the government Decree-Law No. 40/2020 with the objectives to propose, monitor, and ensure the implementation of the national energy sector policy, ensuring the regulation and inspection of the production, transportation, distribution, commercialization and use of electricity in the National Electricity System, as well as the national standardization for components and electrical installations. The Authority is also responsible for (i) Supervision and monitoring of production, transportation, distribution, and sale of electricity in the National Electricity System; ii) Propose the Government on the activities of production, transportation, distribution, and commercialization of electric energy; iii) Propose the Government on licensing and commercial relationship between systems and agents in the electricity sector; iv) Promotion of the efficient use of electric energy; v) Contribution to the improvement of the technical, economic and environmental conditions of operation of the means to be used in the production, transport, distribution and sale of electric energy; vi) Protection of the interests of consumers in relation to the quality of electricity supply and tariffs; and vii) Propose the Government on the creation and updating of tariffs, fees and emoluments related to the supply of electricity.

Through Component 3 (Global environmental obligations mainstreamed into select sectoral policies, legislation, plans, and programmes) the project supports the ANE I.P. to finalize the Renewable Energy Law that was formulated in 2021. The ANE I.P. released the draft law in August 2021 and is currently available for public review by stakeholders. An International legal expert on Renewable Energy is required to finalize the draft law and then presented the Minister of Public Works and the Council of Ministers for approval.

C. OBJECTIVES AND ASSIGNMENT

The objective of the assignment is to review and finalize the draft Renewable Energy Law.

The scope of work includes:

- Conduct a detailed review on the current draft Renewable Energy Law to assess and document gaps;
- A summarized consolidated package of recommendations that clearly addresses gaps and barriers;
- Conduct consultation meetings/interviews with key stakeholders as might be necessary including legal advisers from the Ministry of Public Works and other relevant Ministries;
- Revise and update the draft Renewable Energy Law based on the findings and recommendations;
- Organize and prepare a workshop/meeting to share and validate the final draft of the Renewable Energy Law;
- Prepare and present the final Renewable Energy law to the Minister of Public Works prior to the approval of the Council of Ministers.

D. KEY DELIVERABLES AND TIME FRAME

	Deliverable	Number of Days	Due date
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D-1	Inception report with methodology and the required outputs, work plan, and implementation schedule including timeline	5 days	10 May 2022
D-2	A report on the review of the current draft Renewable Energy including gap assessment and recommendations that address the gaps.	18 days	3 June 2022
D-3	<ul style="list-style-type: none"> • A revised Renewable Energy Law; • Convene 1 workshop/meeting at the national level to validate the final draft of the Renewable Energy Law. 	15 Days	30 June 2022
D4	The revised/final Renewable Energy Law presented to the Council of Ministers for approval	2 days	31 July 2022

E. INSTITUTIONAL ARRANGEMENTS

- The IC will work under the direct supervision of the President/Executive Director of ANE I.P. and Head of Climate Change and Sustainable Ecosystem and Project Coordinator of CCCD project, UNDP Timor-Leste.
- The IC is expected to liaise with relevant government officials and key stakeholders.
- The final approval authority for the outputs of the consultant is under the President/Executive Director of ANE I.P. and UNDP Resident Representative attest.
- The IC will maintain pro-active communications with the UNDP and the ANE I.P. team and provide interim reports, highlighting main findings and any specific concerns or issues that need to be addressed during subsequent meetings and discussions.
- Shall any unexpected travel (authorized by the ANE I.P and UNDP) arise to municipalities outside Dili, the expenses incurred by the IC would be reimbursed by UNDP in accordance with its current policies and procedures.

F. DUTY STATION AND DURATION OF THE ASSIGNMENT:

The duty station of the assignment: Dili, Timor-Leste. The duration of the assignment is 40 days over a period of 3 months (May – July 2022)

G. REQUIRED QUALIFICATIONS AND COMPETENCIES

I. Academic Qualifications:

- A postgraduate degree (masters or higher) in a subject related to Energy and environmental laws, or a closely relevant field.

II. Experience and skills:

- Demonstrated experience in developing Renewable Energy Laws and Policies.
- Working experience of minimum 8 years in legal sectors within renewable energy, environment, and/or related fields;
- Working experience with international organizations and the government of Timor-Leste with similar assignments will be an asset;

- Knowledge of Renewable Energy and Environmental issues and constraints in Timor-Leste or similar developing countries will be an asset.

III. Competencies:

- Proven ability to work with other experts
- Excellent writing skills in English and Portuguese
- Demonstrated ability to liaise and co-operate with various stakeholders
- Pro-active approach to problem-solving

IV. Language:

- Excellent oral and written communication skills in English and Portuguese.

H. SCOPE OF PRICE PROPOSAL AND SCHEDULE OF PAYMENTS

Lump-Sum Contract

The financial proposal must be expressed in the form of a LUMP SUM amount that is all-inclusive of all costs, supported by a breakdown of costs, as per the template provided. The amount should be inclusive of professional fees, travel costs (travel to duty station and repatriation), living allowance (not exceeding UN's standard DSA rates as approved by ICSC for Timor-Leste), insurance, communication etc.

In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the Consultant wish to travel business class he/she should do so using his/her own resources. If a Consultant is employed by an organization or company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under a Reimbursable Loan Agreement (RLA), the Consultant must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

Schedule of Payments

	Deliverable	Number of Days	Payment percentage
D-1	Inception report with methodology and the required outputs, and work plan and implementation schedule including timeline	5 days	15%
D-2	A report on the review of the current draft Renewable Energy including gap assessment and recommendations that address the gaps.	18 days	25%
D-3	<ul style="list-style-type: none"> • A revised Renewable Energy Law; • Convene 1 workshop/meeting at the national level to validate the final draft of the Renewable Energy Law. 	15 Days	40%
D4	The revised/final Renewable Energy Law presented to the Council Of Ministers for approval	2 days	20%

I. RECOMMENDED PRESENTATION OF OFFER

Individual consultants interested in the assignment must submit the following documents to demonstrate their qualification;

- **Duly accomplished Letter of Interest and Availability** using the template provided by UNDP (the template to be downloaded from the procurement notice link).
- **Personal CV and P11**, indicating all experience from similar projects as well as contact details including e-mail and phone number of the candidate and at least three (3) professional references (to be downloaded from the procurement notice link).
- **Proposed Methodology of the assignment.**
- **Financial proposal** that indicates the all-inclusive fixed total contract price, supported by a break-down of costs, as per template provided (the template to be downloaded from the procurement notice link).

J. Evaluation Criteria for Selection:

The candidates will be evaluated based on the following methodology:

Cumulative analysis OR combined scoring method

The applications will be evaluated using the weighted scoring method, where the award to the contract should 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%
 - Financial Criteria weight; 30%

Only candidates obtaining a minimum of 49 points of the technical criteria will be considered for the Financial Evaluation.

Detail Criteria

<u>Technical Criteria</u>	Weight	Max. Point
Education		
<ul style="list-style-type: none"> • A postgraduate degree (masters or higher) in a subject related to Energy and environmental laws, or a closely relevant field. 	15%	15
Professional Experience and Knowledge of Sector		
Working experience of minimum 8 years in legal sectors within renewable energy, environmental and/or related field	40%	10
Demonstrated experience in developing Environmental and Renewable Energy laws and Policies		15
Knowledge of Renewable Energy and Environmental issues and constraints in Timor-Leste or similar developing countries will be an		10

assets		
Working experience with international organizations and the government of Timor-Leste with similar assignments would be an asset		5
Language		
Excellent oral and written communication skills in English and Portuguese.	15%	15
Total technical score	70%	70
Financial	30%	30
Final Score	100%	100

K. Approval:

This TOR is prepared by:

Signature _____

Name and Designation: Expedito Belo, Project Coordinator/Manager

Date of Signing _____

This TOR is cleared by:

Signature _____

Name and Designation: Domingos Lequi Siga Maria, Head of Climate Change and Sustainable Ecosystem

Date of Signing _____

This TOR is approved by: Dr. Eng. Ruben Jeronimo Freitas, ANE, I.P. President/Executive Director

Signature _____

Name and Designation:

Date of Signing _____

This TOR is approved by:

Signature _____

Name and Designation: Lazima Onta-Bhatta, Deputy Resident Representative, Officer-in-Charge, UNDP Timor-Leste

Date of Signing _____