



**JAMAICA: FOUNDATIONS FOR COMPETITIVENESS AND GROWTH PROJECT**  
**Loan No: 9203-JM - Component One**

**Assignment Title: Organizational Design of a Coordinated Border Management Framework for Trade Regulatory Services for Border Regulatory Agencies**

**Reference No.** (as per Procurement Plan): *FCG/AF/CON/33*

## **TERMS OF REFERENCE**

### **1. BACKGROUND**

#### *Country Background*

Jamaica's Trade Facilitation Reform Programme is (TFRP) being implemented against the background of the GOJ's Public Sector Transformation and Modernization Programme (PSTMP), which builds on previous efforts to reform the public sector. In keeping with the National Development Plan: Vision 2030, the government has established its priorities, as reflected in the Government's Strategic Priorities for the period, 2015-2018, and the 2015/2016 Growth Agenda Policy Paper. The Government of Jamaica (GoJ) is currently pursuing a program of trade facilitation reform to achieve alignment with the World Trade Organisation (WTO) Trade Facilitation Agreement (TFA), modernize the national trading environment in line with the government's objective to become a world-class logistics hub and stimulate economic growth.

Consequently, to facilitate the TFRP, a Trade Facilitation Roadmap and Action Plan was approved by Cabinet, setting out the overarching implementation plan and strategy for achieving these reforms, which are generally aimed at resolving procedural obstacles and impediments in Jamaica's border regulatory procedures, in order to improve the overall business and trading environment. These reforms are expected to yield greater efficiency and business competitiveness, and form part of the GoJ's overall thrust towards achieving accelerated economic growth.

The TFRP includes numerous inter-related and mutually supporting projects across six Output areas, summarized below as:

- Output 1 – Institutional and Governance Framework for International Trade
- Output 2 – Increase efficiency of Border Regulatory Agencies (BRAs)
- Output 3 – Establishment of an Electronic Single Window (ESW)
- Output 4 - Increased access, transparency and predictability of trade information
- Output 5 – Improvement in logistics services
- Output 6 – Enhanced capacity within BRAs and traders

These Outputs, which address Jamaica's trade competitiveness issues, will take into account the synergies with existing trade facilitation initiatives in the country to avoid any duplication

of efforts. Among the Outputs are several activities related to the revision of Jamaica's institutional and governance framework for international trade to enhance inter-agency coordination, streamlining of public-private dialogue, and promotion of a cost-effective trade environment.

The Trade Facilitation Reform Agenda is being executed through a coordinated framework with the Ministry of Industry, Investment, and Commerce (MIIC) serving as lead Ministry with oversight for implementation of the TFRP, with implementation led by the Trade Facilitation Task Force(TF(2)). The Secretariat for the TF(2) resides within the Trade Unit of MIIC, with implementation directly supported by the Ministry of Agriculture and Fisheries, Office of the Cabinet, the Ministry of Finance and the Public Service and the Ministry of Economic Growth and Job Creation, which are Leads for the various output areas of the Programme. The Ministry of Health and the Ministry of Foreign Affairs and Foreign Trade also serve as critical ministries. Coordination and implementation of activities are activated through Steering and Technical Committees comprised of representatives of the Border Regulatory Agencies (BRAs), lead implementing agencies, other government entities and the private sector.

### ***Current situation in the sector***

Recent analysis completed by the World Bank (WB), the International Trade Centre (ITC) and UNCTAD has indicated that despite gains made by the GoJ in improving the trading environment, such as the implementation of ASYCUDA, there remains major weakness in the nation's trade facilitation environment, which must be addressed with alacrity if transformation is to be achieved. Some of these include:

- a. Lack of coordination among border regulatory agencies;
- b. Complexities and multiplicity of steps involved in executing transactions;
- c. Over-regulation of trade practices
- d. High levels of inspection;
- e. High fees and charges;
- f. Low business capacity to comply with international trade procedures and quality requirements;
- g. An absence of an integrated and harmonized cross-border framework; and
- h. Legislation and policies which require revision, having regard to the need to ensure conformity with best practices, and update laws and policies in light of the changes which have been made/are being made, and are to be made.

In addition to Jamaica Customs the seven (7) border agencies identified have the greatest impact on the trading across borders in terms of the time it takes to trade as well the cost of doing business. These are the agencies from which the vast majority of permits and licenses are required; they are also the agencies that conduct most of the inspections of goods that enter and leave the island. The organizational re-design is intended to improve the process flow of these agencies so as to significantly improve their efficiencies.

The critical border agencies to be assessed are:

Agency	Process Map
Veterinary Services Division (VSD)	<ul style="list-style-type: none"> <li>• Import Permit Standard Issue</li> <li>• Import Permit- Dairy Products</li> <li>• Import Permit- Zoo Animals</li> <li>• Import Permit- Controlled Goods</li> <li>• Export Health Certificate – Fisheries products</li> <li>• Fisheries Processing Establishment Licence</li> <li>• Export Certificate – Non-fisheries processed goods</li> <li>• Export Health Certificate – dogs, cats and birds</li> <li>• Export Health Certificate – Horses and food animal</li> <li>• Import Inspection</li> </ul>
Plant Quarantine Division (PQD)	<ul style="list-style-type: none"> <li>• Export Phytosanitary Certificate</li> <li>• Export Packaging Facility Certification</li> <li>• Pre-clearance certificate</li> <li>• Import Permit</li> <li>• Import Inspection</li> </ul>
National Compliance and Regulatory Authority (NCRA)	<ul style="list-style-type: none"> <li>• Import Inspection</li> </ul>
Food Storage and Prevention of Infestation Division (FSPID)	<ul style="list-style-type: none"> <li>• Division (FSPID)</li> <li>• Import Inspection</li> </ul>
The Trade Board Limited (TBL)	<ul style="list-style-type: none"> <li>• Export Licence</li> <li>• Scrap Metal Exporter Registration</li> <li>• Import Licence- manual</li> <li>• Import Licence- electronic</li> </ul>
Ministry of Health -Public Health	<ul style="list-style-type: none"> <li>• Import Food Inspection</li> </ul>
Ministry of Health -Pharmaceuticals and Regulatory Affairs	<ul style="list-style-type: none"> <li>• Import Permit for chemicals and food additives</li> <li>• Import permit Control Substance - commercial</li> <li>• Import permit- medicines, cosmetics and medical devices</li> <li>• Product Registration</li> <li>• Product Registration- generic for product licences</li> </ul>

These agencies have a significant impact on trading across borders in terms of the time it takes to trade, as well the cost of doing business, as it is recognized that the vast majority of permits and licenses and inspections are done by these agencies. The objective of the consultancy is develop a coordinated management framework for the trade regulatory services of the seven (7) selected agencies. The ultimate aim is to realign the agencies to realize the potential for reduced costs (including costs to the users), enhanced productivity and professional development, and quantum improvement in the ease of doing business in Jamaica.

The Design and Implementation of a Coordinated Border Management Framework for Border Regulatory Agencies (BRAs) Consultancy is being predicated on the changed operational processes leading to the implementation of the Electronic Single Window for Trade. The Consultancy will also need to be executed to ensure coherence and complementarity with other ongoing initiatives, including the development of appropriate legislation for trade and the process for streamlining of inspections.

### ***Project Description***

The Government successfully engaged the World Bank to extend and expand its 6-year US\$50 Million loan facility called Foundation for Competitiveness and Growth Project (FCGP) to allow it to deepen the reform initiatives that had been supported under the Project. Approval was granted for the Additional Financing of US\$10 Million from the World Bank and the Government committed to provide a further US\$5 Million, thus providing a total of US\$15 Million to support the various government entities implementation of investment climate reforms.

FCGP is expected to be concluded on March 31, 2024, based on the Additional Financing that has been approved by the World Bank and Government of Jamaica (GOJ) to implement critical Investment Reforms. The initiatives under the Project are expected to strengthen the enabling environment for private sector competitiveness to help Jamaica unleash its potential for productivity and growth, including improvement of the trade environment.

## **2. OBJECTIVE(S) OF THE ASSIGNMENT**

The FCG Project Development Objective of which this contract will form a part is, “*To strengthen the business environment in Jamaica for private investment*”. The contract will contribute to Component 1’s Project Development Objective of “*Number of Recommended Business Environment and Pro-Competition Laws, Regulations, Amendments, and Codes Enacted; Policies Adopted; and Administrative Procedures Streamlined*”.

The objective of this assignment is to develop a coordinated management framework for the trade regulatory services of the seven (7) selected agencies. The ultimate aim is to reduce cost (including costs to the users), enhance productivity and professional development, through the establishment of a new architectural border management framework.

## **3. SCOPE OF SERVICES, TASKS (COMPONENTS) AND EXPECTED DELIVERABLES**

The specific services of the Consultant shall include, but are not limited to the following:

### ***3.1 Status and Assessment Report***

- i. Participate in an Inception Meeting (to clarify expectations and scope, collect previous relevant studies and policy documents) with the Project Steering Committee with members drawn from Ministry of Industry, Investment and Commerce (MIIC), Food Storage Prevention and Infestation Division, Ministry of Health and Wellness (MOHW), Veterinary Services Division, Plant Quarantine/Produce Inspection Branch, National Compliance and Regulatory Authority, Cabinet Office, JAMPRO, etc.

- ii. Review existing document containing all relevant business processes, practices and procedures of the seven trade regulatory services in Border Regulatory Agencies, organizational structures, legislation, regulations and background material pertaining to the assignment.
- iii. Review existing documentation that assesses the organizational structure, knowledge, capacities and staffing complement across the seven agencies.
- iv. Conduct interviews with divisional heads, technical officers and front-line personnel to validate report findings, fill information/data gaps and obtain any other documentation for the assignment. Particular attention should be paid to assessing the inspection teams of the respective agencies – assessing the extent to which the number of such teams might be reduced through centralization (with cross-training), digitalization, decentralization (with specialization), or outsourcing.
- v. Conduct sessions with BRAs to present findings and validate findings desk research and stakeholder interviews.

***Deliverable: Status and Assessment Report***

### ***3.2 Global Best Practice Report***

- i. Consult with the Project Steering Committee to determine best practice jurisdictions that could be explored for this report.
- ii. Assess and document the coordinated border management framework for border regulatory agencies in at least three best practice jurisdictions, noting, *inter alia*, institutional structures, legislative underpinning, functions, financing arrangements, core competencies, and their application and relevance to the Jamaican context.
- iii. Provide a comparative analysis across key areas of the national landscape and international best practices.

***Deliverable: Global Best Practice Report***

### ***3.3 Coordinated Border Management Architecture***

- i. Propose a new architecture to reflect the new streamlined process flow in keeping with findings from the status assessment, Government's Rationalization Programme, global best practices and any other consideration. The proposed architecture should aim to reduce redundancies and optimize processes. Particular attention should be paid to recommendations for the approach to be taken for inspection teams of the respective agencies.
- ii. Conduct sessions with BRAs and other TF stakeholders to present findings, recommendations and arrive at consensus for the proposed architecture.
- iii. Develop Job Descriptions (JD) for the Senior Management and Technical staff to accord with the proposed new arrangements. Consultations should be held with BRAs in the development of these instruments.

***Deliverables: Architecture Report, draft Job Descriptions***

***3.4 Implementation Plan***

- i. Develop Implementation Plan, detailing a clear pathway with activities, timelines, risks, risk mitigation measures, budget and other resources needed to facilitate transition to the approved architecture.
- ii. Provide recommendations on critical factors to ensure a successful change management process
- iii. Propose detailed training requirements to properly equip a balanced inspection force as guided by capacity deficiencies identified in the assessment phase.
- iv. Provide content for Cabinet Submission to be tendered by the Ministries with responsibility for regulating Trade at Jamaica's Borders- i.e. Ministry of Industry, Investment & Commerce (MIIC), the Ministry of Finance and Planning (including Jamaica Customs) and the Ministry of Health- to seek approval for the recommended changes.

***Deliverables: Implementation Plan, Training Requirements, Notes for Cabinet Submission***

***3.5 Reporting***

- i. Prepare and submit monthly progress reports on the implementation of the consultancy.
- ii. Prepare and submit a Final Report detailing overview of activities, issues and challenges and how they were addressed and also lessons learned during the assignment and recommendations.

***Deliverables: Monthly Reports, Final Report***

The Consultant is expected to interface with various stakeholders, including those as listed below. The Consultant will be required to facilitate consultations with core stakeholders in executing the tasks. Key stakeholders are listed below:

**INTERNAL:**

- Trade Facilitation Task Force;
- Ministry of Industry, Investment and Commerce
- Ministry of Agriculture and Fisheries
- Ministry of Finance and the Public Service;
- The Trade Board Limited;
- Office of the Cabinet;
- Office of the Prime Minister;
- Jamaica Customs Agency;
- All levels within the GOJ, but extensive and significant interaction with Permanent Secretaries, Chief Executive Officers of Departments and Agencies, Heads of Divisions.

## **EXTERNAL**

- Shipping Association of Jamaica
- Jamaica Manufacturers' and Exporters' Association
- Jamaica Chamber of Commerce
- Associations representing micro, small and medium-sized enterprises
- Other key stakeholders involved in trade

## **4. TEAM COMPOSITION & QUALIFICATION REQUIREMENTS FOR THE KEY EXPERTS**

The assignment will require the services of consultants with technical competences in International Trade Facilitation, Business Process Reengineering, and Total Quality Improvement. This assignment will require the services of qualified individuals from a consulting firm. The required qualifications are as follows:

### **Key Expert 1: Organisational Development Specialist/ Team Leader**

The Organisational Development Specialist/ Team Leader should satisfy the following requirements:

- Postgraduate Degree in Organisational Development, Business or Public Administration or any related discipline.
- At least seven (7) years' experience in organisational development projects.
- Demonstrated experience in developing organisational structures, workforce planning, business process re-engineering and talent management in public sector environments.
- Minimum of seven (7) years' experience in drafting job descriptions.
- Minimum of five (5) years' experience in Organizational Change management.

### **Key Expert 2: Business Process Engineer or Specialist**

The Business Process Engineer should satisfy the following requirements:

- Master's Degree in Business Administration, Management or Public Administration or any related discipline.
- Ten (10) years' experience in conducting business process analyses, mapping and documenting business processes, and preparation of organization procedures.
- Demonstrated experience in public sector projects.
- Experience in Information Technology systems within trade facilitation processes is would be an asset.

### **Key Expert 3: International Trade Specialist**

- Tertiary level education in international trade, economics, trade law.

- A minimum of eight (8) years' experience in dealing with international trade issues.
- Demonstrable knowledge of trade facilitation issues; knowledge of WTO Trade Facilitation Agreement is a requirement.
- Demonstrable knowledge of Jamaica's legal, policy, regulatory and customer and border procedures, or similar jurisdictions.
- Experience in working in Small Island Developing States would be an asset.

The Consultant must select and hire other experts as required according to the profiles identified in the Organization & Methodology and/or Terms of Reference. All experts must be independent and free from conflicts of interest in the responsibilities.

The Consultant will provide support facilities to their team of experts (back-stopping) during the implementation of the contract. The Consultant must ensure that experts are adequately supported and equipped. In particular, the Consultant must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities.

## **5.0 REPORTING REQUIREMENTS AND TIME SCHEDULE FOR DELIVERABLES**

The Planning Institute of Jamaica is the Contracting Authority and is responsible for final approval of any contractual amendments and payments.

The Consultant will report to the Ministry of Industry, Investment and Commerce, the Supervising Entity. The designated representative of the Supervising Entity is the Chief Technical Director. In fulfilling his/her responsibilities, the designated representative will consult with the Project Steering Committee<sup>1</sup> established to review and recommend approval of deliverables under this consultancy.

The intended start date is February 2023 and the period of implementation is thirteen (13) months from this date.

The Consultancy shall provide the following reports:

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<sup>1</sup> Project Steering Committee includes: MIIC, MOHW, MOAF, JAMPRO, MOFPS, Cabinet Office, Trade Board Ltd, NCRA, JCA.



Name of Report	Minimum Content	Timeline for Submission	Review Period	Payment %
<b>Deliverable 1: Status and Assessment Report</b>	Summary report on findings from the document review on business processes, practices procedures, organizational structure and capacity assessment and stakeholder interviews.	Eight (8) weeks after contract start date	3 weeks	20%
<b>Deliverable 2: Global Best Practice Report</b>	The Report should include an assessment of international best practices for the Coordinated Border Management Framework. Best practice in institutional structures, legislative underpinning, functions, financing arrangements, core competencies, among other characteristics, should be clearly provided. The Report should include a comparative analysis across key areas of the national landscape and international best practices.	Six (6) weeks after the approval of Deliverable 1	2 weeks	15%
<b>Deliverable 3: Architecture Report</b>	The Report should include clear recommendations on the architecture for the Coordinated Border Management Framework for BRAs based on national context and global best practices.  Notes and Registers from each consultation session must be provided in the Annex.	Twelve (12) weeks after the approval of Deliverable 2	4 weeks	30%
<b>Deliverable 4: Draft Job Descriptions</b>	Draft job descriptions for each category of senior management and technical staff should include job title, job overview, roles and responsibilities, qualifications, reporting relationships, etc.	Four weeks (4) after the approval of Deliverable 3	2 weeks	10%
<b>Deliverable 5: Implementation Plan</b>	The plan should detail a clear roadmap with activities, timelines, risks and resources, including costs needed to facilitate transition to the approved architecture.  Areas of training and capacity building for different categories of staff, as well as sources of training should be included in the report.	Four weeks (4) after the approval of Deliverable 4	2 weeks	10%

Name of Report	Minimum Content	Timeline for Submission	Review Period	Payment %
<b>Deliverable 6: Notes for Cabinet Submission</b>	Notes should include background, justification for proposed framework, including reference to global best practices, description of the proposed Coordinated Border Management Framework, expected impacts, implementation considerations, proposed timelines, costs, etc.	One (1) week after the approval of Deliverable 5	1 week	5%
<b>Deliverable 7: Monthly Reports</b>	<ul style="list-style-type: none"> <li>• Activities undertaken for the month</li> <li>• Status of implementation of project versus plan, with explanation for variations.</li> <li>• Issues, challenges and recommendations</li> </ul>	Within five (5) days after the end of the month	1 week	n/a
<b>Deliverable 8: Final Report</b>	Description of achievements including issues faces, risks contemplated and related responses, lessons learned and recommendations.	Two (2) weeks after submission of Deliverable 6	1 week	10%

## 6.0 CLIENT'S INPUT AND COUNTERPART PERSONNEL

All day to day operations and communication regarding the implementation of activities under the contract will be handled by the Supervising Entity – the Ministry of Industry, Investment and Commerce.

The Consultant will work remotely and only be accommodated at the Ministry of Industry, Investment and Commerce as needed.

Professional and support counterpart liaison personnel will be assigned by the Ministry of Industry, Investment and Commerce to assist the Consultant.