

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

**TERMS OF REFERENCE**

**FOR ADVISORY SERVICES TO DEVELOP A NATIONAL POLICY  
FOR ARCHIVES, RECORDS AND INFORMATION  
MANAGEMENT AND IMPLEMENTATION PLAN FOR TRINIDAD  
AND TOBAGO**

## 1. Background

The Government of the Republic of Trinidad and Tobago (GORTT) has affirmed its commitment to transforming the country into a digital economy as it contends that a fully digital Trinidad and Tobago is central to the growth and diversification of the economy. It is envisaged that a digital public service will be created through an E-Governance ecosystem geared towards enhancing productivity levels and ultimately, the ease of doing business. According to the World Bank<sup>1</sup> T&T ranks 105 out of 190 countries in the ease of doing business. In addressing this issue, the Covid-19 Roadmap to Recovery Committee in its Report, recommended the need to develop a data-driven decision-making environment. The Committee also advised that business regulations needed to be improved to promote efficiency and the ease of doing business.

Central to the success of creating a functioning digital economy is records management. Although there has been a thrust towards digitization and digitalization, the majority of records in the public service are still kept in paper format. **At present, there is no coherent policy, legal or procedural framework for managing the documents and records produced by the Government across their lifecycle.** This has resulted in inconsistent and sometimes poor methods of records keeping among Ministries, Departments and Agencies (MDAs), increased costs to the Government in terms of the high consumption/utilization of paper, the ever-increasing need for storage space, and a general inefficiency in the system.

Additionally, the lack of a legislated centralized authority for records and information management (RIM) has meant that statutes, regulations and policies have been developed by many Government entities, in isolation and often without input from other MDAs. This has led to the enactment of legislation that are functionally incomplete (Freedom of Information Act), in conflict with other pieces of legislation or cannot be implemented fully due to logistical issues. It should be noted that, although the Exchequer and Audit Act designates the Government Archivist, National Archives as the authority for the destruction of Government records, the statutes/laws have been mostly silent on matters related to records and information management. The lack of clear government policy on these matters has led to significant challenges for the Public Service in general and the National Archives in particular to effectively carry out its mandate including:

- (1) *The effective administration of the Freedom of Information Act (FOIA)* - The FOIA is compromised by the weakness in records management in the public sector. Given that records management is the lifeblood of the FOIA, there is need for robust record keeping in order to ensure the objectives of the Act are achieved. Further, the FOIA requires public authorities to keep records in its possession, custody and power indefinitely. As such, public authorities are forced to store records at storage facilities at a cost. In the absence of a regulatory framework for records retention and disposition schedules, this problem will persist.
- (2) *Difficulty in acquiring records of national significance*- Existing and conflicting legislation regarding the collection and protection of records of national significance makes it difficult for the National Archives to acquire certain records. For instance, the Chief Immigration Officer (CIO) and Registrar General have the legal right to hold records.

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<sup>1</sup> World Bank Ease of Doing Business Rankings Report

- (3) *Timely acquisition of private records* – The lack of financial autonomy prevents the rapid acquisition of records of national significance (other than that of Government) as Cabinet approval is required versus the Government Archivist’s ability to have funds identified for such acquisitions. In order to faithfully represent the history, collective memory and identity of Trinidad and Tobago, through the National Archives, it should be noted that, in addition to Government’s records, the records of citizens – individuals, communities, organization, et cetera should also be collected to document and provide a balanced perspective on the nation’s history.

In 2012, the National Archives agreed to co-champion the initiative entitled the Records and Information Management (RIM) Transformation Programme alongside the then Ministry of Public Administration (MPA). This resulted in the 2016 report “Government of Trinidad and Tobago Records and Information Management Framework Project (Phase 1)” produced by the consultants The International Records Management Trust (IRMT). The project found that, “although Trinidad and Tobago is by no means the most underdeveloped of the comparator jurisdictions (Australia, Canada, Malta, Norway, Singapore, United Kingdom), it could improve its approach to information management, primarily through granting a legal mandate to the National Archives, so that it can authoritatively guide government information management practices, but also through addressing staffing and infrastructure issues.”

The Covid-19 pandemic has also highlighted the awareness of the need for proper records and information management systems. The pandemic has changed the workplace environment to one which is virtual. This new normal has resulted in employees working remotely creating the need and challenge to provide access to key records to support their function<sup>2</sup>. Therefore, there is a need to introduce a standardized records and information management system germane to the operations of the public sector in Trinidad and Tobago.

In light of the above the GORTT is desirous of developing a coherent policy for managing the documents and records produced by the Government. To this end the GORTT intends to engage a consultant to develop a National Policy for Archives, Records and Information Management and associated implementation plan. This policy will be used to guide the drafting of National Archives, Records and Information Management legislation by the Office of the Chief Parliamentary Counsel.

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<sup>2</sup> Managed Healthcare Executive

## **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 *Consulting Services to Develop an Archives, Records and Information Management (ARIM) Policy of Trinidad and Tobago* are 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 develop a national policy for the management of archives, records and information across the public service which will be used by the GORTT to create a new Archives, Records and Information Management Act.

## 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, ARIM Committee and key stakeholders upon commencement of the project to (i) discuss the services in detail and achieve a common understanding of the work to be undertaken and the deliverables required, (ii) discuss the basis on which this work will be implemented, and (iii) finalize the methodology, work breakdown structure and project schedule for undertaking the assignment; (iv) 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 – Regulatory Impact Assessment, Stakeholder Consultations and Policy Development**

2. Conduct a comprehensive review of all policies, procedures, guidelines and legislation within Trinidad and Tobago that impact the archives, records and information management policy.
3. Prepare a **Gap Analysis Report** through a review of international and regional best practice on ARIM policies and practices such as, but not limited to, the International Council on Archives (ICA) Principles for Archives and Record Legislation, Canada, Australia, New Zealand, United Kingdom, Jamaica, Cayman Islands and any other relevant material and contrasting the findings against what presently pertaining in Trinidad and Tobago. The report should also identify which practices and policies Trinidad and Tobago should consider adopting into its national policy given its national context
4. Develop a **Draft National Policy for Archives, Records and Information Management and Implementation Plan for Trinidad and Tobago** based on the approved Gap Analysis Report. At a minimum, the policy must cover the target audience, policy purpose and objectives, policy context, current legislative shortfalls, policy positions to be adopted by Trinidad and Tobago, a statement of policy and drafting instructions and requirements to bring the new legislation on stream. It is critical that the policy include all information to enable the creation of the Archives, Records and Information Management Act. The implementation plan should identify required actions, expected results, indicators, responsible institutions, specific timelines and sequence for the implementation of the policy.
5. Conduct Stakeholder Consultations over a period of two days on the proposals contained in the Draft Policy and conduct a high level **Regulatory Impact Assessment (RIA)**. The RIA

must show the impact of the Archives, Records and Information Policy proposals on both the public and private sector.

6. Prepare a **Stakeholder Consultation Report** to include consultation outcomes, analysis of the recommendations from stakeholders and list of people/organizations/agencies consulted.
7. Make a presentation to the Archives, Records and Information Management (ARIM) Committee, Office of the Prime Minister-Communications Division and Office of the Chief Parliamentary Counsel on the Draft Policy and Implementation Plan, Regulatory Impact Assessment and Stakeholder Consultation Report. Incorporate all applicable comments and feedback from the Presentation to the ARIM Committee and prepare a **Final National Policy for Archives, Records and Information Management in Trinidad and Tobago**.
6. Provide input and guidance to the Office of the Chief Parliamentary Counsel to assist them in drafting the Archives, Records and Information Management Legislation. Details of the input provided by the Consultant must be documented in an **Advisory Report**.

### Phase 3 –Final Report

7. Prepare a **Final Report** containing 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.	5 days	Ten percent (10%) of contract price payable upon approval of Deliverable 2 – Final Inception Report.	Electronic MS Word and PDF
2.	Final Inception Report	1 day after client’s review	2 days		Electronic MS Word and PDF 1bound hard copy
<b>PHASE 2: Gap Analysis, Stakeholder Consultations and Policy Development</b>					
3.	Draft Gap Analysis Report	10 days after	10 days	Fifteen Percent (15%) of	Electronic MS Word and PDF

		approval of Deliverable 2.		contract price payable upon approval of Deliverable 4 Final Gap Analysis Report.	
4.	Final Gap Analysis Report	3 days after client's review.	2 days		Electronic MS Word and PDF 1 bound hard copy
5.	Draft Policy and Draft Implementation Plan	20 days after approval of Deliverable 4.	20 days	Twenty Percent (20%) of contract price payable upon approval of Deliverable 5, Deliverable 6 and Delivery of Presentation to ARIM Committee, Office of the Prime Minister- at Deliverable 7	Electronic MS Word and PDF 1 bound hard copies
6.	Stakeholder Consultations and Regulatory Impact Assessment.	5 days after approval of Deliverable 5.			
7.	Presentation to the ARIM Committee, Office of the Prime Minister- Communications Division on the Regulatory Impact Assessment and Stakeholder Consultation Report.	5 days after completion of Deliverable 6	5 days		Electronic PPT
8.	Final National Policy for Archives, Records and Information Management and Implementation Plan for Trinidad and Tobago	15 days after approval of Deliverable 7	10 days	Thirty (30%) of the Contract Price payable upon approval of Deliverable 8.	Electronic MS Word ,PDF and 1 bound hard copy
9.	Advisory Report on Guidance provided to CPC	20 days after approval of Deliverable 8.	5 days	Fifteen Percent (15%) of contract payable upon approval of Deliverable 9- Advisory Report on	Electronic MS Word PDF and 1bound hard copies

				Guidance provided to CPC	
<b>PHASE 3: Final Report</b>					
10.	Final Report	5 days after approval of Deliverable 9.	5 days	Ten percent (10 %) of the contract price payable upon approval of deliverable 10 – Final Report .	Electronic MS Word and PDF



## **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 2022 – Six (6) calendar months after signing of contract.
- Place(s) of work: Consultant's work office.

## **6. Requirements Skills and Core Competencies**

**The Consultant is expected to possess the following:**

- Masters level qualification in Archives and Records Management, Information Management or related area.
- Experience in policy development in the last 10 years
- Experience in conducting Regulatory Impact Assessment
- Working knowledge in international best practice in records management as promoted by the International Council of Archives (ICA)
- Experience in developing Archives, Records and Information Management policies in the last ten (10) years
- Working knowledge of ISO records management standards
- Experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another Commonwealth jurisdiction would be an asset;
- Current member of a professional association related to ARIM would be an asset;
- Experience in working across multiple government organizations and private sector stakeholders involved in archives, records and information management;
- Working knowledge of projects funded by Inter-American Development Bank, World Bank, United Nations or similar multilateral organizations;
- Strong communication /analytical/presentation skills;
- Fluency in English is required.

## 7. Selection Criteria

	<b>Criteria</b>	<b>Maximum Points</b>
<b>1</b>	<b>Academic Qualification</b>	<b>20</b>
	1.1 Masters level qualification in Archives and Records Management, Information Management or related area	20
<b>2</b>	<b>General Experience</b>	<b>35</b>
	2.1 Experience in policy development in the last 10 years as evidenced by:	25
	(a) 1 – 5 policies developed	10
	(b) 6 – 10 policies developed	20
	(c) More than 10 policies developed	25
	2.2 Experience in conducting Regulatory Impact Assessment (RIAs):	10
	(a) 1-2 RIAs completed in the last 10 years	5
	(b) 3 or more RIAs completed in the last 10 years	10
<b>3</b>	<b>Specific Experience</b>	<b>30</b>
	3.1 Working knowledge in international best practice in records management as promoted by the International Council of Archives (ICA).	3
	3.2 Working knowledge of ISO records management standards	2
	3.3 Experience in developing Archives, Records and Information Management policy in the last ten (10) years as evidenced by:	20
	(a) More than five (5) policies developed	20
	(b) Three (3) to five (5) policies developed	10
	3.4 Experience in projects involving Data Protection, Electronic Transaction and Freedom of Information policy / regulation / legislation development.	5
<b>4</b>	<b>Adequacy for the Assignment</b>	<b>15</b>
	4.1 Experience in the law making process and legislative drafting techniques in Trinidad and Tobago or another CARICOM jurisdiction.	5
	4.2 Current member of a professional association related to ARIM	2
	4.3 Experience working across multiple government organizations and private sector stakeholders involved in archives, records and information management.	5
	4.4 Working knowledge of projects funded by Inter-American Development Bank, World Bank, United Nations or similar multilateral organizations.	3
	<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, Ministry of Trade and Industry. Additionally, the incumbent will be required to work with the Office of the Prime Minister-Communications, the Office of the Chief Parliamentary Counsel of the Ministry of the Attorney General and 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, legislations 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:

- 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.