

**Terms of Reference
for
Appointment of Individual Consultant (Legal Advisor) for BERC**

Background

Power Cell, Power Division is implementing Bangladesh Power Sector Reforms (Phase-2) project under RERED-II financed by World Bank. Under this project scope has been created to provide consultancy support for Bangladesh Energy Regulatory Commission (BERC).

Bangladesh Energy Regulatory Commission is established as an independent and impartial Commission for the energy sector under the Bangladesh Energy Regulatory Commission Act, 2003. BERC is expedient to make provisions for the establishment of an independent and impartial regulatory Commission to create an atmosphere conducive to private investment in the generation, transmission and distribution of electricity and transportation, storage, supply and marketing of gas resources and petroleum products, to ensure transparency in the management, operation and tariff determination in these sectors; to protect consumer's interest and to promote the creation of a competitive market.

Now an Individual Consultant (Legal Advisor) is required by BERC to support it in legal matters. The Consultant shall support the Commission in legal matters of day to day businesses. Consultant (Legal Advisor) will be engaged under the Rural Electrification and Renewable Energy Development-II (RERED-II) project financed by the World Bank.

Scope of Work

The Consultant (Legal Advisor) will work as directed by the Commission to provide services in respect of legal matters of the Commission. The scope of work is as follows but not limited to:

- Advise the Commission regarding the legal procedures and practices (e.g. Energy Laws, Policies, Rules, Regulations, Arbitration and any other relevant Law);
- Drafting and preparing legal documents including paper books for the litigations in any court including Supreme Court of Bangladesh;
- Drafting Regulation, Guidelines, Code and Standard etc. given by Commission;
- Legal scrutiny of documents given by the Commission;
- Appearing before the Courts and any quasi-judicial body, public authorities and other offices as legal agent of the Commission;
- Any other legal task given by the Commission.

Qualification requirement of the Consultant (Legal Advisor)

- At least LL.B (Hon's), LL.M degree from any recognized University, Retired High Court Division Judge/experienced in conducting cases in the Appellate division will be given preference.
- Expertise in Energy Law, Policy, Rules, Regulations, Civil, Corporate, Criminal, Revenue and Arbitration issues.
- Enrollment of Bar Council as Advocate and at least 10 years work experiences in Supreme Court of Bangladesh.
- At least 5 years of relevant and proven experience in the delivery of legal services in the Energy/Corporate Sector.
- Excellent skill in English both written and spoken.

Duration of Appointment

12 (twelve) months from the date of signing of the contract. It may be further extended as per requirement of the Commission.

Facilitation and Reporting

The contract will be signed between the Consultant (Legal Advisor) and Power Cell and the Consultant (Legal Advisor) will work in BERC. Commission will assign and supervise work performance and recommend the payment of the Consultant (Legal Advisor) along with invoice, log sheets, etc. to the Power Cell.

Logistics Support for the Legal Consultant

BERC will provide office accommodation. Consultant (Legal Advisor) will use his/her own computer, transport etc.

Evaluation Criteria

The evaluation of the consultants will be done according to the categories mentioned below:

- Educational qualification
- Overall work experience
- Relevant work experience