



ENERGY AND UTILITIES DEPARTMENT

The EUD is looking for a REGULATORY LEGAL ADVISOR

(for more details, please see the Terms of Reference Below)

TERMS OF REFERENCE

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| Job Title | Regulatory Legal Advisor |
| Project | TCI Multi-Sector Legislation – Phase 1 |
| Contracting Authority | Energy & Utilities Department, TCI |
| Immediate Supervisor | Mr. Delano R. Arthur – Energy & Utilities Commissioner |
| Date of Issue | August 24 th 2023 |
| Date of Deadline | September 15 th 2023 |
| Duration | Twelve (12) months |
| To Apply | <p>Individual consultants and/or firms are invited to apply for this opportunity:</p> <p>Request for Consultancy Services:</p> <ol style="list-style-type: none">1. Technical Proposal inclusive of the following:<ol style="list-style-type: none">a. Cover letter/overview of the consultantb. Curriculum Vitaec. References of previous work completed that is similar to the TORd. Contact information for three (3) references.2. Financial Proposal<ol style="list-style-type: none">a. Detailed Hourly Rate for the works outlined in the TOR <p>Please send any clarification questions and proposal submissions to: eud@gov.tc</p> |

1. BACKGROUND

The Government of the Turks & Caicos Islands is seeking to improve its socio-economic standing that is outlined in a national vision that provides guidance and strategies for the effective operation of its public sector.

The Energy & Utilities Department was created to provide regulatory governance for the energy, petroleum, water, and sewage utility providers. The creation, modification and adaptation of legislation and policies provides compliance oversight of the sector and a pathway to achieving the 2040 vision of the TCI Government.



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The regulation of the utility sector will also consider the future state of global trends by identifying new technologies and methodologies to improve and sustain the country's competitive standing.

2. OBJECTIVE

The Energy & Utilities Department and TCI Government will require support in creating Regulatory Utility Agreements along with a multisector framework for all regulated utilities. The project will focus on researching, drafting and fully executing a framework that will provide a transparent and comprehensive level of utility standards within the defined legal ordinances for its customers.

By extension, the implementation of a Regulatory body (name to be determined) outlined in the framework will be established to provide strategic governance and compliance for the sector. This project when actioned will require the expertise of utility and regulatory Legal Advisor.

The objective will be achieved by securing a utility legal advisor whose services will focus on providing legal and regulatory support on the below tasks;

- a) Review of current TCI legislation, regulations, and utility licenses and provide advice on the appropriateness of existing legal documentation.
- b) Review of Kairi's consultant proposal markup with recommendations.
- c) Review various utility responses to the Kairi's Consultants' proposal
- d) Review and analysis of best practices and other utility frameworks in the region.
- e) Provide recommendations to the TCI government regarding amendments, modifications or creation of legislation and legal strategies required to achieve its mandate.
- f) Provide, Revise, and Review draft regulatory agreement for review by the Commissioner's office and AG Chambers.
- g) Advise and guide the EUD through the Regulatory Framework agreement and discussions.
- h) Review and provide guidance on Multisector Policy.
- i) Draft Multisector Legislation based on Multisector Policy.

3. SCOPE OF WORK

3.1 Review of current Ordinances, Agreements & other Documents

- The Legal Advisor (LA) in conjunction with the Project / Change Administrator (PA) and Financial Consultant (FC) will conduct a thorough review of all relevant laws,



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statutes, documents, regulations and license agreements related to the respective roles and responsibilities of the Government, Regulator and Utilities.

- The LA will identify provisions or gaps that may present obstacles to the successful formation of a regulatory framework and body.
- The LA will review the extent to which clarifications to the framework can be placed inside of licenses.

3.2 Review of Regional Regulatory Frameworks

- The LA will review regulatory agreements in the region and provide analysis on lessons learnt, industry best practices and standards and how the TCI government should move forward.
- The LA will review and provide the legal conditions that outline regulatory independence within the framework.

3.3 Provide a draft Regulatory Agreement

- The work performed in section 3.1 & 3.3 will segway into a draft regulatory agreement for utilities that will be reviewed by the EUD for further execution with the Attorney General's office.

4. DELIVERABLE/OUTPUT

- **Phase 1:**
 - To assist EUD with the formation of a Regulatory Utility Agreement between Utilities, the Government and the regulatory body.
 - Review and provide legal guidance on communications between utilities and the EUD in conjunction with AG chambers.
- **Phase 2:** To assist EUD with the drafting of a Multisector Regulatory Legislation. The legal draft will be based on the Multisector Regulatory Policy and encompass an existing regulatory/ordinance assessment with proposed modifications, that will ultimately lead to a draft Multisector Ordinance.
- **Phase 3:** Identify changes to other Legislative ordinances.

5. SCHEDULE AND WORK PLAN

The EUD recognizes that the LA will be required to liaise with the Regulatory Framework Financial Advisor and the Project / Change Administrator and others within the EUD to ensure all items are properly addressed and synchronized between all parties. Section 3 & 4 outlines the expectations and deliverables and the LA is responsible for providing a detailed work plan and schedule of events with anticipated due dates and timelines for completion of Phase 1.



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6. PROJECT DURATION

Phase 1 of the project is expected to last approximately four (4) months.

Phase 2 of the project is expected to last approximately Six (6) months.

Extension of the contract will be considered based on need, and performance of the consultant.

Phase 3 of the project is expected to last approximately Two (2) months.

Extension of the contract will be considered based on need, and performance of the consultant.

7. RESOURCES

The EUD recognizes that the LA will collaborate with the Regulatory Framework Financial Advisor and Project / Change Administrator to achieve the objective outlined in section 2. The EUD will also provide support and resources as necessary to assist the team with requested documentation and guidance during the review process. It is also understood that from time to time the team will coordinate/liaise with the Attorney General’s office and local counsel during the review process.

8. QUALIFICATIONS

- Candidates must have a bachelor’s degree from an accredited college or university in law and admission to practice Law.
- A minimum of 10 years of providing legal and or regulatory advice to utility and/or regulatory bodies as an in-house legal and/or regulatory advisor.
- A minimum of 15 years of practicing contract law.
- Must have an understanding of regulatory standards and compliance requirements.
- Must be experienced in drafting regulatory agreements within the Caribbean between utility and regulatory bodies.
- Ability to strategize, problem-solve and provide sound legal recommendations and knowledge of regulations governing various sectors and jurisdictions.
- Proven ability to successfully negotiate contract law and experience in legislative drafting.
- Excellent verbal, analytical, organizational, written, and critical thinking skills with presentation and facilitation skills.

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