TERMS OF REFERENCE

<table>
<thead>
<tr>
<th>Reference No.</th>
<th>PN/FJI/088/22</th>
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<tbody>
<tr>
<td>Location</td>
<td>Funafuti, Tuvalu</td>
</tr>
<tr>
<td>Application deadline</td>
<td>2 August 2022</td>
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<tr>
<td>Type of Contract</td>
<td>Individual Contractor</td>
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<tr>
<td>Post Level</td>
<td>National Consultant – Energy Act and IRR Development (Outputs 2.2, 2.3 and 2.4)</td>
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<tr>
<td>Languages required:</td>
<td>English</td>
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<td>Duration of Initial Contract:</td>
<td>40 workdays spread over the period (August 2022 – 31 December 2022)</td>
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BACKGROUND

The Facilitation of the Achievement of Sustainable National Energy Targets of Tuvalu (FASNETT) Project is aimed at facilitating the development and utilization of feasible renewable energy resources and application of energy efficiency technologies for achieving the Government of Tuvalu’s updated target of reducing emissions of greenhouse gases from the electricity generation (power) sector by 100% by 2025 based on the country’s INDC in November 2015. According to the NDC Registry, Tuvalu is listed as having submitted a first NDC (which was its INDC) effective when the Government of Tuvalu became a Party to the Paris Agreement based on Decision 1/CP.21. Currently, Tuvalu plans to enhance its NDC including updating the timeframe for achieving the target from 2025 to 2030. The facilitation or enabling objective is meant to address, i.e., eliminate the identified barriers to the cost-effective application of RE technologies using the country’s indigenous RE resources, as well in the effective and extensive application of EE measures and techniques. The overall project goal will be achieved through the implementation of:

- Component 1: Awareness Raising on Renewable Energy and Energy Efficiency Applications of the Project. The other components are:
- Components 2 (Energy Policy Improvement and Institutional Capacity Building);
- Component 3 (Applications of Renewable Energy & Energy Efficiency Technologies & Techniques) and

This TOR covers the implementation of remaining activities and outputs under Component 2 towards achieving Outcome 2: Coherent and integrated implementation of enhanced policies, regulations and projects on energy development and utilization with the country’s energy act in support of national economic development. It is involved in activities resulting to Outputs 2.2 to 2.4 as defined in the FASNETT ProDoc. It involves the development and facilitation of promulgation of the Energy Act, development and adoption of the requisite implementing rules and regulations (IRRs) and establishing the institutional mechanisms and structure to effectively implement the Energy Act, in consultation with DOE, TEC and key stakeholder groups related to the energy sector to meet the 100% GHG reduction target, energy integrated energy planning, application of EE/RE technologies operation and maintenance, and techniques and practices for sustainable development.
The Project is financially supported through the GEF (USD 2,639,725) and co-financed by the UNDP (USD 250,000), the Government of Tuvalu (USD 8,250,000) and Tuvalu Electricity Corporation (USD 7,400,000).

**DUTIES AND RESPONSIBILITIES**

**Scope of Work and Expected Outputs**

The scope of work of this TOR for National Consultant I includes providing inputs and support in the remaining activities and outputs under Outcome 2, particularly, Outputs 2.2, 2.3 and 2.4 as defined in the FASNETT Project Document (ProDoc) which will be done with guidance and direction by International Consultant (IC) for Outcome 2 covered by the IC Contract/TOR.

- **Output 2.2: Recommended standards, policies and implementing rules and regulations (IRRs) on the promotion and application of EE/RE technologies, and financing schemes for EE/RE applications embodied in an energy bill**

A draft Energy Bill has been developed in consultation with DOE, TEC and other stakeholders and was endorsed by the Cabinet to the Attorney General’s Office for review and submission to the Parliament, which will start its sessions in mid August 2022. The International Consultant (IC), working hand in hand with the National Consultant (NC), will develop and implement a strategy on how the finalization of the draft Energy Bill will proceed based on the deliberations; identify and recommend a list and descriptions of necessary standards, policies and implementing rules and regulations (IRRs) in the context of Tuvalu; and, facilitate the initiation of activities and necessary documentations and recommendations for the Government of Tuvalu (GoT), through MTET and the FASNETT Project, to realize this Output towards the promulgation of the Energy Act and the priority IRRs as much as possible before the end of the FASNETT project on February 2023.

- **Output 2.3: Formulated and enforced policies by well-informed legislators and administrators on the provision of energy services, including the publication and dissemination of guides and reference documents for the integrated energy planning and low carbon development in the context of Tuvalu**

This Output will include the following:

- Development and dissemination of implementing rules and regulations and organizational requirements *(Activity 2.3.1)*
- Launching and dissemination of relevant information on policy and management of the RE/EE program at the institutional level *(Activity 2.3.2)*
- Capacity building of key officials and staff in the energy organization authorized by the Energy Act and acquisition of necessary tools such as integrated energy planning software, linking with databases, and other related requirements *(Activity 2.3.3)*
- Preparation, facilitation of the approval and implementation of the Tuvalu National Integrated Energy Plan *(Activity 2.3.4)*
Deliverables

The Activities under the above-mentioned Outputs, shall be implemented according to a proposed Activity Work Plan in order to optimize the time involved so that all outputs will be delivered within the duration of the Project as indicated in the approved timetable:

**Deliverable #1: Inception Report**
- Overall approach and Activity Work Plan

**Deliverable #2: Output 2.2**
- Strategy on how the finalization of the draft Energy Bill will proceed based on the deliberations considering local practices
- Final draft of the Energy Bill incorporating amendments, comments and proposals
- Periodic reports on the progress of the parliamentary process including documentations, photographs, minutes of meetings and other pertinent documents
- List, descriptions and prioritization of the necessary standards, policies and implementing rules and regulations (IRRs) in the context of Tuvalu
- Draft of priority IRRs and an action plan to deliberate and facilitate the approval

**Deliverable #3: Output 2.3**
- Launching and dissemination of relevant information on policy and management of the RE/EE program at the institutional level
- Capacity building of key officials and staff in the energy organization authorized by the Energy Act
- Preparation and documentation for the acquisition of necessary tools such as integrated energy planning software, linking with data bases, and other related requirements *(Activity 2.3.3)*
- Preparation, facilitation of the approval and implementation of the Tuvalu National Integrated Energy Plan *(Activity 2.3.4)*

**Deliverable #4: Output 2.4**
- Report on studies and provide recommendations on the improvement of the institutional working arrangements and implementing guidelines for National Advisory Committee on Energy NACE
- Inputs in the formulation and enforcement of institutional framework that supports the implementation of Energy Bill/Act and IRRs

Institutional Arrangement

The Consultant will work in close consultation with the DOE Director (acting as the FASNET National Project Director), the TEC General Manager and the PMU Project Manager and other government counterparts, UNDP and other relevant stakeholders. The consultant will work in close monitoring of Project Implementation Support Officer and under the close guidance of CTA. The **National Consultant- Energy Act and IRR Development** will perform and take responsibility for the following tasks to be done on-site with guidance and advisorship by the IC:

- Gather data and information and provide inputs and reports to the International Consultant in the implementation of the activities that will result to the abovementioned Outputs
Draft news articles and provide photographs and documents for dissemination of information in multimedia on the energy bill and IRR development and finalization.

Other related tasks by the Consultants that may be identified as lacking by PMU relative to this TOR during the conduct of the activities and regular oversight meeting and monitoring.

Assist the PMU in arranging meetings with DOE, TEC, IC and stakeholders via internet-based communications and conference platforms, e.g. Zoom, Google meet, etc. for the conduct of the related activities in producing the Outputs.

Document all outputs and activities with pictures and reports including recommendations on areas for improvement and best practices for sustainability and post-project planning.

All other tasks as maybe assigned by the IC for the successful implementation of the consultancy services.

**Duration of the Work**

- The consultancy duration is for five (5) months and is expected to commence from August 2022;
- The Consultants shall be engaged to undertake the consultancy according to an approved Time Schedule/Activity Work Plan and is expected to complete the work by 31 December 2022.

**Duty Station**

Because of the prevailing pandemic travel restriction and protocols, the International Consultant will work as home-based assignment in providing the leadership, direction and overall responsibility in the accomplishment of the tasks and the expected deliverables, while the NC, be based in Funafuti, Tuvalu, will provide the data/info gathering, direct support, material inputs and local facilitation, until the IC is possibly permitted to travel to Tuvalu within the duration of the Contract. If any local travel needed, the cost will be reimbursed by the FASNET Project as per actual basis.

**COMPETENCIES**

- Demonstration integrity and commitment to UNDP and Government of Tuvalu principles and values and ethical standards
- Strong interpersonal and communication skills
- Ability to work well as part of a multi-cultural team and display gender, religion, race, nationality and age sensitivity and adaptability.
- Ability for team working
- Self-management, emotional intelligence and conflict management;
- Analytical and strategic thinking/results orientation;
- Knowledge sharing.
- Experience in managing and coordinating teams
- Experience in participating and following the project cycle, creative capacity solving problems
- Computer literacy (e.g., Microsoft Word, Excel, and Power Point) is a pre-requisite.

**REQUIRED SKILLS AND EXPERIENCE**

**Educational Qualifications:**
- Minimum of a Bachelor’s Degree or equivalent in Development Management, Business

**Experience**

- Proven experience and understanding of policies and regulations on RE and EE applications as well as Climate Change (mitigation and adaptation)
- Proven experience working with UNDP Projects and local communities on matters concerning energy policy and regulations
- Ability to communicate in English is essential
- Proven track record of project team experience working with government, NGOs, and other key stakeholders
- Previous experience in formulation of energy development and utilization projects and undertaking similar consultancies are an advantage.

**Language requirements**

- Fluency of English language is required;

**Price Proposal and Schedule of Payments**

The Consultant must send a financial proposal based on **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 fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs as listed above with the following percentages:

| Deliverable #1: Submission of the inception report and Activity Work Plan | 10% of total contract amount |
| Deliverable #2: Output 2.2 – 30% of total contract amount |
| Deliverable #3: Output 2.3 – 30% of total contract amount |
| Deliverable #4: Output 2.4 - 30% of total contract amount |

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.

**Evaluation Method and Criteria**

Individual consultants will be evaluated based on the following **Cumulative analysis** methodology. The award of the contract shall 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 set of weighted technical criteria (70%), and financial criteria (30%). Financial score shall be computed as
a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

**Technical Criteria for Evaluation (Maximum 70 points)**

- **Criteria 1:** Bachelor’s Degree or equivalent in Development Management, Business Management, Energy, Environmental Science, Economics, Public Administration/Management with background in Renewable Energy/Energy Efficiency, or related field. – Max 10 points
- **Criteria 2:** Minimum of 5 years working experience in Development Management, Energy Legislation, Energy Planning Renewable Energy and Energy Efficiency and Development and related field - Max 20 Points
- **Criteria 3:** Proven experience and understanding of policies and regulations on RE and EE applications as well as Climate Change (mitigation and adaptation)- Max 10 points
- **Criteria 4:** Proven experience working with UNDP Projects and local communities on matters concerning energy policy and regulation-Max 10 Points
- **Criteria 5:** Previous experience in formulation of energy development and utilization projects and undertaking similar consultancies are an advantage. – Max 10 Points
- **Criteria 6:** Assessment of approach/methodology described in technical proposal to conduct the assignment– Max 10 Points

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

Shortlisted candidates shall be called for an interview which will be used to confirm and/or adjust the technical scores awarded based on documentation submitted.

**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).

Note: Successful individual will be required to provide proof of medical insurance coverage before commencement of contract for the duration of the assignment.

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 pts.fj@undp.org