Nepal Renewable Energy Programme

Terms of Reference (ToR)

Position Title: Regulatory Advisor

Full/Part-Time: Part Time with maximum 5 days in a month with a total LOE of 25 days during the contract period.

Reports to: NREP Deputy Team Leader

Primary Position Location: Kathmandu

Duration of Contract: November 2023 – March 2024

Programme Background

The Nepal Renewable Energy Programme (NREP) is a Government of Nepal programme funded by the British Embassy-Kathmandu (BE-K) aiming to transformational change in Sustainable Energy development in Nepal through increased private investment resulting in low-carbon economic growth and sustainable energy access for all. NREP operates in three Provinces: Madhesh, Lumbini, and Karnali. The Programme is implemented by the Alternative Energy Promotion Centre (AEPC) with Technical Assistance from the DAI Global UK Consortium— including DAI, Winrock International, Policy Entrepreneurs Inc., and Samriddha Pahad.

Briefly, NREP has been designed to increase private sector investment to develop distributed renewable energy markets, primarily in commercial, institutional, and industrial market sectors; increase universal energy access, and a corresponding higher quality of life, to Nepali citizens living in remote regions and facilitate a policy, planning, legal construct, and regulatory environment conducive to both enabling and sustaining progress in RE market development and universal energy access.

NREP has also supported the design and implementation of the viability gap-based fund called Sustainable Energy Challenge Fund (SECF) to increase private sector investment to develop distributed renewable energy markets. The SECF is embedded with Central Renewable Energy Fund (CREF) the financial mechanism of AEPC. SECF provides both financial and technical assistance to the distributed sustainable energy projects to ensure their financial viability and sustainable operation. The SECF is designed to attract private sector investments into the RE sector either in the form of equity and credit. SECF will de-risk investments into near commercial viability from the projects.

The scope of the work for the Regulatory Advisor:

1. Review the performance based agreement (PBA) from legal perspective.
2. Draft the initial contracts along with PBA and finalise them as per the concept of the application and guidance of Independent Evaluation Panel (IEP) and Investment Committee (IC)
3. Support the programme team in contract management in case some legal issues arise during the implementation of the project.
4. Review the PBA and agreements already signed between AEPC and SECF awardees.
5. Support in structuring the Public Private Partnership and related agreements between parties.
6. Carry out any reasonable legal and regulatory related tasks to support the smooth operation of the project.

Qualifications and experiences required

- Master's Degree in Law
- At least 7 years of experiences in corporate practice
- Experience of working with development partners / on development partners funded projects in the fields related to policy, governance, finance and/or investment.
- Experience in structuring Public Private Partnership projects and their agreements.
- Excellent writing, editing, research and verbal communication skills in English and Nepali.
- Ability to work under time pressure and meet deadlines including ad-hoc and unforeseen expectations to deliver.
- Demonstrated ability to work effectively both individually and as a team member.



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