

REQUEST FOR EXPRESSIONS OF INTEREST
CONSULTING SERVICES

Selection # TT-T1087-P001

Selection Method: Simplified Competitive Selection

Country: *Trinidad and Tobago*

Sector: *INE/ENE*

Funding – TC #: **ATN/OC-17938-TT**

Project #: *TT-T1087-P001*

TC name: **Building the Regulatory Regime for the Development of Utility Scale Renewable Energy Generation**

Description of Services:

The Inter-American Development Bank (IDB) is executing the above mentioned operation. For this operation, the IDB intends to contract consulting services described in this Request for Expressions of Interest. Expressions of interest must be delivered using the IDB Portal for Bank Executed Operations (<http://beo-procurement.iadb.org/home>) by: *April 24th, 5:00 P.M.* (Washington D.C. Time).

The consulting services (“the Services”) include

- a. *Development of a licensing Framework for Renewable Energy that includes a draft Licence for utility scale Renewable Energy inclusive of (i) application procedures (ii) Issue, termination, variation and suspension procedures (iii) terms and conditions of licences generally (iv) forms and fees (v) prescribing sanctions for non-compliance.*
- b. *The development of a gap analysis and best practice recommendations based on the RIC Act regarding electricity service providers, those under the RIC Act and otherwise.*
- c. *The expected duration in total is three (3) months.*

Eligible consulting firms will be selected in accordance with the procedures set out in the Inter-American Development Bank: *Policy for the Selection and Contracting of Consulting firms for Bank-executed Operational Work* - GN-2765-1. All eligible consulting firms, as defined in the Policy may express an interest. If the Consulting Firm is presented in a Consortium, it will designate one of them as a representative, and the latter will be responsible for the communications, the registration in the portal and for submitting the corresponding documents.

The IDB now invites eligible consulting firms to indicate their interest in providing the services described below in the *draft summary* of the intended Terms of Reference for the assignment. Interested consulting firms must provide information establishing that they are qualified to perform the Services (brochures, description of similar assignments, experience in similar conditions, availability of appropriate skills among staff, etc.). Eligible consulting firms may associate in a form of a Joint Venture or a sub-consultancy agreement to enhance their qualifications. Such association or Joint Venture shall appoint one of the firms as the representative.

- *Team members of the consultancy firm must be a citizen of one of the IDB’s 48 member countries and have no family members currently working at the IDB Group.*

Interested eligible consulting firms may obtain further information during office hours, 09:00 AM to 05:00 PM, (Washington D.C. Time) by sending an email to: [jjaimeso@iadb.org ; dalej@iadb.org ; priyar@iadb.org]

Inter-American Development Bank

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TERMS OF REFERENCE

Technical consultancy for the development of the Draft Licence document and related processes for utility scale Renewable Energy interconnected to the national electricity grid.)

Country: Trinidad and Tobago

Project Number: TT-T1087

Building the Regulatory Regime for the Development of Utility Scale Renewable Energy Generation

1. Background and Justification

- 1.1.** The Government of the Republic of Trinidad and Tobago (GORTT) has embarked on a strategy to diversify its current energy matrix from hydrocarbons to include renewable energy (RE). Since the inception of the Regulated Industries Commission (RIC) Act the entities listed in the First Schedule have been deemed to be licensed pursuant to the RIC Act. Additionally, in order to ensure certainty for entities which may wish to apply for a license to operate pursuant to the RIC Act, matters such as the procedure for making applications for licences must be provided for via the necessary subsidiary legislation. Other matters such as the drafting of Licence, the determination of the relevant application fees, the format of the relevant administrative documents, including the licences themselves, are required.
- 1.2.** The strategy is aimed at: (i). meeting its international commitments vis-a-vis the Paris Agreement, to have at least 10% of its energy be derived from renewable energy; (ii). reducing the domestic reliance on hydrocarbons; (iii). reducing the fiscal transfers from GORTT to the state agency responsible for generation, transmission and distribution of electricity (TTEC).
- 1.3.** In this effort to diversify the energy matrix there is a need to amend key legislation to facilitate utility scale renewable energy providers the ability to supply energy in Trinidad and Tobago. To this end, the Regulated Industries Act and the T&TEC Act will require review so as to ensure that a regulatory framework is developed, that would allow for the generation of electricity from renewable energy sources.
- 1.4.** The main challenge is to ensure that development of the regulatory framework and legislative amendments are completed, approved and operationalized in a timely manner to support new producers and these are harmonized with the Purchasing Power Agreements.

2. Objectives

2.1 The objectives of the consultancy are:

- i. Development of a licensing Framework for Renewable Energy that includes a draft Licence for utility scale Solar Energy inclusive of (i) application procedures (ii) Issuance, termination, variation and suspension procedures (iii) terms and conditions of licences generally (iv) forms and fees and (v) prescribing sanctions for non-compliance.

Development of a gap analysis and best practice recommendations based in the first instance, on the RIC Act regarding electricity service providers, those under the RIC Act and otherwise. This gap analysis should also include a review of the T&TEC Act and any associated legislation regarding electricity service providers regarding the licensing of same to address any gaps or inconsistency that may exist between this legislation and the RIC Act.

3. Scope of Services

3.1. This consultancy is expected to be conducted by an international/national consulting firm or association of international/national firms with, at least, 7 years of specific experience in:

- RE sector Licence development for utility scale providers.
- Legislative drafting
- Regulations and norms development.
- Previous experience in elaborating policy related documents in other countries, preferably in the Latin America and Caribbean region.
- Familiarity with the energy sector in Trinidad and Tobago.
- Familiarity with the environment and social impact assessment (ESIA) requirements in Trinidad and Tobago, as well as the best practices for ESIA.

3.2. The firm will provide experienced technical teams with experience in RE regulations and development in utility scale solar PV generation plants. The firm, and its team, should also be competent in legal review and development of legislation documents.

4. Key Activities

4.1. Under guidance of the Regulated Industries Commission (RIC), the consultancy must:

- Review the Regulated Industries Commission Act, identify any gaps in the legislation and provide recommendations with respect to the criteria set out within the said Act regarding the establishment of a Licence framework for the Service listed as item 1 in the Second Schedule of the RIC Act with emphasis on Renewable Energy.
- Review the T&TEC Act and any associated legislation, regarding electricity service providers regarding the licensing of same to address any gaps or inconsistency that may exist between this legislation and the RIC Act and provide recommendations for the amendment of same so as to achieve consistency with the provisions of the RIC Act for the licensing of such electricity service providers.
- Analysis of best practice regarding licensing schemes on Renewable Energy.
- Draft the Licence document for utility scale RE generation interconnected to the

- national grid inclusive of: i) application procedures; ii) issuance, termination, variation, cancelation and suspension procedures; iii) terms and condition of licenses generally; iv) licensing forms and fees; and v) prescribing sanctions for non-compliance. (see the section 6. Deliverables for a more comprehensive scope of the Draft Licence)
- The component includes the development of regulations, norms and documents that will enable RIC, in accordance with the existing Act, to recommend granting Licences for utility scale RE projects, as well as the identification of required prior licensing permits from other relevant stakeholders in T&T (i.e. Environmental Management Authority (EMA), T&TEC, MEEI, others) and the identified processes to be followed.

5. Expected Outcome and Deliverables

5.1. The expected deliverables are as follows:

- Deliverable 1: A detailed inception report and action plan for the consultancy with accompanying timeline.
- Deliverable 2: Review of RIC & T&TEC Act and any associated legislation, identify gaps for Licensing electricity service providers and draft suggested language for regulations pertaining to same as per the RIC Act and recommended amendments.
- Deliverable 3: Develop an overall Renewable Energy (RE) Licence Framework
- Deliverable 4: Develop a Draft Licence document for utility scale Solar generation interconnected to the national grid inclusive of:
 - i. Procedure for the Minister of Public Utilities
 - ii. Define compliance documentation required, including Forms with legal/ technical documentations, endorsement
 - iii. Recommended fees
 - iv. Minimum License conditions:
 - Issuance, compensations, sanctions
 - Minimum standards/guidance for ESIA's for Utility Scale Solar PV with storage projects.
 - Procedures in case of refusal of licence by the Minister
 - v. Procedures for RIC supervision: Inspection of the accounts, books, papers, records and documents of the service provider at any reasonable time as well as allowance of entry onto the service provider's premises
 - vi. Recommendation on consultation process applicable as per Sec. 39(3) of the RIC Act
 - vii. Terms and conditions of the License (inclusive of):
 - Definitions
 - The Exact Service governed by the License (in this case a solar generator, with storage)
 - Duration and renewals
 - Arrangements of continuity of the service provider in the event of default or bankruptcy of the licensee
 - Variations
 - The procedure for enforcement of the License. (this includes the penalties, suspension, termination, events of default, events of abandonment, surrender of License, compliance with rules, Renewal and the such)

- Cancellation/Suspension
 - Rules of interconnection with T&TEC * (technical standards)
 - The procedures, principles and mechanisms relating to compensation of the Service Provider / Seller of the energy produced.
 - Additional content as deemed necessary by the Minister as per section 40b (v) of the RIC Act
 - Outline enforcement of terms and conditions and sanctions
 - Quality of service standards
 - Allowance of entry onto the service provider’s premises by the Regulated Industries Commission
 - Minimum. quality service Standards (linked to PPA)
- viii. Furnishing of information to the RIC, including any return of information, any answer to any question submitted by the RIC, any information required by the RIC. Penalty for willfully furnishing incorrect information.
- ix. Recommendations for resolutions of dispute. Entities to be employed for dispute resolution between buyer and seller.
- x. Recommendations for revising appeals processes.
- xi. Recommendations for arrangements for continuity of the service in the event of default or bankruptcy.

- Deliverable 5: Stakeholder consultation presenting the consultancy results.

6. Project Schedule and Milestones

Deliverable	Timeline
1. Deliverable 1	To be defined
2. Deliverable 2 and 3	To be defined
3. Deliverable 4.i to 4.vi	To be defined
4. Deliverable 4.vii to 4.xi	To be defined
5. Deliverable 5	Expected after 2.5 months contract signature

- The expected duration in total is three (3) months.

7. Reporting Requirements

- The Consultant will report directly to the IDB Energy Specialist and will work in close coordination with the RIC and MPU teams. The Consultant, the RIC, MPU and IDB will meet after the submission of each deliverable to discuss what work was done, what work is still required to do and were there any impediments. These meetings will be used to determine whether there are any changes to the original Action Plan and Timeline and corrective actions to ensure completion.
- All deliverables shall be submitted to the IDB.
- Every report must be submitted to the Bank in an electronic file. Zip files will not be accepted as final reports, due to Records Management Section regulations.
- Reports are to be submitted in English.

8. Acceptance Criteria

- Quality of technical proposal, including quality of the proposed approach and methodology.
- Understanding of, and responsiveness to, provided guidelines, namely, scope, objectives and desired outcomes.
- Overall accordance between requirements and the proposal.
- Relevant experience, skills and competencies, as showcased by a sound portfolio.
- Professional expertise, knowledge and experience with similar projects, contracts, clients and consulting assignments.
- Professional experience and qualifications of expert team members (CVs need to be attached to the proposal)
- Work will be accepted and approved by the IDB team, as defined in the Supervision and Reporting section of this document. This acceptance and approval will be communicated by the IDB via electronic mail (e-mail). Upon approval, payment tied to each deliverable will be released.

9. Other Requirements

- Fluency in written and oral English of all expert team members is required, as well as a good track record of business writing.
- Expertise required for the Consultant's team of experts:
 - RE Technologies and governing framework (5 years' experience)
 - Utility Scale Solar PV Power Generation Expert (5 years' experience).
 - Electricity Expert (5years experience)
 - Legal expert in regulation/norms development (5 years' experience).
 - Legal expert with legislative drafting experience (5 years' experience).
 - Environmental impact assessments (5 years' experience)
- The Firm must present a detailed workplan inclusive of:
 - Dates for progress reporting.
 - Detail working days of the assigned team of experts.
- Team members of the consultancy firm must be a citizen of one of the IDB's 48 member countries and have no family members currently working at the IDB Group.
- Type of contract and Modality: Consultancy Firm, Lump Sum.

10. Supervision and Reporting

The Consultant will report directly to the IDB Energy Specialist and will work in close coordination with the RIC and MPU teams. The Consultant, the RIC, the MPU and IDB will meet after the submission of each deliverable to discuss what work was done, what work is still required to do and were there any impediments. These meetings will be used to determine whether there are any changes to the original Action Plan and Timeline and corrective actions to ensure completion. All deliverables shall be submitted to the IDB. Every report must be submitted to the Bank in an electronic file. Zip files will not be accepted as final reports, due to Records Management Section regulations.

11. Schedule of Payments

Payment terms will be based on the consultancy deliverables stated above. The Bank does not expect to make advance payments under consulting contracts unless a significant amount of travel is required. The Bank wishes to receive the most competitive cost proposal for the services described herein.

The IDB Official Exchange Rate indicated in the RFP will be applied for necessary conversions of local currency payments.

Payment Schedule	
Deliverable	%
1. Deliverable 1	10
2. Deliverable 2 and 3	20
3. Deliverable 4.i to 4.vi	30
4. Deliverable 4.vii to 4.xi	30
5. Deliverable	10
Total	100