



**ASEAN-AUSTRALIA DEVELOPMENT COOPERATION PROGRAM (AADCP)
PHASE II**

**TERMS OF REFERENCE
FOR
ASEAN CAPACITY BUILDING ROADMAP FOR CONSUMER PROTECTION 2019-2025.**

The ASEAN Secretariat and the Australian Government, through AADCP II, invite applications from individuals/entities as Consultant for the above-referenced project.

I. Background

Under the AEC Blueprint 2025, component B2 of the second characteristic of the Blueprint, **A Competitive, Innovative and Dynamic ASEAN**, a number of strategic measures have been outlined in respect of promoting the competitiveness and productivity in ASEAN; providing a level playing field for all firms through effective competition policy; fostering the creation and protection of knowledge; ensuring comprehensive and well-functioning national and regional consumer protection systems; and strengthening related regulatory frameworks.

Noting that globalisation is leading to a wider range of products and technological revolutions and transforming the traditional ways of conducting business in the market places, governments need to find innovative means to protect and promote the interests of consumers without erecting unnecessary barriers to the exchange of goods and services. This will require comprehensive and well-functioning regional and national consumer protection mechanisms characterised by the presence of sufficient and implementable legislation, operative complaints and redress systems, strong consumer protection institutions with capable staff and effective consumer awareness programs.

The strategic measures under the AEC Blueprint 2025 are further detailed under an ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2025. The strategy sets out four goals, implemented through an Action Plan and an implementation schedule (2016-2020) which will be implemented by the ASEAN Committee on Consumer Protection (ACCP). The four goals are:

- I. A Common ASEAN Consumer Protection Framework is Established;
- II. A High Common Level of Consumer Empowerment and Protection is Ensured;
- III. High Consumer Confidence in the AEC and Cross-border Commercial Transactions is Instituted; and
- IV. Consumer Concerns in all ASEAN Policies are Integrated.

To achieve these four goals, there needs to be a certain level of institutional capacities both at the regional and national level. 10 years following the establishment of the ACCP, the need for capacity building persists as new and enhanced consumer protection laws are in place, and in light of new emerging consumer trends and the possible challenges associated with them.

One of the supportive measures to meet the goals of the ASAPCP is to develop a regional five-year roll-over capacity building plan with a regional as well as national components of building block activities.

In 2011, a study entitled Roadmapping Capacity Building Needs in Consumer Protection in ASEAN was undertaken through AADCP II support. The study indicated that there is a clear need for capacity building for government, business and civil society to understand and implement consumer protection policies and laws. It identified a number of capacity building needs, namely: developing adequate consumer protection laws and regulations, effective and speedy redress mechanisms, better inter-agency coordination, improving safety standards for products and services, increasing the capacity of officials involved in consumer protection work, upgrading information dissemination on consumer protection issues, developing awareness and education programmes, establishing local consumer organisations, monitoring compliance of codes of conduct and research and development (R&D). Its findings and recommendations in the form of an Implementation Plan have been presented and endorsed by the ACCP. The roadmap led to subsequent activities undertaken including through the support of various Dialogue Partners.

Overall AADCP II has supported the following activities:

- Identification of redress mechanism and complaint handling models based on selected international best practices, targeting consumer protection agencies, regulatory institutions, industry Ombudsmen, Small Claims Courts or Tribunals and business complaint system operators.
- Development of consumer protection policy briefs and case studies, which are summary documents that explore key consumer protection issues in the ASEAN context, aimed at government policymakers and others who are interested in formulating or influencing policy.
- Development of training modules in the areas: 1) product safety and labelling; 2) phone and internet services, and e-commerce; 3) consumer credit and banking; 4) environment; 5) healthcare services; and 6) professional services. Development of teaching materials based on the training modules is currently ongoing.
- Identification of awareness models for consumer protection, designed to be tailored to a range of contexts, and to be implemented by regulatory bodies, consumer agencies, and NGOs.
- Development of the ASEAN Strategic Action Plan for Consumer Protection: Meeting the Challenges of a People-Centered ASEAN (ASAPCP) 2016-2025.
- Development of an ASEAN High Level Principles for Consumer Protection (AHLPCP), endorsed in 2016.

Other regional initiatives supported by other ASEAN External Partners are the Handbook on Consumer Protection Laws in ASEAN, the revamp of the ASEAN Consumer Protection Portal, the Interface Workshop with other agencies with consumer protection functions and development of the ASEAN Consumer Empowerment Index. There are also national-level activities undertaken by the ASEAN Member States (AMS).

This project aims to develop an ASEAN regional capacity building plan (2019-2025) for consumer protection based on needs assessment as indicated under the ASAPCP 2025 as well as national priorities. It will involve the following:

- Assessment of implementation of recommendations from the 2011 road-mapping exercise in each AMS, including tracking of the implementation status of national capacity building activities, and identifying best practice and lessons learned from the implementation. The assessment should also suggest country selection criteria for field visits;
- Analysis of current and future trends, risks and opportunities that may influence regional and national capacity building needs;

- Conduct of systematic needs analysis at regional and national levels to inform future capacity development efforts in the context of achieving the goals of the ASAPCP. National level assessment will include detailed needs analysis to comprehensively define capacity gaps and prioritisation of areas of needs in individual AMS competition agencies. Field visits to selected AMS based on the outcomes of the assessment and identified country selection criteria; and
- Identification of effective and efficient interventions to address identified needs/gaps: a) how best to meet these needs; and b) what form of support required at what level (regional, sub-regional and/or national).

II. Needs and Objectives

The project aims to develop an ASEAN regional capacity building plan for consumer protection based on needs assessment under the ASAPCP 2025 as well as national priorities. The ASEAN regional capacity building plan will strengthen consumer protection regimes in the AMS as well as help ACCP and AMS in promoting awareness and garnering support for ASEAN's consumer protection capacity development agenda.

III. Outputs

The outputs of this project include the following:

- (i) **Regional and country capacity building briefs.** These documents will analyse current progress and status of past and current consumer protection capacity development efforts and plans, and capture trends, risks and opportunities influencing consumer protection capacity building in the region;
- (ii) **ASEAN Regional Capacity Building Roadmap (2019-2025).** Similar to the 2011 Roadmap, this document will be developed based on common areas of needs identified among ASEAN consumer protection agencies. It should clearly describe the delivery approach to capacity building, identify and prioritise specific capacity building activities within a timeframe, as well as identify implementation level, (regional, sub-regional, and/or national) of these activities in ensuring effective and efficient management and delivery of capacity building plan and programs;
- (iii) **Policy Brief.** 5- to 10-page document highlighting the relevant support and actions required to achieve the desired state of consumer protection in order to achieve the goals envisaged in the ASAPCP 2025. The Briefs will help ACCP and AMS promote awareness and garner support for ASEAN's consumer protection capacity development agenda.

In addition to the above Outputs, the following reports are required:

- i) Project Inception Report;
- ii) Field Visits Reports;
- iii) Validation Workshop Reports; and
- iv) Project Completion Report.

IV. Tasks/Activities

The following activities will need to be undertaken to achieve the outputs presented above. The Consultant(s) should provide details on its approach to each activity in its bid and is free to recommend additional activities.

	Output	Activity	Person working days**	Completion Date	Person(s) responsible
1	Inception Report for the ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025	Preparation of Inception Report including: <ul style="list-style-type: none"> development of the over-all approach for the delivery of the expected outputs reports structure 	3 days	2 weeks after signing of SSA (Week 3)	Consultants with inputs from ASEC and AADCP II
		Circulation and revision of the Inception Report based on feedback, if any			
<i>Approval of Output 1 by ACCP/ASEC of the Inception Report (3 working weeks)</i>					
2	Draft Regional and Country Capacity Building Briefs and Draft ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025	Review of the previous Roadmap and assessment of progress in implementation of regional and national activities. Identification of country selection criteria for field visits.	14 days	Week 4-5	Consultants with support from ACCP, ASEC and AADCP II
		Field visits to selected three AMS	7 days	Week 7-8	Consultants
		Drafting of the updated Roadmap	20 days	Week 9-15	Consultants
		Circulation of the draft updated Roadmap and presentation in a consultative workshop	3 days	Week 16	Consultants with with support from ACCP, ASEC and AADCP II
		Revision of new Roadmap	3 days	Week 23	Consultants
<i>Approval of Output 2 by ACCP/ASEC of the draft Regional and Country Capacity Building Briefs, draft Roadmap and Workshop Reports(3 working weeks)</i>					

	Output	Activity	Person working days**	Completion Date	Person(s) responsible
3	Final Regional and Country Capacity Building Briefs, Final ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025, and Policy Brief	Finalisation of Regional and Country Capacity Building Briefs and the ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025	10 days	Week 27	Consultants with inputs from ASEC and AADCP II
		Preparation and finalisation of Policy Brief		Week 28	
<i>Approval of Output 3 by ACCP/ASEC of the Final Regional and Country Capacity Building Briefs, Final ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025, and Policy Briefs (3 working weeks)</i>					
<i>** The number of person working days is intended to indicate the amount of relative effort required to deliver the corresponding outputs. Actual time will be agreed in negotiation with the successful bidder.</i>					

V. Reporting

The consultant is expected to produce reports in accordance with Section III and IV above. The timing of delivery is indicative and can be adjusted when the consultant's work plan is developed, subject to mutual agreement.

No.	Reports	Target Delivery Date
1	Inception Reports This would detail the consultant's approach to the project and provide a detailed work plan.	The first inception report will be submitted 2 weeks after contract signing
2.	Field Visit Reports	The reports will be submitted two weeks after the field visits
2	Consultation Workshops Report This report provides detailed documentation of the conduct of the workshop and corresponding results or findings.	2 weeks after the conduct of the workshop
3	Project Completion Report The Project Completion Report will establish a record of the project achievements against the project's original intended purpose and outputs. It is intended to assist in assessing impact, draw out conclusions and lessons learned that may be valuable in designing new related initiatives.	1 week after delivery of all outputs

All reports will be submitted based on AADCP II Guidelines for Contractors in draft format to the ASEAN Secretariat, Competition, Consumer Protection and Intellectual Property Rights Division (CCPID) (with a copy to AADCP II) and, following ASEC approval, in final form. All outputs and reports must be suitable for publication, although the decision on publication lies with the ASEAN.

The Consultant will also provide regular (weekly, bi-monthly or as agreed with ASEC) summation of activities undertaken and issues that have arisen. These will be submitted to CCPID and AADCP II via email.

Financial reports will be submitted at invoicing in line with a payment schedule to be specified in the Special Services Agreement (SSA).

VI. Project Management

The project will be funded by the ASEAN-Australia Development Cooperation Program II and managed by CCPID of the ASEAN Secretariat. The Consultant should be responsible for organising and conducting the scheduled activities in collaboration with the host countries and the ASEAN Secretariat.

VII. Scope of Services

The consultancy will be undertaken over a **continuous effective period of approximately seven (7) calendar months** with approximately **60 days** of professional services. Work will commence immediately after contract signing.

VIII. Qualifications

In its proposal the Consultant should demonstrate:

- Extensive knowledge in consumer rights, enforcement of consumer laws, and consumer demands for safe and sustainable consumption practices as well as current and emerging consumer concerns and related issues;
- Substantial work experience in the field of consumer protection preferably in ASEAN and AMS;
- Proven track record in assisting countries in establishing and enhancing their consumer protection programs and related initiatives;
- Extensive experience in the conduct of capacity and training needs assessment and design of capacity building programs;
- Research and survey design expertise;
- Thorough understanding of ASEAN and ASEC procedures is needed and willingness to adapt is required.
- Familiarity and having extensive professional contacts with consumer protection agencies in AMS;
- Familiarity with the prevailing condition and environment, particularly in consumer protection, in AMS; and
- English proficiency and good report writing skills are prerequisites.

IX. Bidding

Interested Consultant/Consulting team are invited to submit a proposal in response to these Terms of Reference. This proposal should be in two parts: **Technical** and **Financial components**.

The Technical component should present the following information:

- A brief discussion indicating the bidder's understanding of the needs of the project;
- A brief analysis of key issues;
- A methodological discussion of how the bidder proposes to address those needs including assessment of key issues, analytical strategies that will underlie the project, specific tools/ methods/ techniques to be utilised, and practical discussion of possible limitations in carrying out the project;
- A detailed work plan that specifies activities to be undertaken, expected outputs and deliverables, resources to be utilised and timing;
- Staffing and management plan;
- A discussion on how measures to ensure the future sustainability of the outcomes of the project will be addressed;
- CVs of all proposed experts;
- Brief discussion of firm's past experience in undertaking similar work and brief summaries of all projects undertaken.

The Financial component should specify:

- 1) Professional fees of expert(s);
- 2) Management and/or operational fees (if any), which include all costs incurred by the person/entity/company for internal coordination, communication, travels and any other associated project management cost;
- 3) Applicable taxes such as VAT, GST, PPN. See Section XI point 3 for an additional note on tax liability.⁷

All costs must be quoted in United States (US) dollars. Activity costs for experts and participants such as reimbursable expenses for airfare, other travel costs and daily subsistence allowance for workshops, meetings, and all other agreed activities should not be included in the Financial Component. These items will be discussed with the preferred contractor during the finalisation of the scope of services, based on prevailing ASEAN Secretariat rates.

X. Submission of Application

Applicants should send their application with a cover letter, materials specified in Section IX above and other supporting documents with “**ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025**” as the subject via email to tender@aadcp2.org, no later than **30 November 2018 at 05:00pm Jakarta time**. Applicants should also mail/courier 4 (four) copies of the above mentioned documents to ASEAN-Australia Development Cooperation Program Phase II, ASEAN Secretariat 2nd floor, Jl. Sisingamangaraja 70A, Jakarta 12110, Indonesia, within 5 (five) working days of the submission deadline. Please note that only short-listed candidates will be notified.

Any queries on the TOR should be sent to contact@aadcp2.org with the subject line:” **Query ‘ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025’**.

IX. Additional Notes on Terms and Conditions of the Project

1. Any future studies/reports/analysis in any form of intellectual property rights (including but not limited to patents, copyright and any related rights) submitted by the Contractor to ASEAN arising out of or in connection to the services performed by the Consultant to ASEAN shall belong to ASEC under the name of **ASEAN** only;
2. Successful bidder shall agree to be bound and sign the Special Services Agreement (SSA) with all requirements under the terms and conditions provided therein, including but not limited to the AADCP II Guidelines for the Contractors attached to the SSA.
3. As an intergovernmental organisation, ASEAN shall not be responsible for any tax(es), levy, tax claim or any tax liability which may be imposed by any law in relation to any amount payable by the ASEAN Secretariat.