



ORGANISATION OF EASTERN CARIBBEAN STATES THE COMMISSION

CONSULTING SERVICES

COUNTRY:	Regional
NAME OF PROJECT:	Eastern Caribbean Energy Regulatory Authority Project
IDA CREDIT NO.:	4935-GD; 4936-LC
ASSIGNMENT TITLE:	Individual Consultant for the position of <u>Executive Director of the Eastern Caribbean Energy Regulators Agency</u>
PROJECT ID NUMBER:	P101414
BID REFERENCE:	ECERA-REOI-1/2016 (Re-advertisement)

REQUEST FOR EXPRESSIONS OF INTEREST

The Governments of Grenada and Saint Lucia (“Beneficiary Countries”) have received financing from the World Bank towards the cost of the Eastern Caribbean Energy Regulatory Authority (ECERA) Project, and intend to apply part of the proceeds for an *Individual Consultant for the position of Executive Director of the Eastern Caribbean Energy Regulators Agency*.

The consulting services (“the Services”) involve the administration of the Eastern Caribbean Energy Regulators’ Agency (ECERA), a new entity that will be established as a non-profit organisation under the Companies Act of Saint Lucia. This Consultancy will be implemented over a period of twenty-four (24) months or such other period as may be determined. The expected commencement date is January 2017 and completion date is December 2018. The Scope of Services includes:

- a) The day-to-day management of ECERA;
- b) Provision of technical advice to national regulatory authorities on regulatory matters concerning the electricity sector, including industry performance, tariff setting, benchmarking and private sector engagement; and
- c) Supporting the ECERA Board of Directors on all corporate governance matters.

The Terms of Reference (TOR) will be provided upon request sent to ecera@oecs.org.

The Organization of Eastern Caribbean States (OECS) Commission, acting on behalf of the Beneficiary Countries, now invites eligible individual consultants to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. A shortlist will be developed based on comparison of Consultants Curriculum Vitae using the following selection criteria:

- a) Advanced university degree (at least M.Sc. or equivalent) in the area of Engineering /Business Administration/ Economics / Utilities Regulation/ Finance / Accounting or other relevant post graduate qualifications – **15 points**.
- b) Bachelor’s degree in Electrical Engineering/ Economics/ Financing or any discipline relating to utility regulation – **10 points**.

- c) Minimum 20 years' experience in an electric utility or in a regulatory authority with at least 10 years in an executive position – **30 points**.
- d) Comprehensive knowledge of all regulatory activities related to the electricity industry – **25 points**.
- e) Experience in the execution, management and supervision of donor funded projects (preferably World Bank financed) - **10 points**.
- f) Experience in the OECS Electricity / Energy Sector – **10 points**.
- g) Experience in working and collaborating with governments – **10 points**.
- h) Analytical, communication, interpersonal, networking and leadership skills – **10 points**.
- i) Experience in corporate governance – **10 points**.

The attention of interested Consultants is drawn to paragraph 1.9 of the World Bank's Guidelines: *Selection and Employment of Consultants by World Bank Borrowers, May 2004, Revised October 1, 2006 & May 1, 2010 ("Consultant Guidelines")*, setting forth the World Bank's policy on conflict of interest.

Selection of an Individual Consultant will be guided by the Part V of the World Bank's Guidelines: *Selection and Employment of Consultants by World Bank Borrowers, May 2004, Revised October 1, 2006 & May 1, 2010 ("Consultant Guidelines")*.

Such rules provide for an Individual Consultant to be selected based on a comparison of the CVs of at least three shortlisted Consultants. Short-listed candidates will be interviewed to assess their suitability and competency. The top ranked consultant may be required to submit a Cost Proposal and Methodology / Action Plan which will form the basis for negotiations.

Expressions of interest must be delivered electronically by 4:00 pm (16:00 hours) Eastern Caribbean time on **Tuesday October 25, 2016** to the email address ecera@oecs.org. Please make the subject line of any email communication on this matter: **"EOI – Executive Director, ECERA"**.

The OECS Commission and / Beneficiary Countries are not bound to accept any Expression of Interest received and may cancel this process at any time prior to the award of contract without liability. Interested candidates that do not comply with the requirements set out in this Invitation may be disqualified.

Further information can be obtained at the address below during office hours 9:00 am to 4:00 pm (09:00 to 16:00 hours) Eastern Caribbean time.

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Eastern Caribbean Energy Regulatory Authority (ECERA) Project
Organisation of Eastern Caribbean States (OECS) Commission
Morne Fortune
Castries, SAINT LUCIA
Tel: (758) 455 6368
E-mail: ecera@oecs.org*

TERMS OF REFERENCE:
Executive Director
Eastern Caribbean Energy Regulators Agency

A. Background Information:

1. At the 12th Meeting of the Regional Energy Committee held on January 27- 29, 2016 it was agreed that ECERA will be established as a not-for profit organisation, registered under the Companies Act in Saint Lucia.
2. The acronym “ECERA” will mean ‘*Eastern Caribbean Energy Regulators Agency*’ instead of the original name ‘*Eastern Caribbean Energy Regulatory Authority*’. It is intended that ECERA could develop into a regional energy regulatory authority in the future if conditions permit, however this new approach acknowledges that the power sector market environment in the Eastern Caribbean is not ready for the implementation of the “regional regulatory authority” approach as outlined in the original ECERA project design.
3. Resources allocated by the World Bank / International Development Association (IDA) for Part B of the ECERA Project will be utilized to operationalise ECERA, and to strengthen the National Utilities Regulatory Commission (NURC) in Saint Lucia and the Public Utilities Regulatory Commission (PURC) in Grenada. ECERA, the regional regulators’ agency, will be established as a not-for-profit organization with a lean staff structure to deliver technical assistance to the NURC and PURC, as well as national regulatory authorities (autonomous or Government line Ministries) that seek membership in ECERA.
4. ECERA will work to *inter alia*: i) develop and disseminate common/harmonized policies and regulatory materials within the Organisation of Eastern Caribbean States (OECS); ii) deliver advisory and technical assistance services; iii) support regulatory studies and provide regulatory recommendations; iv) provide training and capacity building for regulators; v) share knowledge/information on policies, procedures and regulations of the energy / electricity sector in the Eastern Caribbean; vi) promote regional cooperation mechanism; and, vii) and collect, monitor, analysis, benchmark and disseminate data/statistics on the electricity sector industry performance.
5. The terms and conditions governing ECERA’s creation will be reflected in an Agreement to be signed by the Participating Countries (PCs). The agreement will *inter alia*: i) support the flexibility of ECERA for future development (e.g., to allow for eventual expansion of ECERA’s scope and for the increase in the number of members); ii) enable institutional incorporation (via Certificate of Incorporation /Articles of Association); and, iii) provide for the ECERA’s governance system. Following drafting and endorsement by the PCs, the Agreement will be shared with other OECS member and associated states for their review and recommendations.
6. The agreement will serve as the commitment by the Member States to establish ECERA as the agency/association. However, membership in ECERA will be opened to national regulatory authorities (NRAs) within OECS Member and Associate States with mandate that include oversight of the electricity / energy sector. Such NRAs could be independent

statutory agencies or any regulatory arm within a Government line Ministry. In addition, any other regulatory authorities, and regulatory agencies/associations with oversight of the energy / electricity sector, from outside of the OECS should be allowed to participate in ECERA as associate members.

7. The official governing body of ECERA will be made up of a Board of Directors. The Executive Director - ECERA would have an Ex-Officio seat on the Board.

B. Functional Relationships:

The Executive Director will be responsible for the administration of the Eastern Caribbean Energy Regulators' Agency (ECERA) and for ensuring that ECERA effectively discharges its mandate as enshrined in Agreements, Statutes, Bye-Laws and other relevant instruments.

- i. **The position reports directly to:**
The Board of Directors for ECERA (comprised of Chief Executive Officers / Executives Directors or senior functionaries of NRAs).
- ii. **Positions reporting directly to the Executive Director:**
All Staff of ECERA
- iv. **External Contacts include:**
Policy Makers within the OECS vested with responsibility for the energy, electricity or public utilities sectors; World Bank Officials; Project Coordinating Units in PCs, OECS Officials; Consultants; Commercial Bank Representatives and External Auditors.

C. Qualification and Experience Requirements:

- i. **Education:**
 - Master's degree in Engineering /Business Administration/ Economics / Utilities Regulation/ Finance / Accounting or other relevant post graduate qualifications.
 - Bachelor's degree in Electrical Engineering/ Economics/ Financing or any discipline relating to utility regulation.
- ii. **Experience:**
 - Comprehensive knowledge of all regulatory activities related to the electricity industry, including tariff setting, energy policy and strategies aimed at efficiency and renewable energy promotion, industry performance, benchmarking, licensing, data collection and analysis and electric utility expansion plans.
 - Minimum 20 years' experience in an electric utility or in a regulatory authority with at least 10 years in an executive position.
 - Experience in the execution, management and supervision of consultancies, procurement of service / bid process management (preferably World Bank financed).
 - Experience in an area related to corporate governance, including delivering effective corporate governance advice in the private sector, preferably with experience in developing countries.

iii. Other Competencies:

- The individual must have thorough knowledge of relevant legislation (primary and secondary) and other statutory instruments governing the electricity sector in all PCs;
- The individual must have exceptionally broad-based corporate governance, financial and management information skills and the intellectual ability to be able to identify wide-ranging key program, budgetary and operational issues quickly and propose thoughtful, workable responses to those issues.
- The incumbent must be able to establish, maintain and broaden an extensive range of contacts with senior key officials of government ministries, non-governmental organizations, private sector entities – including electric utilities, and other donor agencies.
- The incumbent must also have a demonstrated ability to exercise his/her responsibilities and plan and execute work assignments independently, be a skilled communicator in English, be able to work under pressure and produce high-quality results quickly, and be able to predict issues of concern and interact directly at the highest operational levels of the regional governments.
- The incumbent must have strong analytical, communication, interpersonal, networking and leadership skills, and the ability to prepare and present factual and interpretative reports covering complex subject matters.
- Excellent command of software programs for e-mail, word processing, spreadsheets, databases, project and graphics presentations is a highly desirable.

D. Duties and Responsibilities:

- Serve as Advisor to the NRAs on regulatory matters concerning the electricity sector, including industry performance, tariff setting, benchmarking and private sector engagement;
- Prepare the annual work programme, annual operating budget and procurement plan of ECERA for presentation to the Board and, once approved by the Board, implement in a timely manner;
- Organise periodic meetings of the Board and implement the directives;
- Carry out the functions of Corporate Secretary to the Board;
- Subject to the Board approval, enter into contracts on behalf of ECERA;
- Supervise the ECERA staff, and make recommendations to the Board on the hiring and termination of staff members;
- Delegate to the staff of ECERA such of his / her powers as are necessary for the efficient and effective management of ECERA;
- Manage the day-to-day operations of ECERA;
- Ensure the efficient use and management of the resources of ECERA;
- Prepare recommendations, advisories, reports, and other documents on behalf of ECERA on the performance of its functions, including quarterly reports to the World Bank;
- In collaboration with the Project Coordinating Units in Grenada and Saint Lucia, undertake procurement activities including preparation of Terms of Reference and Request for Proposals, select service providers, project manage such service providers, i.e. review and monitor the progress and outputs, establish feedback and evaluation mechanism on behalf of Contracting States and their national regulatory authorities;

- Provide technical and policy assistance related to the energy sector and ensure harmonisation of policies and regulations on a national and regional level and develop technically- and economically-sound projects;
- Co-ordinate with NRAs and collect and disseminate to the NRAs statistics and data required in decision-making for the energy sector;
- Develop best practices standards on regulatory issues for the electricity sector;
- Develop and advise on penalty schemes applicable to violations of standards;
- Recommend for approval criteria/standards for determining qualifications of applicants for licenses to operate in the electricity industry;
- Develop guidelines for minimum reporting standards for electricity providers;
- Develop tools and common procurement documents to promote the introduction and use of RE generation of electricity;
- Develop standards and procedures for the interconnection of IPPs, self-generators generating electricity from RE resources and the network electricity providers to whose grids they supply electricity and assist Contracting States and their national regulator in monitoring compliance;
- Organise jointly with the Board, strategic engagement with other OECS Member States and other organisations to increase membership in ECERA;
- Prepare monthly financial statements for presentation to the Board, exercising financial control and budgetary management and coordinating the preparation of annual financial audits for ECERA;
- Oversee the preparation of, and signing, recommendations, advisories, reports, and other documents on behalf of ECERA in the performance of its functions;
- Prepare the annual reports of ECERA;
- Perform other functions that may be assigned from time to time and any additional functions described in the ECERA Establishment Agreement.

E. PROJECTED COMMENCEMENT DATE AND PLACE OF WORK

- The projected commencement date is January 2017; and
- The Consultant will be required to perform the duties in Saint Lucia and / or Grenada with travel to other OECS Countries.