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**Country:** Bahamas

**Institution:** Inter-American Development Bank

**Sector:** Miscellaneous/Consulting Services

**Deadline:** 26 September 2014

**Status:** Published

**Loan N°/Financing:** BH-L1016

**Project:** Trade Sector Support Programme

**Title:** Consultancy For Legislative Drafting For a World Trade Organization Technical Barriers to Trade Agreement Compliant Standards Regime

## TERMS OF REFERENCE FOR CONSULTANCY FOR LEGISLATIVE DRAFTING FOR A

## WORLD TRADE ORGANIZATION TECHNICAL BARRIERS TO TRADE AGREEMENT COMPLIANT STANDARDS REGIME

### I. BACKGROUND

1. The Government of The Bahamas signed its first reciprocal trade agreement, the Economic Partnership Agreement (EPA), between CARIFORUM (CARICOM + the Dominican Republic) and the European Union in October 2008. The EPA requires Signatory States to be compliant with the World Trade Organization (WTO) on Technical Barriers to Trade (TBT Agreement). The Bahamas, along with the other countries of CARICOM are also negotiating a free trade agreement with Canada which is expected to restate the commitments of the TBT Agreement. Additionally, The Bahamas is expected to have the legislation and administrative practices compliant with the TBT Agreement prior to accession to the WTO.

2. There are several pieces of legislation in The Bahamas relevant to WTO TBT Agreement. These include The *Weights and Measures Act*, which establishes reference standards and makes provisions for testing and inspection. It also sets legal units of measurement, prohibits deceptive packaging and provides for penalties for abuse. The *Standards Act* calls for a Bureau of Standards to promote and encourage standardization of commodities, processes and practices, including agriculture. The *Consumer Protection Act* contains provisions to prohibit the import and export of goods and the recall of any goods which are dangerous or hazardous to health and safety. The Bureau is empowered to develop standards and compulsory specifications, grant licenses and appoint inspectors. However to date the Bureau has not yet been established.

3. The Government is presently establishing The Bahamas Bureau of Standards and is amending its legislation to be compliant with its obligations under the EPA.

### II. OBJECTIVES AND SERVICES REQUIRED

4. The objective shall be for the consultant to draft amendments to the relative standards legislation to render the regime in line with international best practices and be compliant with the TBT Agreement.

### III. SCOPE OF SERVICES

5. The consultant will cooperate with the Ministry of Financial Services, Director of Trade and Industry, and Dr. Renae Ferguson-Bufford Director of Standards.

6. The consultant, in consultation with the Ministry of Financial Services, will provide the following services:

(a) Draft revisions to, as applicable, the following legislation

- (i) The Standards Act
- (ii) The Consumer Protection Act (to prevent overlap in functions)
- (ii) The Weights and Measures Act

and,

(b) Draft requisite regulations for the following legislation

- (i) The Standards Act

to render the legislation compliant with international best practices and the TBT Agreement.

7. The consultant should review all relevant sanitary and phytosanitary (SPS) legislation to ensure harmonization between the two regimes. These pieces of legislation include the following:

- (a) Food Safety and Quality Bill, 2013
- (b) Plant Protection Bill, 2013
- (c) Animal Health and Production Bill, 2013
- (d) Bahamas Agricultural Health and Food Safety Bill, 2013

### **III. REQUIRED CREDENTIALS**

8. Applicants shall have a degree in law, along with knowledge and working experience of:

- Common law system
- Legislative drafting
- Standards systems
- Metrology
- Conformity Assessment
- WTOTBT Agreement
- WTO SPS Agreement

### **IV. REPORTS AND LENGTH OF PROJECT**

9. The Consultant shall commence work as soon as practicable after the effective date of the Agreement. Within seven (7) days of the effective date of the Agreement, the Consultant shall present a work-plan detailing a brief strategy and a time-line for execution of the work, to be agreed with the Ministry of Financial Services.

10. The project should not last for longer than forty (40) working days.

11. A hardcopy of all work prepared along with a Microsoft Word electronic copy shall be submitted by courier to:

Permanent Secretary  
Ministry of Financial Services  
Manx Corporate Centre  
3<sup>rd</sup> Floor East Wing  
P. O. Box N 4843  
Nassau, The Bahamas  
Telephone (242) 328 5071-6

### **V. INFORMATION AND ASSISTANCE TO THE CONSULTANT**

12. The Ministry of Financial Services shall provide relevant support documents to the Consultant as required.

### **VI. PAYMENT SCHEDULE**

The following payment schedule will be used for this consultancy

Item	Percentage
Phase I – Submission and Approval of work plan	20%
Submission and Approval of Draft Final Report.	50%
Submission & approval of the delivery of Final Documentation with agreed changes (incorporating comments), Strategy	30%

## **VII. TYPE OF CONSULTANCY**

**7.1 Type of consultancy (Firm):** Consultants will be selected in accordance with the Selection based on the Consultant's Qualifications (CQS) procedures set out in the Inter-American Development Bank: *Policies for the Selection and Contracting of Consultants financed by the Inter-American Development Bank (GN-2350-9)* and is open to all eligible consulting firms as defined in the policies.

## **VIII. PROPOSAL SUBMISSION DEADLINES**

8.1 Proposals can be submitted electronically or by paper.

Proposals submitted electronically should contain two (2) attachments, the work proposal and the financial proposal. The work proposal will contain the working method and consultant's curriculum vitae. The financial proposal should include all costs to complete the engagement.

The subject in the email should read the following:

**“Trade Sector Support Program (Loan – BH-L1016): CONSULTANCY FOR LEGISLATIVE DRAFTING FOR A WORLD TRADE ORGANIZATION TECHNICAL BARRIERS TO TRADE AGREEMENT COMPLIANT STANDARDS REGIME**

Electronic submission should be sent to the following e-mail address:

[customsproject@bahamas.gov.bs](mailto:customsproject@bahamas.gov.bs)

Proposals posted through normal mail or hand delivered should be sent to the following address:

Procurement Officer,  
Trade Sector Support Program, Customs Headquarters,  
P.O. Box N 155 Thompson Blvd., Nassau,  
The Bahamas.

As with the electronic version the envelope should contain the following text:

**“Trade Sector Support Program (Loan – BH-L1016): CONSULTANCY FOR LEGISLATIVE DRAFTING FOR A WORLD TRADE ORGANIZATION TECHNICAL BARRIERS TO TRADE AGREEMENT COMPLIANT STANDARDS REGIME.**

The closing date for receipt of submissions is 4.00pm, (Nassau, The Bahamas Time) Friday 26th September, 2014