

Strategic Public Sector Transformation Project

Terms of Reference for Consultancy for Transition of Jamaica's standards system to one which utilizes *Standards and Technical Regulations*

1. Background

1.1 The Project

The Government of Jamaica (GOJ) has received loan financing from the International Bank for Reconstruction and Development (IBRD) towards the cost of the Strategic Public Sector Transformation Project (SPSTP). The Project Development Objective (PDO) is to strengthen public resource management and support selected public sector institutions in facilitating a more enabling environment for private sector growth. The project has 6 components divided into 2 thematic areas.

The first thematic area of the proposed intervention seeks to reinforce fiscal discipline and revenue enhancement through four main components: (a) Strengthening the Public Investment Management System (PIMS); (b) Strengthening the Budget Preparation Process and Results Based Budgeting (c) Adaptive Public Sector Approaches to Promote Fiscal Sustainability and Project Management; (d) Strengthening Property Tax Compliance and Administration.

The second thematic area seeks to support those institutions that sit at the interface between the public and private sectors: Bureau of Standards of Jamaica (BSJ) and Jamaica Customs Administration (JCA) through component 5, Fostering Industrial Growth and Trade Facilitation, that will support strategic public sector institutions essential to creating an enabling environment for the private sector. The management of the project makes up the sixth component.

1.2 Component V. Fostering Industrial Growth and Trade Facilitation

The main objective of this thematic area is the development and implementation of an integrated border clearance process through an National Single Window mechanism in which Customs and the participating border agencies will eliminate sequential interventions/inspections and either conduct joint inspections or delegate discrete primary functions to Customs.

This component will support the BSJ in the re-engineering of the business processes related to the importation, exportation, and transit of goods in participating agencies with the aim of simplifying and automating them to the extent possible in order to produce significant reduction in release time of goods and in costs to the trading community. In this regard Jamaica's system for regulatory action in relation to the import/export of goods and services will be restructured; the regulatory capabilities along with the standards and quality services capabilities of the country will be enhanced.

1.3 Bureau of Standards Jamaica(BSJ) and National Compliance and Regulatory Authority (NCRA)

The BSJ is a multi-functional institution governed by the Standards Act 1968, The weights and Measures Act of 1976 and the Processed Foods Act of 1959. The BSJ also has responsibilities under other national

legislation such as the Petroleum Quality Control Act and the Customs Act. Under these legislations the BSJ functions as the National Standards Body, National Metrology Institute, a primary national conformity assessment entity and a significant national regulatory entity.

The fulfilment of these functions carries inherent conflicts which have resulted in the dominance of one function to the detriment of the others over time. This in turn has had a negative effect of economic development with local industries being starved of quality and standards services needed for their development of competitive advantage in the global market.

Over the years of its existence the BSJ has supervised the implementation of a 2-tiered standards system in which *Voluntary Standards* and *Compulsory Standards* were promulgated. The BSJ then carried regulatory activities (more or less) against the compulsory standards and almost all products were required to comply with one compulsory standard (such as labelling standards) or another. Recognizing that this system is not compliant with the WTO TBT Agreement and has resulted in the stifling of industry over the years, the Government is now taking the steps to remove these barriers to economic growth, and to implement a system which is compliant with the WTO TBT and SPS agreements.

Under component 5 of the project, the regulatory function of the BSJ has been removed and vested in a new entity named National Compliance and Regulatory Authority (NCRA) by Cabinet Decision # 403MIIC-25/15 which has also made provision for the drafting of appropriate legislation to effect the legal transfer of all regulatory functions from the BSJ to the NCRA. In addition the Government will be working to transition the *voluntary* and *compulsory standards* system to the WTO compliant system of *Standards and Technical Regulation*. In this regard, the terms Standards and Technical Regulations are defined as per the meaning accepted by the WTO:

Standards - **Standards are documents that are approved by a recognized body**, that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, **with which compliance is voluntary**.

Technical Regulations - **Technical regulations are documents**, which lay down product characteristics or their related processes and production methods, including the applicable administrative provisions, **with which compliance is mandatory**. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method.

2. Purpose of the Consultancy

Under Component 5, for the support and strengthening of the Bureau of Standards Jamaica (BSJ), the GOJ intends to apply part of the proceeds of the IBRD loan towards payments under a consultancy contract for the transitioning of Jamaica's system of *Voluntary and Mandatory Standards* to a system of *Standards and Technical Regulations*. The programme for this transition shall be developed and shall include:

- (a) The preparation of Jamaica's Code of Practice for the Preparation, Adoption, and Application and Review of Technical Regulations

- (b) Training of all relevant Government Ministries, Departments and Agencies (MDAs) in the use of the Code of Practice
- (c) The training of relevant MDAs in Regulatory Impact Assessment
- (d) The preparation of a pilot project for the development/adoption of selected Technical Regulations in two (2) key sectors.
- (e) Training of MDAs in the preparation of Technical Regulations

3. Selection of the Consultancy

A consultant with the requisite qualifications and experience will be engaged following Individual Consultant Selection (ICS) procedures in accordance with the latest edition of the World Bank's Procurement Guidelines.

4. Characteristics of the Consultancy

4.1 Type of Consultancy: An individual consultant is required.

4.2 Starting Date and Duration: The Consultant is expected to provide the required services working for **approximately 100 days** over a period of **9 months**. The start date for the consultancy is expected to be **January 2017**.

4.3 Place of Work: The consultant will be based at the main offices of the Bureau of Standards Jamaica in Kingston and will consult with MDAs, NQI core entities and stakeholders across the country in the execution of the consultancy.

4.4 Qualifications and experience required for the Consultancy:

The consultant to be engaged for this contract shall possess the qualifications listed in (a) – (f) below:

- (a) Bachelors Degree in Engineering or Physical Sciences
- (b) . At least 5 years experience in the development/drafting of standards and or Technical Regulations
- (c) Training in Regulatory Impact Assessment
- (d) At least 3 years working with the application of the WTO TBT and SPS agreements on a national/regional level.

5. Scope of Services

Reporting to the Technical Coordinator the Consultant is required to:

1. Consult with the Technical Coordinator, key stakeholders of the NQI (Standards, Metrology, Accreditation, Conformity Assessment), Relevant senior legal and technical experts in MDAs for their input and guidance in the execution of the consultancy.
2. Prepare and provide to the Technical Coordinator, a plan for the execution of the consultancy

3. Prepare critical review report on the content of Jamaican voluntary and mandatory standards vis-a-vis the WTO TBT and SPS agreements.
4. Prepare draft Jamaican code of practice for the preparation, adoption, and application of Technical Regulations.
5. Provide training for central and local government regulatory departments, regulatory agencies, NQI entities and Technical committees on the Technical Regulations code of practice. The training shall include orientation on international best practices for the new paradigm.
6. Conduct Regulatory Impact Assessment (RIA) training for all regulatory entities and the drafters of technical regulations. Training to include the address of all economic, social and other effects of the findings of such assessments.
7. Develop a programme for transition of the Jamaican system to Mandatory Technical regulations and voluntary standards.
8. Prepare a Pilot Project for the development and implementation of Technical Regulations in two (2) regulated areas of trade
9. Conduct, and participate in, sensitization activities for stakeholders of new Technical Regulations
10. Provide training for central and local government regulatory departments, regulatory agencies, NQI entities and Technical committees in the preparation, adoption, and application of Technical Regulations.
11. Provide advice, as required, to the Technical Coordinator and Component Working Group on the execution of the consultancy.
12. Prepare and submit to the Technical Coordinator, the required reports over the duration of the consultancy

6. Reports and Deliverables

The consultant shall produce reports / deliverables including the following:

Key Deliverables
Inception report
Consultancy execution plan
Report on stakeholder consultations
Report on critical review of Jamaican voluntary and mandatory standards
Draft code of practice for Technical Regulations
Training on Technical Regulations code of practice
Training on Regulatory Impact Assessment
Pilot project for development and implementation of TRs
New Technical Regulations in 2 key areas of trade
Final Report