

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

**TERMS OF REFERENCE  
FOR ADVISORY SERVICES TO MODERNIZE STANDARDS AND  
METROLOGY LEGISLATION SUPPORTING THE NATIONAL QUALITY  
INFRASTRUCTURE OF TRINIDAD AND TOBAGO**

## 1. Background

Standards are documents that provide for common and repeated use which may take the form of rules, guidelines or characteristics for activities or their results; aimed at the achievement of the optimum degree of order in a given context. They are established by consensus and approved by a recognized body. Standards require proper measurement and conformity assessment activities for their effective application and operation. Legal metrology deals with laws and regulations relating to units of measurement, measuring devices and measurement methods. Metrology helps provide support and protection in trade by ensuring that measuring devices used in trade provide accurate measurements. Conformity assessment systems (including activities such as testing, inspection and certification) are needed to support the application of standards on a voluntary basis and also within regulatory frameworks, with the ultimate objectives of improved quality, trade facilitation and health, safety, environmental and consumer protection. A robust National Quality Infrastructure (NQI) is critical to the improvement of the quality of goods and services used and offered for sale therein in a country. The key elements of an NQI are standards, conformity assessment services, metrology and accreditation.

Trinidad and Tobago's NQI evolved over several decades and is built on the Standards Act, Chap. 82:03 of the Laws of Trinidad and Tobago, the Metrology Act, Chap. 82:06, various laws as set out in *Annex I* and other legal documents. The Standards Act establishes the Trinidad and Tobago Bureau of Standards (TTBS), assigns it with responsibility for the institution of a National Quality System and designates it as the national standards body, the national quality certifying body and the national laboratory accrediting body. Specifically, the Standards Act mandates the TTBS to promote and encourage the development and maintenance of standards; establish standards to improve goods produced or used in Trinidad and Tobago; ensure industrial efficiency and development; and promote public and industrial welfare, health, safety and protection of the environment. This mandate covers all goods except food, drugs, devices and cosmetics. There are other agencies responsible for setting standards and regulations in their sectors/sub-sectors such as the Chemistry Food and Drugs Division of the Ministry of Health, the Environmental Management Authority, the Water and Sewerage Authority and the Telecommunications Authority of Trinidad and Tobago. Their standards development activities are guided by their respective legislation.

The Metrology Act empowers the TTBS to establish a metrology laboratory, as well as to provide services for the calibration and determination of accuracy of measuring devices; and establishes the International System of Units (SI) as the primary system of measurement in Trinidad and Tobago and the basis upon which all units of measurement are determined.

During the past few decades, the legal framework supporting the NQI experienced several changes and adaptations, and the supply and demand of services of the NQI have significantly expanded. In response, important elements of the NQI have been developed to contribute to industrial development; trade competitiveness in global markets; the efficient use of natural and human resources; and the improvement of food safety, regulatory systems for consumer health and environmental protection. In facing the new challenges of trade globalization and the need for more sustainable economic development, there is a need to readjust and further develop a more integrated and robust NQI.

Trinidad and Tobago is a member of the World Trade Organization (WTO) and is a Party to the Technical Barriers to Trade (TBT) Agreement and the Sanitary and Phytosanitary (SPS) Agreement. Therefore, Trinidad and Tobago is obligated to ensure compliance with the WTO TBT and SPS Agreements.

Underlying this process is the acceptance of the principles enshrined in the TBT and SPS Agreements and recognized by standards bodies world-wide with respect to standards, technical regulations and conformity assessment procedures.

Trinidad and Tobago is also a member of the Caribbean Community (CARICOM) Regional Organisation for Standards and Quality (CROSQ) which provides the regional framework for Quality Infrastructure (QI) in CARICOM. This has been enacted via the CROSQ Act, Chap. 82:05. Trinidad and Tobago as a member of CROSQ has an obligation to adopt recommended standards as national standards, subsequent to the approval of the Council for Trade and Economic Development.

The TTBS as a national standards body develops voluntary standards using the Code of Good Practice for the Preparation, Adoption and Application of Standards which is part of the WTO TBT Agreement, as well as ISO's Good Standardisation Practices (GSP). If national standards are not developed in alignment with this Code and GSP, the application of such standards may be challenged, which would negatively impact trade in the industry. This causes uncertainty in respect of the role of the TTBS in ensuring that this Code is followed at the national level and providing assistance for same.

The Standards Act addresses goods and does not particularly treat with deficient services and processes. In the area of enforcement, the current legal framework gives the TTBS limited powers as it relates to action against importers and resellers of counterfeit products and/or products bearing counterfeit marks and/or certificates of conformity and against non-compliant products, as fines are obsolete and the powers to implement such fines are restrictive. As a result of the above issues, there are some deficiencies in the international recognition of Trinidad and Tobago's NQI, especially with respect to the development of standards and technical regulations, accreditation and conformity assessment activities.

In light of the above the GORTT is desirous of modernizing the standards and metrology legislation which supports the NQI of Trinidad and Tobago to address deficiencies and ensure alignment with international treaty obligations and international best practices.

To this end, the GORTT is seeking to engage a consultant to draft the required amendments for the modernization of standards and metrology legislation supporting the NQI. This process will involve an assessment of the current NQI legal framework, the development of a legislative brief containing proposals for amendments, the conduct of a Regulatory Impact Assessment in respect of the proposals, and the drafting of legislation to give effect to the amendments proposed in the legislative brief.

### **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 is 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 SEW to international best practices.
- **Component 2** - Enhancing the Interoperability of the SEW- 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 legal framework and strengthen the institutional governance of the SEW.

Specifically, the *Advisory services to modernize standards and metrology legislation supporting the National Quality Infrastructure of Trinidad and Tobago* 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 draft amendments to modernize the standards and metrology legislation which supports the NQI of Trinidad and Tobago, to ensure alignment with international treaty obligations and taking into account international best practices.

## 3. **Scope of Services**

### 3.1 **Specific Tasks**

The specific tasks related to this Consultancy shall be executed in four (4) phases:

#### **Phase 1 - Project Initiation**

1. Conduct inception meetings with the Executing Agency and key stakeholders upon commencement of the project to, *inter alia*, (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 – Gap Analysis, Legislative Brief and Regulatory Impact Assessments**

2. Prepare a **Gap Analysis Report** on the legal framework governing the NQI of Trinidad and Tobago which should include :
  - (a) a review of the Standards Act, Metrology Act and any other relevant material comprising the existing legal framework for the TTBS in its role in respect of standards development, enforcement of compulsory standards, conformity assessment, metrology and accreditation in Trinidad and Tobago.

- (b) a review of the specific sections of key agency specific legislation/regulations related to the development of standards in Trinidad and Tobago which are listed in the attached **Annex I**.
  - (c) identification of any gaps in the existing legal framework to facilitate the effective functioning of the NQI.
  - (d) a comparison of the current framework against compliance with international and regional obligations (e.g. the WTO TBT and SPS Agreements, the CROSQ Act, the Revised Treaty of Chaguaramas, and trade agreements with major trading partners including the European Union, United States of America, United Kingdom and Canada identified in **Annex II**), NQI principles and best practices (e.g. those issued by the United Nations Industrial Development Organization) and ISO's Good Standardisation Practices.
  - (e) recommendations to address deficiencies and/or attain compliance where gaps are identified.
3. Prepare a **Draft Legislative Brief** for the revision of the Standards Act and Metrology Act and legislation identified in Annex I.
  4. Conduct a **Regulatory Impact Assessment (RIA)** with the relevant stakeholders, of the proposals contained in the **Draft Legislative Brief** and prepare an RIA Report.
  5. Make a **presentation** to the Executing Agency and the TTBS on the Draft Legislative Brief and RIA Report.
  6. Incorporate all applicable comments and feedback from the RIA and presentation to the Executing Agency and TTBS into the **Legislative Brief**.

### **Phase 3 – Legislation**

7. Prepare **Draft Legislative Amendments** to give effect to the proposals / recommendations in the legislative brief.
8. Make a **presentation/s** to stakeholders on the proposed amendments.
9. Incorporate all applicable comments and feedback from the presentation/s to the stakeholders into the **Finalized Legislative Amendments** to the Standards Act and Metrology Act and legislation in Annex I. The consultant must also update the legislative brief for alignment with the finalized Legislative Amendments.

### **Phase 4 - Project Close-Out**

10. 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
<b>PHASE 1: Project Initiation</b>					
1	Draft Inception Report	5 days after commencement of services	10 days	Ten percent (10%) of contract price payable upon approval of Deliverable 2.	Electronic MS Word and PDF, and 2 bound hard copies
2	Final Inception Report	5 day after client's review	5 days		
<b>PHASE 2: Gap Analysis, Legislative Brief and Regulatory Impact Assessment</b>					
3	Draft Gap Analysis Report	14 days after approval of Deliverable 2.	15 days	Fifteen Percent (15%) of contract price payable upon approval of Deliverable 4.	Electronic MS Word and PDF and, 2 bound hard copies
4	Final Gap Analysis Report	2 days after client's review.	10 days		Electronic MS Word and PDF and, 2 bound hard copies
5	Draft Legislative Brief	21 days after approval of Deliverable 4.	20 days	Twenty-five Percent (25%) of contract price payable upon approval of Deliverable 7.	Electronic MS Word and PDF and, 2 bound hard copies
6	Regulatory Impact Assessment	14 days after approval of Deliverable 5.			PowerPoint Presentation

No .	Deliverable	Delivery Timeframes (Working Days)	Client Review Period (Working Days)	Payment Amount	Report Details
7	Legislative Brief	14 days after completion of Deliverable 6.	7 days		Electronic MS Word and PDF and 2 bound hard copies
<b>PHASE 3: Finalized Legislation and Final Report</b>					
8.	Draft Legislative Amendments	21 days after approval of Deliverable 7.	21 days	Twenty Percent (20%) of contract price payable upon approval of Deliverable 9.	Electronic MS Word and PDF and, 2 bound hard copies
9.	Presentation to Stakeholders	7 days after approval of Deliverable 8.			PowerPoint Presentation
10	Finalized Legislative Amendments and updated Legislative Brief	10 days after completion of Deliverable 9.	10 days	Twenty five percent (25%) of the contract price payable upon approval of Deliverable 10.	Electronic MS Word and PDF and, 2 bound hard copies
<b>PHASE 4 - Project Close-Out</b>					
11.	Project Close Out Report	5 days after approval of Deliverable 10.	10 days	Five percent (5%) of the contract price payable upon approval of deliverable 11.	Electronic MS Word and PDF and, 2 hard bound 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: 2<sup>nd</sup> Quarter of 2021 - Nine (9) 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

The Consultant shall 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, Economics, Policy Development or related area;
- Experience in legislative drafting;
- Experience within the last ten (10) years in conducting regulatory impact assessments in the context of NQIs;
- Knowledge of the WTO TBT and SPS Agreements and related decisions and recommendations of the TBT and SPS Committees
- Knowledge in the field of Quality Infrastructure;
- Experience within the last (5) years in the operations of international, regional or national standards bodies and their contributing areas of standards development, conformity assessment and quality infrastructure, particularly in small states;
- Knowledge of the legal and regulatory framework for NQI bodies in Common Law countries;
- 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;
- Knowledge of Trinidad and Tobago's legal and regulatory system pertaining to trade and quality management would be an asset;
- Language: Standard English.

## 7. Selection Criteria

In order to be considered for evaluation, the Consultant must have at a minimum, a Degree in Law and at least five years' experience in legislative drafting.

	Criteria	Maximum Points
<b>1</b>	<b>Academic Qualification</b>	<b>20</b>
	1.1 Advanced University Degree in International Trade, Economics, Policy Development or related area.	20
<b>2</b>	<b>General Experience</b>	<b>30</b>
	2.1 Experience in legislative drafting as evidenced by:	20



	(a) 1 – 5 instruments drafted	10
	(b) 6 – 10 instruments drafted	15
	(c) More than 10 instruments drafted	20
	2.2 Experience in conducting regulatory impact assessments within the last ten (10) years:	10
	(a) 2 - 4 assessments conducted in the last 10 years	5
	(b) 5 or more assessments conducted in the last 10 years	10
<b>3</b>	<b>Specific Experience</b>	<b>35</b>
	3.1 Working knowledge of the WTO-TBT and SPS Agreements and related decisions and recommendations of the TBT and SPS Committees and Quality Infrastructure.	5
	3.2 Knowledge in the field of Quality Infrastructure.	5
	3.2 Experience in the operations of international, regional or national standards bodies and their contributing areas of standards development, conformity assessment and quality infrastructure, particularly in small states as evidenced by:	25
	(a) More than five (5) relevant projects	25
	(b) Three (3) to five (5) relevant projects	15
	(c) One (1) to two (2) relevant projects	10
<b>4</b>	<b>Adequacy for the Assignment</b>	<b>15</b>
	4.1 Knowledge of the legal and regulatory framework for NQI bodies in Common Law countries.	5
	4.2 Experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another CARICOM jurisdiction.	5
	4.3 Knowledge of Trinidad and Tobago's legal and regulatory system pertaining to trade and quality management.	5
	<b>Total</b>	<b>100</b>

## 8. Supervision and Reporting Requirements

The Consultant will report to the Programme Manager, Project Implementation Unit and the Director, Legal Services, MTI. Additionally, the incumbent will be required to work with the TTBS, 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 and policies 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 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 MTI. The Consultant 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.

### Annex I - Other Legislation to be Reviewed

	<b>Category</b>	<b>Legislation</b>
1.	Telecommunications	<ul style="list-style-type: none"> <li>• Telecommunications Act, Chapter 47:31</li> </ul>
2.	Environmental	<ul style="list-style-type: none"> <li>• Environmental Act, Chapter 35:05</li> </ul>
3.	Food, Agriculture, Health	<ul style="list-style-type: none"> <li>• Food and Drugs Act, Chapter 30:01</li> <li>• Animals (Diseases and Importation Act), Chapter 67:02</li> <li>• Pesticides and Toxic Chemicals Act, Chapter 30:03</li> </ul>
4.	Health and Safety	<ul style="list-style-type: none"> <li>• Occupational Safety and Health Act, Chapter 88:08</li> </ul>
5.	Petrochemical	<ul style="list-style-type: none"> <li>• Petroleum Act, Chapter 62:01</li> </ul>
6.	Building and Construction	<ul style="list-style-type: none"> <li>• Planning and Facilitation of Development Act, No.10 of 2014</li> <li>• Town and Planning Act, Chapter 35:01</li> </ul>
7.	Electrical	<ul style="list-style-type: none"> <li>• Electrical (Inspection) Act, Chapter 54:72</li> </ul>

**Annex II - Trade Agreements with Major Trading Partners of Trinidad and Tobago**

<b>Trading Partner</b>	<b>Name of Trade Agreement</b>
European Union	CARIFORUM-European Union Economic Partnership Agreement
United States of America	Caribbean Basin Initiative
United Kingdom	CARIFORUM-United Kingdom Economic Partnership Agreement
Canada	Caribbean Canada Trade Agreement
Colombia	CARICOM-Colombia Agreement on Economic on Trade, Economic and Technical Cooperation
Costa Rica	CARICOM-Costa Rica Free Trade Agreement
Cuba	CARICOM-Cuba Trade and Economic Cooperation Agreement
Dominican Republic	CARICOM-Dominican Republic Free Trade Agreement
Venezuela	CARICOM-Venezuela Agreement on Trade, Economic and Technical Cooperation
Panama	Trinidad and Tobago-Panama Partial Scope Trade Agreement