



ANTIGUA AND BARBUDA, Department of Environment

Request for Proposal Resilience to hurricanes in the building sector in Antigua and Barbuda (GCF Build Project)

Title	Drafting of the Physical Planning Act Regulations Consultancy
Contracting Authority	Department of Environment, Ministry of Health, Wellness and the Environment, Antigua and Barbuda
Date of Issue	8 th August 2022
Deadline:	8 th September 2022
Duration	2 months
To Apply	<p>Interested consultants or firms are invited to apply for this opportunity. Please email the Procurement Officer at DOE@ab.gov.ag and copy to antiguaenvironmentdivision@gmail.com the following:</p> <ol style="list-style-type: none">1) Cover Letter or proposal inclusive of (max 5 pages):<ol style="list-style-type: none">a. Title of Request for Proposalb. Curriculum Vitae – experience and qualification of consultant or firmc. Experience on similar projectsd. Testimonials and/or three (3) references <p>Please use email subject line: “Request for Proposal - <i>GCF Build</i> – “<i>Physical Planning Act -Regulations</i>”</p> <p><i>In the event that clarification questions are asked the answers will be found at this site:</i> https://www.environment.gov.ag/procurement-opportunities#procurements/opportunities</p>

EQUAL EMPLOYMENT OPPORTUNITY (EEO)	The Department of Environment (DoE) provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation. The DoE also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs.
RIGHTS OF ACCEPTANCE	The contracting Authority has the right not to accept any of the bids nor the lowest bids.
CONFLICT OF INTEREST REQUIREMENTS	The company receiving the contract award must sign a conflict-of-interest declaration and cannot make any payments for work done to any staff member of the DOE or the Ministry of Finance.

TERMS OF REFERENCE

I. ABOUT ORGANIZATION

The Department of Environment is an agency within the Ministry of Health, Wellness and the Environment in the Government of Antigua and Barbuda. Its overall mission is to provide technical advice on the environment and to design and implement projects on behalf of the Government and the people of Antigua and Barbuda. These interventions are designed to protect and enhance the environment, as well as seek common solutions to national, regional and global environmental challenges. The Department of Environment accomplishes its mission through:

- An integrated environmental planning and management system that prioritizes public participation and interagency collaboration,
- Efficient implementation of programs, projects and technical services,
- Providing accurate council on environmental management as well as effective and consistent enforcement of environmental laws and regulations, and
- Disseminating information and providing the public with easily accessible data on the environment.

The DOE is focused on designing high-impact, transformational projects that maximize funding directly available to the public, private and civil society actors in order to meet an ambitious environmental agenda. The DOE has an active portfolio of 13 projects, with project sizes ranging from US\$50,000 to US\$15 million, with an additional 15 projects under development. Partners of the DOE include United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), International Union for Conservation of Nature (IUCN), Caribbean Development Bank (CDB), Government of Italy, Global Environment Facility, Green Climate Fund, and the Adaptation Fund, among others. The DOE was accredited as a direct access entity

to the Adaptation Fund in 2015 and to the Green Climate Fund in 2017. The Adaption Fund (AF) is an international monetary fund established under the Kyoto Protocol of the United Nations Framework Convention on Climate Change (UNFCCC).

The AF finances projects and programmes that assist vulnerable communities in developing countries to adapt to the effects of climate change.

To learn more about the Department of Environment, please visit: <https://environment.gov.ag/en/>

II. BACKGROUND/INTRODUCTION

The GCF Build Project is a six (6) year project. The main objective of this project is to shift the country’s building sector away from reactive development – involving costly recovery actions after an extreme climate event –towards a proactive approach in which buildings are adapted to withstand the increased frequency of high-intensity hurricanes, in line with the predictions for climate change. This proactive approach will include direct investments into critical public service and community buildings (including health centers) to climate-proof them against Category 4 and 5 hurricanes. Mainstreaming climate resilience into the building and financial sectors as well as facilitating the upscaling of such interventions across all buildings in the country will also be a primary focus. The proactive approach of this project will include the following main activities:

OUTPUT	ACTIVITY
<p>1. Climate-proofing interventions implemented in critical public service and community buildings to improve resilience to, and recovery from, extreme climate events</p>	<p>1.1 Implement climate-proofing measures on critical infrastructure. This involves the following measures for 52 priority buildings:</p> <ul style="list-style-type: none"> • Site specific climate proofing interventions for 52 buildings • Installation of back-up renewable energy solutions and energy efficiency measures for 34 buildings • Installation of water harvesting solutions for 52 buildings <p>1.2 Construct climate-resilient storm shelters attached to five (5) public clinics</p> <p>1.3 Construct a climate-resilient bunker to store emergency supplies for the health, energy, building and welfare sectors</p>

OUTPUT	ACTIVITY
	1.4 Implement measures to preserve vital information/data within public institutions
2. Climate change adaptation mainstreamed into the building sector and relevant financial mechanisms	<p>2.1 Mainstream climate change adaptation into the building sector by making provision for the Building Code in the <i>Physical Planning Act 2003</i> to become regulations and updating the Environmental Management System plans under the <i>Environmental Protection and Management Act 2019</i> to encourage the private sector to also become climate-resilient.</p> <p>2.2 Mainstream climate change adaptation for the building sector into public and private financial, insurance and banking sectors;</p> <p>2.3 Train relevant staff from the National Office of Disaster Services, Development Control Authority, and the Public Works Department as well as the private sector on operational procedures for long-term monitoring, maintenance and upscaling of climate-resilient renewable energy and water harvesting technologies in accordance with the national Building Code</p> <p>2.4 Train the local workforce on the installation, operation and maintenance of climate-proofing measures for the targeted buildings</p>
3. Climate information services strengthened to facilitate early action within the building sector to respond to extreme climate events.	<p>3.1 Climate information services strengthened to facilitate early action for extreme climate events</p> <p>3.2 Establish a formalized communication protocol to facilitate rapid information sharing and early action preceding an extreme climate event</p>

III. OBJECTIVE OF CONSULTANCY

The primary purpose of the consultancy is to review, update and finalize the existing draft regulations for the Physical Planning Act (2003) that makes provision for the newly updated

Building Code for submission to the Ministry of Housing and the Ministry of Legal Affairs. It may be necessary to make amendments to the parent Act, the Physical Planning Act 2003 in order to achieve the objective of this consultancy; if so, the selected consultant is expected to suggest what amendments may be required and the rationale for so doing.

IV. SCOPE OF WORK

The consultant will work collaboratively with the Development Control Authority (DCA), the Ministry of Legal Affairs, and other identified stakeholders to-

- review all the necessary documents – current Physical Planning Act 2003, updated OECS Building Codes, newly developed Building Code Guidelines for Antigua and Barbuda, draft regulations and any other related policies and laws;
- determine whether any amendments to the Physical Planning Act 2003 are necessary, and if necessary, work with the lead agency and the office of the Permanent Secretary of the Ministry of Housing, Lands and Urban Renewal to submit justification for the proposed amendments to the Physical Planning Act to the Cabinet of Antigua and Barbuda;
- organize and participate in workshops to facilitate the Drafting Instructions for the proposed regulations;
- work collaboratively with the Ministry of Legal Affairs to clearly express the policy in legislative language based on the Drafting Instructions;
- support the consultative process, by facilitating multisectoral, private sector and broader/public stakeholder consultations to share the initial draft of the Building Code Regulations for feedback;
- amend the draft in accordance with further instructions received through the consultative process with stakeholders;
- write explanatory material and advise on the Cabinet submission as required;

- work with the DCA, to develop Circulation Note to submit to the office of the Permanent Secretary of the Ministry of Housing, Lands and Urban Renewal for vetting and approval;
- work with DCA and the office of the Permanent Secretary of the Ministry of Housing, Lands and Urban Renewal to submit Circulation Note to the Cabinet of Antigua and Barbuda.

V. REPORTING REQUIREMENTS

The Consultants(s) will be required to submit two (2) hard copies and two digital copies of the following reports to DCA and Ministry of Finance Project Management Unit (MOF-PMU) within the time periods indicated:

- **Inception Report:** describing the approaches and timelines proposed to prepare and deliver the scope of works outlined, within **one (1) week** of the commencement of the Consultancy. DCA and MOF-PMU will provide comments on the Inception Report within 1 week of receipt of the report. The consultant will adjust the report based on comments received.
- **Draft Regulations** to carry into effect the provisions of the Act for presentation and discussion at stakeholder/focus group consultations with DCA, the Ministry of Legal Affairs and other relevant stakeholders to include but not limited to draughtsmen, architects, building inspectors, banks and insurance companies.
- **Report (Report 1)** on the main discussions and conclusions arising from the stakeholder/focus group consultations on the draft regulations. The report should also include the names and sex of the attendees.
- **Draft Final Regulations** for presentation at a national stakeholder consultation within **six (6) weeks** after completion of Report 1. The Draft Final Regulations should take account of the comments in Report 1.
Supplementary report (Report 2) on the main discussions and conclusions arising from the national stakeholder's consultation to discuss the Draft Final Regulations. The report should include the names and sex of the attendees.
- **Final Regulations** after the submission of Report 2. The Final Regulations should take account of the comments in Report 2.

VI. DELIVERABLES

The consultant will provide the following deliverables in line with the Scope of Work:

DELIVERABLE	INDICATIVE DEADLINE
Inception Report (inclusive of, <i>inter alia</i> , a detailed work plan with deliverables, and methodology)	1 week of the contract
Draft Regulations	5 weeks of the contract
Report 1	5 weeks of the contract
Draft Final Regulations	6 weeks of the contract
Report 2 (updated Progress Report reflecting changes from stakeholder consultations, to include MOF-PMU and DCA)	6 weeks of the contract
Final Regulations	8 weeks of the contract

VII. DURATION

The assignment is expected to require a maximum of **2 months**.

VIII. INTELLECTUAL PROPERTY

All information pertaining to this project (documentary, audio, digital, cyber, project documents, etc.) created under this consultancy shall remain the property of the Department of Environment who shall have exclusive rights over their use. Except for the purposes of this assignment, the information shall not be disclosed to the public nor used in whatever form without written permission of the Department of Environment.

IX. QUALIFICATIONS AND EXPERIENCE

The Consultant(s) must have:

- At least an LLB degree and a post graduate specialized qualification in Legislative Drafting;
- A minimum of seven years' legislative drafting experience; and
- Specific experience in Planning and Environmental Law will be an asset.

- Experience in legislative drafting in the Caribbean context is desirable.

General Requirements-

- (a) Demonstrated ability to work independently and within a multi-disciplinary team of experts involved in project/programme design.
- (b) Demonstrated excellent report writing skills.
- (c) Excellent organizational and coordination skills.
- (d) Excellent communication, presentation and interpersonal skills required for communicating with people of diverse disciplines and backgrounds.

I. EVALUATION CRITERIA

The evaluation criteria and weightings that will be applied to this TOR are as follows:

Category	Description	Weighting
1	Qualifications of consultant	25
2	Evidence of prior knowledge of the local context	10
3	Adherence to TOR specifications and related requirements: Clear understanding of required deliverables	25
4	Experience with similar work	25
5	Demonstrated track record of success, supported by references	15
	Total	100