

**STRENGTHENING OF THE SINGLE ELECTRONIC WINDOW FOR
TRADE AND BUSINESS FACILITATION
IDB Loan #3575/OC-TT**

**TERMS OF REFERENCE
FOR ADVISORY SERVICES TO DEVELOP CONSUMER PROTECTION
LEGISLATION FOR TRINIDAD AND TOBAGO**

1. Background

The Government of the Republic of Trinidad and Tobago (GORTT) as part of its national strategy, in 2009, launched the Single Electronic Window (SEW) for Trade and Business Facilitation Project, branded as TTBizLink, an IT-based trade facilitation solution. This nationwide project arose out of efforts to improve the country's ease of doing business, enhance its competitiveness, and instill a culture of excellence in GORTT. TTBizLink, the first of its kind in the Caribbean, is a secure business portal that provides 24/7 access to trade and business related government services by allowing parties involved in trade and transport to lodge standardized information and documents at a single entry point, in order to fulfill import, export and transit-related regulatory requirements. It is a 'one-stop-shop' mainly transactional portal accessible via the link www.ttbizlink.gov.tt, where private stakeholders and approving government agencies can collaborate to process necessary approvals online in a seamless and efficient manner.

After three (3) phases of development, and with more than fourteen thousand two hundred (14,200) registered user accounts, TTBizLink currently hosts forty six (46) transactional e-services administered by twenty four (24) government agencies, across nine (9) separate Ministries.

TTBizLink has substantially reduced the need to send duplicate and repetitive information to multiple agencies, improved information sharing among government agencies and removed many of the inconsistent and fragmented trade and business processes which existed.

Despite the success of TTBizLink, the business climate in Trinidad and Tobago still presents challenges for enterprise development as highlighted by the Global Competitiveness Report 2017-2018,¹ where Trinidad and Tobago ranked 83rd out of 137 countries. The Report identified "*inefficient government bureaucracy*" as one of the most problematic factor for doing business. Trading across borders was also reported as problematic; according to the 2019 Doing Business Report², Trinidad and Tobago ranked 105th out of 190 economies, taking an average of 92 hours and US\$749 (per container) to export, and 122 hours and US\$885 (per container) to import, significantly higher than leading countries such as Singapore (12 hours and \$372 to export, and 36 hours and \$260 to import) based on 2019 statistics.

In 2018, the MTI embarked on a project to modernize the legal framework governing trade and business in Trinidad and Tobago and the operation of TTBizLink. A Diagnostic Study was conducted on a range of national laws which constituted the legal framework for trade and business. Recommendations were also made on the means by which GORTT could address the legislative inadequacies, which adversely impact on trade, businesses and the operation of TTBizLink.

Two pieces of legislation reviewed under the Diagnostic Study were the **Trade Descriptions Act, Chapter 82:04** and the **Consumer Protection and Safety Act, Chapter 82:34**. Numerous deficiencies in these Acts which negatively impacted trade and the operation of the TTBizLink were identified. These included, *inter alia*, a lack of alignment with international standards and best practices, problems in the definition of key terms and a lack of consideration of regional developments at the level of CARICOM. It was therefore recommended that the Trade Description Act and the Consumer Protection and Safety Act be repealed and replaced by a new consumer protection law. The law would be modelled after the CARICOM Consumer Protection Model Law with relevant modifications made to ensure national relevance and contextualization

¹ World Economic Forum, Global Competitiveness Report 2017-2018.

² World Bank, Doing Business Report 2019

for Trinidad and Tobago. In support of this, a National Consumer Policy was approved by the GORTT in 2018.

Since globalisation has been leading to a wider variety of products and technological revolutions and transforming the traditional ways of conducting business in the market places, governments have needed to find innovative means to protect and promote the interest of consumers amidst growth in cross border trade, e-commerce and other new trading methods, without erecting unnecessary barriers to the exchange of goods and services. This will require comprehensive and well-functioning regional and national consumer protection mechanisms including sufficient and implementable legislation.

Additionally, in 2019 Trinidad and Tobago successfully completed its Fourth World Trade Organisation (WTO) Trade Policy Review. The review highlighted the need for Trinidad and Tobago to introduce new or update existing legislation in the areas of trade and business. These types of reforms would inter alia, improve and enhance the business climate in Trinidad and Tobago. One of the key features of an improved business climate is fair competition between business and consumers, inclusive of the protection of consumers from unfair trade practices by sellers and producers. Furthermore, the continued success of the SEW hinges on the overall effectiveness of the legislative and institutional framework governing trade and business, in creating an enabling environment for trade and business in Trinidad and Tobago.

1.1 Programme Details

The Strengthening of the SEW for Trade and Business Facilitation is an Inter-American Development Bank (IDB) funded programme to be executed by the Ministry of Trade and Industry. The overall objective of this project is to improve trade performance and enhance the business competitiveness of Trinidad and Tobago through the strengthening and transformation of the SEW (TTBizLink) into a world-class solution based on international standards. The expected outcomes of the project are enhanced trade performance and competitiveness of the private sector, improved coordination and interoperability between government agencies and main international trading partners. The project will be divided in three (3) major components:

- **Component 1** - Enhancing and expanding the services of the Single Electronic Window -This component will focus on upgrading the current TTBizLink to international best practices.
- **Component 2** - Enhancing the Interoperability of TTBizLink- This component will facilitate the exchange and analysis of data between TTBizLink and the information systems of key stakeholders as well as the information systems of strategic trading partners of Trinidad & Tobago.
- **Component 3** - Modernizing the Legislative, Institutional Framework for International Trade and Institutional Governance of the SEW. This component will address the deficiencies in the legislative framework and strengthen the institutional governance of the SEW.

Specifically, the *Modernization of the Legal Framework Governing Trade and Business in Trinidad and Tobago and the Operation of the SEW* which includes the *Development of a Consumer Protection Legislation* is being pursued under **Component 3: Modernizing the Legislative, Institutional Framework for International Trade and Institutional Governance of the SEW** of the Strengthening of the Single Electronic Window Programme.

2. General Objective of this Consultancy

The objective of this consultancy is to provide expert services to prepare a legislative brief and draft Bill for a new Consumer Protection Act for Trinidad and Tobago, in collaboration with the Office of the Chief Parliamentary Counsel (CPC).

3. Scope of Services

3.1 Specific Tasks

The specific tasks related to this Consultancy shall be executed in three (3) phases:

Phase 1 - Project Initiation

1. Conduct inception meetings with the Executing Agency and key stakeholders upon commencement of the project to (i) review the process for conducting all activities within the project, (ii) determine roles and responsibilities, (iii) discuss the basis on which this work will be implemented, and (iv) finalize the methodology, work breakdown structure, project schedule for all project deliverables, identification of any risks and mitigation strategies and any other relevant details for the implementation of the project deliverables. This shall be documented in an **Inception Report**.

Phase 2 - Stakeholder Consultation and Legislative Brief

2. Review the existing *National Consumer Protection Policy, the CARICOM Consumer Protection Model Law and the Legislative Diagnostic Study pertaining to the Trade Descriptions Act, Chapter 82:04 and the Consumer Protection and Safety Act, Chapter 82:34*, which will be provided by the MTI, and prepare a comprehensive **Consumer Protection Act Legislative Brief**.
3. The Consultant will be required to make a presentation to the Ministry of Trade and Industry and key public and private and stakeholders on the draft Legislative Brief. All applicable comments and feedback from the stakeholder consultations are to be incorporated into the finalized Consumer Protection Act Legislative Brief to be approved by the Chief Parliamentary Council (CPC).

Phase 3 - Draft Bill and Final Report

4. The Consultant shall use the approved Consumer Protection Act Legislative Brief, National Consumer Policy and CARICOM Consumer Protection Law to prepare a **Draft Consumer Protection Bill**.
5. The Consultant will make a presentation to the Legislation Review Committee (LRC) and submit a Report on this meeting.
6. The Consultant will prepare a **Final Report**. The Final Report will contain a clear and concise summary of the activities undertaken, inputs, outputs, conclusions, recommendations and lessons learnt.

4. **Deliverables / Specific Outputs**

The Consultant will be expected to submit deliverables to the MTI in accordance with the following deliverable schedule:

No.	Deliverable	Delivery Timeframes (Calendar Days)	Review Period (Calendar Days)	Payment Amount	Report Details
PHASE 1: Project Initiation					
1	Inception Report 1: Report detailing the project methodology, work breakdown structure project schedule, identification of any risks and mitigation strategies and other relevant details for the implementation of all project deliverables.	5 days after commencement of services	5 days	Ten percent (10%) of contract price payable upon approval of Deliverable 1.	Electronic MS Word and PDF 2 bound hard copies
PHASE 2: Stakeholder Consultations and Legislative Brief					
2	Draft Legislative Brief: Based on review of National Consumer Protection Policy, CARICOM Consumer	15 days after approval of Deliverable 1	5 days	Thirty percent (30%) of contract price payable upon submission	Electronic MS Word and PDF 1 hard bound copy

	Protection Model Law and the Legislative Diagnostic Study			of Deliverable 2, completion of Deliverable 3 and approval of Deliverable 4	
3	Stakeholder Workshop(s) (Mission 1) Presentation of Draft Brief to Stakeholders	10 days after submission of Deliverable 2			
4	Detailed Report on Stakeholder Workshop(s) providing feedback on comments/issues identified	5 days after completion of Stakeholder Workshop(s)	10 days		Electronic MS Word and PDF 1 hard bound copy
5	Finalized Legislative Brief: Based on review of National Consumer Protection Policy, CARICOM Consumer Protection Model Law and the Legislative Diagnostic Study and stakeholder feedback from Workshop(s)	15 days after approval of Deliverable 4	20 days	10% of the Contract Price payable upon approval of Deliverable 5	Electronic MS Word and PDF 2 hard bound copies
PHASE 3: Draft Bill and Final Report					
6	Submission of the Draft Consumer Protection Bill: Based on Approved Consumer Protection Act Legislative Brief, National Consumer Policy and CARICOM Consumer Protection Law	20 days after approval of Deliverable 5.		Twenty percent (20%) of contract price payable	Electronic MS Word and PDF 2 bound hard copies

7	Workshop: Mission 2: Presentation to Legislation Review Committee	5 days after approval of Deliverable 6		upon approval of Deliverable 6 and completion of Deliverable 7.	PowerPoint Electronic MS Word and PDF 2 bound hard copies
8	Submission of the Finalized Consumer Protection Bill, inclusive of comments and feedback from the LRC.	10 days after completion of Deliverable 7.		Twenty-five percent (25%) of contract price payable upon approval of Deliverable 8.	Electronic MS Word and PDF 2 hard bound copies
9	Final Report:	10 days after approval of Deliverable 7.	10 days	Five percent (5%) of contract price payable upon approval of Deliverable 9.	Electronic MS Word and PDF 2 bound hard copies

5. Characteristics of the Consultancy

The characteristics of this Consultancy are outlined as follows:

- Type of Consultant: Individual Consultant selection based on qualifications (ICQ)
- Contract Duration: Six (6) calendar months after signing of contract.
- Place(s) of work: MTI and Consultant's work office. Two (2) missions to Trinidad and Tobago are expected with approximately five (5) business days on the ground.

6. Requirements Skills and Core Competencies

The Consultant will be expected to possess the following

- Degree in Law ;

- At least five (5) years related experience in Consumer Protection reforms within a developing country context;
- At least ten (10) years' experience in legislative drafting and review of laws and regulations
- Experience working across multiple government organizations and private sector stakeholders involved in Trade;
- Strong communication, analytical and presentation skills;
- Working knowledge of projects funded by Inter-American Development Bank, World Bank, United Nations or similar multilateral organizations;
- Knowledge of, and experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another CARICOM jurisdiction will be an asset;
- Fluent in English.

7. Selection Criteria

Selection Criteria

	SELECTION CRITERIA	MAXIMUM POINTS
1	Academic Qualification	20
	Degree in Law	
2	General Experience	25
	At least ten (10) years' experience in legislative drafting and review of laws and regulations	
	Over 10 years' experience	25
	Ten years' experience	20
3	Specific Experience	40
	At least five (5) years related experience in Consumer Protection reforms within a developing country context	40
	More than five (5) related experience	40
	Five (5) years related experience	35
4	Adequacy for the Assignment	15
	(a) Knowledge of, and experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another CARICOM jurisdiction will be an asset	5
	Over five years' experience in legislative drafting	5
	Between three to five years' experience in legislative drafting	3
	(b) Experience working across multiple government organizations and private sector stakeholders involved in Trade	5
	Over five (5) years' experience	5
	Between 3 to 5 years' experience	3
	(b) Working knowledge of projects funded by Inter-American Development Bank, World Bank, United Nations or similar multilateral organizations	5

	Over three projects	5
	Two to three projects	3
	(c) Working knowledge of the IDB or similar multi-lateral lending agencies	5
	Three (3) years and over work experience	5
	One to two years' work experience	3

8. Supervision and Reporting Requirements

The Consultant will report to Director, Legal Services, Ministry of Trade and Industry. Additionally, the incumbent will be required to work with the Office of the Chief Parliamentary Counsel of the Ministry of the Attorney General and Legal Affairs in executing this consultancy. All submissions must be in English Language, delivered via the form and media stated by the MTI and delivered on the date requested and addressed to:

Programme Manager
Strengthening of the Single Electronic Unit (SEW) for Trade and Business Facilitation
Ministry of Trade and Industry
Level 9, Nicholas Tower
63-65 Independence Square
PORT OF SPAIN
Email: PIUSEW@gov.tt

9. Responsibility of the Client

The MTI, as the Executing Agency for the Project, shall support the implementation of this Consultancy. Accordingly, the MTI shall:

- i. Facilitate the arrangements for interviews and provision of access to Project documents, relevant existing regulations, legislation, policies and relevant documents as required. Efforts will also be made to have the Consultant provided with relevant reports, information and contacts from other key stakeholders;
- ii. Provide a Counterpart Team to guide the implementation of the Consultancy.
- iii. Provide relevant and appropriate information as required by the Consultant.

10. Responsibility of the Consultant

The Consultant will:

- iv. Absorb all other expenses including direct staff, office space and facilities, computer systems and software, telecommunication systems, travel expenses, hard copy report deliveries and any other incidentals.
- v. Undertake the activities of the consultancy utilizing primarily its own resources.
- vi. Respect and adhere to the proposed time-frames.
- vii. Conduct meetings with stakeholders in a professional, responsible manner.
- viii. Ensure the validity and reliability of any instruments and tools developed and/or utilized by the Consultant for training, workshops and sessions.
- ix. Ensure the confidentiality of all aspects of the process/consultancy

11. Working Language

The working language shall be English

12. Confidentiality

The Consultant shall not, except as authorized by the MTI or required by the stipulated duties under the contract, use for the Consultant's own benefit or gain or divulge to any persons, firm, company or other organization whatsoever, any confidential information belonging to the Government or relating to the affairs or dealing which may come to the provider's knowledge during the engagement. This restriction shall cease to apply to any information or knowledge which may subsequently come into the public domain other than in breach of this clause.

13. Ownership

All data, records, reports and other documents prepared by the Consultant, or obtained from whatever source in connection with carrying out the functions of this position, shall become and remain the property of the Ministry of Trade and Industry. The service provider shall not later than upon termination or expiration of the contract, deliver all such documents to the Ministry together with a detailed inventory thereof. The Consultant may retain a copy of such documents but shall not use them for purposes unrelated to this contract without prior written approval of the Ministry.

14. Eligibility

The applicable rules of the Government of the Republic of Trinidad and Tobago will apply in determining the eligibility and selection of the consultant. It should be noted that only individuals from member countries of the Inter-American Development Bank (IDB) are eligible to apply.