

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

**TERMS OF REFERENCE
FOR ADVISORY SERVICES TO DEVELOP LEGISLATION TO GIVE
EFFECT TO TRINIDAD AND TOBAGO'S OBLIGATIONS UNDER THE
TRADE FACILITATION AGREEMENT OF THE WORLD TRADE
ORGANIZATION**

1. Background

The Government of the Republic Trinidad and Tobago (GORTT) recognizes international trade as a crucial driver of economic growth and development for Trinidad and Tobago. As such, a key goal of the GORTT's Trade Policy 2019 – 2023 is to create a facilitative and enabling environment for international trade by reducing the cost of doing business, increasing efficiency of transport logistics and cargo handling, standardising customs procedures and upgrading associated regulatory measures. The GORTT has embarked on a number of initiatives to achieve this goal such as the implementation of a Single Electronic Window (SEW) for Trade and Business Facilitation, ratification of the Trade Facilitation Agreement (TFA) of the World Trade Organization (WTO) and conducting a Diagnostic Study of the Legal Framework for Trade and Business in Trinidad and Tobago. In spite of these initiatives, there remain numerous deficiencies which negatively impact trade facilitation as evidenced by the country's performance in the Doing Business Ranking which, in 2019, stood at 105 out of 190. The GORTT notes that some of these issues can be addressed through legislation to give effect to certain obligations under the TFA. As such, it is seeking to develop the required legislation through resources available under the Strengthening of the Single Electronic Window for Trade and Business Facilitation Programme which is being funded by the Inter-American Bank (IDB).

Single Electronic Window (SEW) for Trade and Business Facilitation

In 2009, the GORTT as part of its national strategy, implemented an SEW for trade and business facilitation branded TTBizLink. The SEW 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 fulfil import, export and transit-related regulatory requirements. This 'one-stop-shop' currently hosts forty-six (46) e-services administered by twenty four (24) government agencies across nine (9) Ministries. The SEW 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.

Trade Facilitation Agreement

Trinidad and Tobago is party to several agreements aimed at improving trade facilitation in the import and export of goods and services. These agreements seek to simplify and harmonise local and international practices with respect to data collection, presentation, communication and processing related to trade. Their ultimate purpose is to reduce the costs and delays associated with such procedures in order to allow trade to take place on free-market principles and make exports more competitive. The overall scope of the commitments is set out in the TFA which was ratified by Trinidad and Tobago in 2015. Specifically, under the TFA, the country has committed to several facilitation measures including pre-shipment inspection, temporary admission of goods for inward and outward processing, electronic payment for customs clearance, and acceptance of copies for customs procedure. The TFA is reinforced by provisions in the CARICOM Single Market and Economy, in CARIFORUM's Economic Partnership Agreement (EPA) with the European Union, as well as outlined in various bilateral agreements that the country has signed.

Diagnostic Study of the Legal Framework for Trade and Business Facilitation in Trinidad and Tobago

In 2018, the MTI embarked on a Diagnostic Study to review the legal framework governing trade and business in Trinidad and Tobago and the operation of the SEW. The Study revealed legislative inadequacies to give effect to Trinidad and Tobago's obligations under the TFA which, if addressed, would positively impact trade facilitation as well as support the operation of the SEW. Key areas identified include advance rulings; formalities connected with importation, exportation and transit; publication and information available through the internet.

2019 Doing Business Performance

In the World Bank's Doing Business Index 2019, Trinidad and Tobago ranked 105 (out of 190). The country's Trading Across Border Index was ranked at 130. For exports, the number of documents required increased from 6 in 2015 to 8 in 2019. The number of hours required to export was 32 for documentary compliance and 60 for border compliance. This can be compared to 2.3 and 12.7 respectively for OECD countries. The number of documents required to import increased from 10 in 2015 to 13 in 2019. The number of hours required to import was 44 for documentary compliance and 78 for border compliance. This can be compared to 3.4 and 8.5 respectively for OECD countries. Harmonizing national legislation with the TFA will provide an opportunity for further reforms to reduce the number of documents and hours for border compliance thereby facilitating trade across borders and improve the country's Doing Business Ranking. The project to develop this legislation is being pursued under the Strengthening of the Single Electronic Window for Trade and Business Facilitation Programme.

Strengthening of the Single Electronic Window for Trade and Business Facilitation Programme

Programme Details

The Strengthening of the SEW for Trade and Business Facilitation is an 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 SEW -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 and 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 *Development of Legislation to Give Effect to Trinidad and Tobago's Obligations Under the TFA* 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 prepare a legislative brief and draft legislation to give effect to Trinidad and Tobago's obligations under the TFA. The consultant will be expected to work in collaboration with the Office of the Chief Parliamentary Counsel (CPC) and other stakeholders the client identifies as essential to this process.

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 Consultations and Legislative Brief

2. Review the existing Diagnostic Study; the TFA; and any other relevant material and prepare a comprehensive **Draft Legislative Brief** to give effect to Trinidad and Tobago's obligations under the TFA. The Legislative Brief should prescribe amendments to existing legislation and/or develop new legislation to give effect to the following Articles of the TFA:
 - Article 1 – Publication and Availability of Information;
 - Article 2 – Opportunity to Comment, Information before Entry into Force, and Consultations;
 - Article 3 – Advance Rulings;
 - Article 4 – Procedures for Appeal or Review;
 - Article 5 – Other Measures to Enhance Impartiality, Non-discrimination and Transparency;
 - Article 6 – Disciplines on Fees and Charges Imposed On or In Connection with Importation and Exportation and Penalties;
 - Article 7 – Release and Clearance of Goods;
 - Article 8 – Border Agency Cooperation;
 - Article 9 – Movement of Goods Intended for Import under Customs Control;
 - Article 10 – Formalities Connected with Importation, Exportation and Transit;
 - Article 11 – Freedom of Transit; and

- Article 12 – Customs Cooperation

3. The Consultant will subsequently be required to make a **presentation** to the Ministry of Trade and Industry and other key private and public sector stakeholders on the Draft Legislative Brief. A detailed report on the stakeholder presentation will also be submitted by the Consultant as a deliverable.
4. All applicable comments and feedback from the presentation to stakeholders are to be incorporated into the **Legislative Brief** to give effect to Trinidad and Tobago’s obligations under the TFA.

Phase 3 - Draft Bill and Final Report

5. The Consultant shall use the approved Legislative Brief to prepare **Draft Legislation** to give effect to Trinidad and Tobago’s obligations under the TFA.
6. The Consultant will make a **presentation** on the Draft Legislation to the stakeholders.
7. All applicable comments and feedback from the presentation to stakeholders are to be incorporated into the **Finalized Legislation** to give effect to Trinidad and Tobago’s obligations under the TFA. The Legislative Brief must be updated for alignment with the Finalized Legislation.
8. The Consultant will prepare a **Project Close-Out Report**. This 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 (Working Days)	Client Review Period (Working Days)	Payment Amount	Report Details
PHASE 1: Project Initiation					
1	Draft Inception Report	5 days after commencement of services	5 days	Ten percent (10%) of contract price payable upon approval of Deliverable 2.	Electronic MS Word and PDF 2 bound hard copies
2	Final Inception Report	1 day after client’s review.	2 days		

PHASE 2: Stakeholder Consultations and Legislative Brief					
3	Draft Legislative Brief	14 days after approval of Deliverable 2.	7 days	Thirty Percent (30%) of contract price payable upon approval of Deliverable 3, upon completion of Deliverable 4 and approval of Deliverable 5.	Electronic MS Word and PDF 1 bound hard copy
4	Stakeholder Workshop(s) Mission 1: Presentation of Draft Brief to Stakeholders.	7 days after approval of Deliverable 3.			PowerPoint Presentation
5.	Detailed Report on the Stakeholder Workshop(s) providing feedback and comments/issues identified	5 days after completion of Deliverable 4	5 days		Electronic MS Word and PDF 1 bound hard copy
6.	Legislative Brief	10 days after approval of Deliverable 5	15 days	10% of the Contract Price payable upon approval of Deliverable 6	Electronic MS Word and PDF 2 bound hard copies
PHASE 3: Draft Bill and Final Report					
7.	Submission of the Draft Bill: Based on the approved legislative brief.	21 days after approval of Deliverable 6.	21 days	Fifteen Percent (15%) of contract price payable upon approval of Deliverable 7.	Electronic MS Word and PDF 1 bound hard copy
8.	Workshop: Mission 2: Presentation to Stakeholders	7 days after approval of Deliverable 7		Five Percent (5%) of contract price payable upon delivery of presentation to stakeholders.	PowerPoint Presentation

9.	Finalized Trade Facilitation Bill and Finalized Legislative Brief	10 days after completion of Deliverable 8	10 days	Twenty-five percent (25%) of the contract price payable upon approval of Deliverable 9.	Electronic MS Word and PDF 2 bound hard copies
10.	Final Report: A clear and concise summary of the activities undertaken, inputs, outputs, conclusions, recommendations and lessons learnt.	2 days after approval of Deliverable 9.	5 days	Five percent (5%) of the contract price payable upon approval of deliverable 10.	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)
- Start and Contract Duration: Second Quarter of 2021 – Eight (8) calendar months after signing of contract.
- Place(s) of work: MTI and Consultant’s work office. Two (2) separate missions to Trinidad and Tobago are expected with approximately ten (10) business days on the ground. **This requirement will be reviewed given COVID-19 precautions in place at time of negotiations with shortlisted consultant.**

6. Requirements Skills and Core Competencies

Note: In order to be considered for evaluation Consultant must have at a minimum a Degree in Law and at least five (5) years’ experience in legislative drafting and is expected to possess the following:

- Advanced University Degree in International Trade, or Economics or related area;
- Minimum of five (5) years’ experience in drafting laws;
- Experience in amending customs laws to facilitate the implementation of the TFA;
- Working knowledge the WTO and TFA;
- 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;
- 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; and

- Fluent in English.

7. Selection Criteria

Note: In order to be considered for evaluation Consultant must have at a minimum a Degree in Law and at least five (5) years' experience in legislative drafting.

	Criteria	Maximum Points
1	Academic Qualification	20
	1.1 Advanced University Degree in International Trade, Economics or related area.	20
2	General Experience	25
	2.1 Experience in drafting laws as evidenced by:	
	(a) 1 – 5 instruments drafted	15
	(b) 6 – 10 instruments drafted	20
	(c) More than 10 instruments drafted	25
3	Specific Experience	40
	3.1 Experience in projects which required the applicant to draft amendments to customs laws to facilitate the implementation of the articles of the TFA as evidenced by:	25
	(a) 1- 5 instruments drafted	15
	(b) More than 5 instruments drafted	25
	3.2 - Working knowledge of the WTO and the TFA as evidenced by training, qualifications, or membership of committees related to trade facilitation.	15
4	Adequacy for the Assignment	15
	4.1 Experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another Common Law jurisdiction.	5
	4.2 Experience working across multiple government organizations and private sector stakeholders involved in trade.	5
	4.3 Working knowledge of projects funded by Inter-American Development Bank, World Bank, United Nations or similar multilateral organizations.	5
	Total	100

8. Supervision and Reporting Requirements

The Consultant will report to the Programme Manager, Project Implementation Unit and the 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 Office of the Attorney General and Ministry

of Legal Affairs and other key stakeholders 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:

- i. 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.
- ii. Undertake the activities of the consultancy utilizing primarily its own resources.
- iii. Respect and adhere to the proposed time-frames.
- iv. Conduct meetings with stakeholders in a professional, responsible manner.
- v. Ensure the validity and reliability of any instruments and tools developed and/or utilized by the Consultant for training, workshops and sessions.
- vi. 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 IDB are eligible to apply.