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## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Reference: PN/FJI-004-18

### **Terms of Reference**

**Consultancy Title:** Reviewing Nauru Utilities Corporation's existing subsidiary legislation, preparation of additional needed subsidiary legislation, including technical standards for solar photovoltaic energy, and undertaking training on new subsidiary legislation.

**Project Name:** Enabling the Implementation of the Nauru Energy Road Map

**Duty Station:** Nauru and homebased

#### **Duration of the Contract**

- Number of working days: forty-five (45).
- Commencement date (tentative): 19 March 2018
- Completion date (tentative): 19 May 2018

Consultancy Proposal should be mailed to C/- UNDP Fiji MCO, Private Mail Bag, Suva, Fiji or sent via email to [etenderbox.pacific@undp.org](mailto:etenderbox.pacific@undp.org) no later than **28<sup>th</sup> Feb, 2018 (Fiji Time)** clearly stating the title of consultancy applied for. Any proposals received after this date/time will not be accepted. Any request for clarification must be sent in writing, or by standard electronic communication to [procurement.fj@undp.org](mailto:procurement.fj@undp.org). UNDP will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants. Incomplete, late and joint proposals will not be considered and only offers for which there is further interest will be contacted. **Failure to submit your application as stated as per the application submission guide (Procurement Notice) on the above link will be considered incomplete and therefore application will not be considered.**

#### **Objectives**

The objectives for the assignment are to:

1. Assess the legislative framework and identify any subsidiary legislation which may currently be needed by the Nauru Utilities Corporation.
2. Determine Nauru Utilities Corporation's regulatory gaps.
3. Review relevant international and Pacific Island regional technical standards related to solar photovoltaic energy.
4. Prepare solar photovoltaic technical standards for Nauru.
5. Prepare additional Nauru Utilities Corporation needed subsidiary legislation.
6. Train relevant stakeholders on Nauru Utilities Corporation's legislation including the new subsidiary legislation.

#### **Background**

The European Union (EU), the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the United Nations Development Programme (UNDP) support the Enabling the Implementation of the Nauru Energy Road Map project. Among others the project is supporting the preparation of the Nauru Utilities Corporation's (NUC) subsidiary legislation, including technical standards for solar photovoltaic (PV) systems and capacity developed on subsidiary legislation. In this context, a

consultant is needed to identify subsidiary legislation currently needed by NUC, review NUC's existing legislative framework, determine regulatory gaps, review relevant international and Pacific Island regional technical standards related to solar PV, prepare solar PV technical standards for Nauru, prepared additional NUC needed subsidiary legislation and, train relevant stakeholders on NUC's legislation including new subsidiary legislation.

### **Scope of Work**

The expected outputs of the consultancy are:

- NUC's existing regulatory framework reviewed including subsidiary legislation which may currently be needed identified.
- NUC's regulatory gaps determined.
- Relevant international and Pacific Island region technical standards related to solar photovoltaic energy based generation reviewed.
- Solar photovoltaic technical standards for Nauru prepared.
- Additional NUC needed subsidiary legislation prepared.
- Relevant stakeholders trained on NUC's legislation including new subsidiary legislation.

Activities for the consultancy will include, but not necessarily be limited to the following (in relation to specific deliverables):

### **INCEPTION NOTE**

- Study and review relevant background material;
- Preliminary identify key project stakeholders;
- Write-up a note comprising: a) the successful Contractor's understanding of the consultancy and associated tasks; b) final proposed work plan for the consultancy; c) identification of issues crucial to the viability of the consultancy; and d) comments on this TOR. Subsequently, if required and approved by the UNDP Pacific – Fiji Office, the Department of Commerce, Industry & Environment (DCIE), Government of Nauru and NUC, activities can be elaborated, modified, etc.

### **DEBRIEFING NOTES**

- Write-up a note for three (3) missions to Nauru summarizing key findings and recommendations vis-à-vis successful completion of this consultancy (the main purpose of the first visit is information gathering; the main purposes of the second visit are to present draft NUC subsidiary legislation including proposed new ones and facilitate feed-back from key stakeholders; and, the main purpose of the third and final visit is to train relevant stakeholders in Nauru on NUC's subsidiary legislation including new subsidiary legislation).

### **REVIEW REPORT OF NAURU UTILITY CORPORATION'S SUBSIDIARY LEGISLATION**

- Consult relevant stakeholders including NUC, DCIE and the Department of Justice and Border Control (DJBC);
- Read relevant documents on Nauru's energy sector, including Nauru Utilities Corporation Strategic Plan 2015 to 2020, Legislative Gap Analysis Report - Nauru Energy Sector and the Nauru Energy Road Map 2018 to 2020;
- Identify subsidiary legislation currently needed by NUC, including specific aspects (e.g. right of access to customers premises, metering, payment of bills, fraud, national electricity code, etc.);
- Read existing primary legislation related to NUC, specifically the Nauru Utilities Corporation Act 2011 and the Nauru Utilities Corporation (Amendment) Act 2016 (both available on Nauru's Online Legal Database);
- Review the Nauru Utilities Corporation Regulations 2012, covering Advisory Committee and recovery of fees from post-paid customers (available on Nauru's Online Legal

Database);

- Review existing draft NUC subsidiary legislation, specifically NUC Power System Rules and Regulations (consisting of 30 sections, totaling 42-pages); and,
- Based on findings from the above-mentioned activities, detail NUC's current regulatory gaps.

#### **REVIEW REPORT OF EXISTING RELEVANT INTERNATIONAL AND PACIFIC ISLAND REGION TECHNICAL STANDARDS RELATED TO SOLAR PHOTOVOLTAIC ENERGY BASED POWER GENERATION**

- Consult relevant national, international and Pacific Island region agencies, including select Pacific Island power utilities, Pacific Power Association (PPA) and the Sustainable Energy Industry Association of the Pacific Islands (SEIAPI);
- Identify relevant aspects to be covered by NUC technical standards for solar PV, such as component specifications, overall system design, installation, etc.;
- Review relevant existing Pacific Island region voluntary and mandatory technical standards related to solar (PV) photovoltaic energy, including SEIAPI's Grid-connected PV Systems – System Design Guidelines and SEIAPI's Grid-connected PV Systems – System Installation Guidelines for Pacific Islands; and,
- Assess the pros and cons of the following approaches to the development of solar PV technical standards for Nauru: i) adopting existing international or Pacific Island region technical standards for solar PV; 2) modifying existing international or Pacific Island region technical standards for solar PV; or iii) preparing regulations from scratch. Based hereon, recommend the most suitable approach.

#### **DOCUMENT WITH SOLAR PHOTOVOLTAIC TECHNICAL STANDARDS FOR NAURU**

- Consult relevant stakeholders, including NUC; and,
- Among others based on the results from the Review Report of Existing Relevant International and Pacific Island Region Technical Standards related to Solar Photovoltaic Energy Based Power Generation, prepare written solar PV technical standards for Nauru.

#### **DOCUMENT WITH ADDITIONAL NUC SUBSIDIARY LEGISLATION**

- Consult relevant stakeholders, including NUC and DJBC;
- Read the 2015 Nauru Legislative Drafting Manual;
- Prepare the draft version of additional NUC subsidiary legislation for instance in the form of updated NUC Power System Rules and Regulations. Specifically, draft the subsidiary legislation to address the identified regulatory gaps;
- Plan one consultation workshop (1/2 day) to present for feed-back the draft version of additional NUC subsidiary legislation;
- Facilitate the consultation workshop and record feed-back from participants; and,
- Based on the results from the above-mentioned activities, prepare final additional NUC subsidiary legislation.

#### **TRAINING MATERIALS ON NUC'S SUBSIDIARY LEGISLATION**

- Plan one training workshop (1-day) on NUC's final subsidiary legislation, including solar PV technical standards;
- Prepare training materials for the workshop, specifically a comprehensive PowerPoint; and,
- Undertake the training workshop.

#### **Resources Provided**

Department of Commerce, Industry & Environment, Government of Nauru

- Desk space and access to phone (local calls).
- Local transport.

- Venue for the two workshops.
- Relevant information including documents.
- Comments on draft deliverables.

#### Nauru Utilities Corporation

- Relevant information including documents.
- Comments on draft deliverables.

#### Department of Justice and Border Control, Government of Nauru

- Relevant information including documents.
- Comments on draft deliverables.

#### UNDP

- Catering costs for the two workshops.
- Background information including documents.
- Comments on draft deliverables.

### **Supervision/Reporting**

The consultant will be contracted by UNDP, including report to the Team Leader Resilience and Sustainable Development (RSD), UNDP Pacific – Fiji Office (or his/her designate).

### **Requirement for Qualifications & Experience**

- University degree (or equivalent) in engineering or other field relevant to the tasks required.
- Substantial, relevant and practical working experience with electricity sector regulation, including preparation of written regulations.
- Substantial, relevant and practical working experience with the preparation of technical standards for solar photovoltaic (PV) power generation.
- Substantial, relevant and practical working experience in Small Island Developing States (SIDS) and/or other developing countries. Working experience in Nauru is an asset.
- Excellent working knowledge of English.

### **Proposal Requirements**

#### Technical Proposal

- A statement of how the applicant meets the qualifications and experience requirements.
- A complete signed UNDP Personal History Form (P11).
- Proposed methodology/approach including preliminary work plan (covering deliverables, key activities and due dates).

#### Financial Proposal

- A completed Offeror's Letter to UNDP Confirming Interest and Availability for the Individual Contractor (IC) Assignment including Annex A: Breakdown of Cost by Components.

Consultant must send a financial proposal based on a **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the Individual Consultants (IC's) duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs. In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources. In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs

including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the IC, prior to travel and will be reimbursed.

### Payment Schedule

Deliverable	Percentage of Total Price (Weight for payment)	Due Date
Final version of Inception Note	15	To be determined (TBD) based on proposed work plan.
Final version of Review Report of Nauru Utility Corporation's Subsidiary Legislation	20	TBD
Final version of Review Report of Existing Relevant International and Pacific Island Region Technical Standards related to Solar Photovoltaic Energy Based Power Generation	15	TBD
Final version of Document with Solar Photovoltaic Technical Standards for Nauru	20	TBD
Final version of Document with additional NUC Subsidiary Legislation	30	TBD
<b>Total</b>	<b>100%</b>	

### Evaluation

The proposals will be evaluated using the cumulative analysis method with a split 70% technical and 30% financial scoring. The proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below.

When using this weighted scoring method, the award of the contract may be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable, and
- b) Having received the highest score out of the pre-determined set of weighted technical and financial criteria specific to the solicitation.

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

	Points	Percentage
<b>Qualifications</b>		10%
Minimum university degree (or equivalent) in engineering or other field relevant to the tasks required	10	
<b>Experience</b>		40%
15 years of experience with electricity sector regulation, including preparation of written regulations	15	
Extent of experience with the preparation of technical standards for solar photovoltaic (PV) power generation	15	

Extent of experience in Small Island Developing States (SIDS) and/or other developing countries	10	
<b>Quality of Proposal</b>		20%
Quality and soundness of the proposed methodology/approach	10	
Realistic work plan including time schedule	10	
<b>Technical Criteria</b>		70%
**If necessary interviews shall also be conducted as part of the technical evaluation to ascertain best value for money.		
<b>Financial Criteria – Lowest Price</b>		30%
<b>Total</b>		<b>100%</b>

Offerors must send the following documents.

**i) Signed P11 form including names of at least 3 referees**

**ii) Cover letter setting out:**

A statement of how the applicant meets the qualifications and experience requirements.

Proposed methodology/approach including preliminary work plan (covering deliverables, key activities and due dates).

**iii) Completed template for confirmation of Interest and Submission of Financial Proposal**

Consultant must send a financial proposal based on a **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs.

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

*The P11 form and Template for confirmation of interest and Submission of Financial Proposal is available under the procurement section of UNDP Fiji website ([www.pacific.undp.org](http://www.pacific.undp.org))*

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**Women candidates are encouraged to apply**