Terms of reference (ToRs) for the procurement of services below the EU threshold

Advisory Service on the Development of Post-2025 ASEAN Strategic Action Plan on Consumer Protection (ASAPCP)	Project number/ cost centre: 21.2002.0-001.00

0. List of abbreviations 2

1. Context..... 3

2. Tasks to be performed by the contractor 5

3. Concept..... 8
   Technical-methodological concept 8
   Project management of the contractor (1.6) 8

4. Personnel concept..... 9
   Team leader (Senior Expert) 9
   Key Expert 1 (Junior Expert) 10

5. Costing requirements 10
   Assignment of personnel and travel expenses 10
   Contracts for works: 10

6. Inputs of GIZ or other actors.....12

7. Requirements on the format of the tender 12

0. List of abbreviations

ACAN	ASEAN Consumer Association Network (ACAN)
ACCP	ASEAN Committee on Consumer Protection
AEC	ASEAN Economic Community
ASAPCP	ASEAN Strategic Action Plan on Consumer Protection
AG	Commissioning party
AMS	ASEAN Member States
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
BMZ	Federal Ministry for Economic Cooperation and Development
DPs	Dialogue Partners
ETR	End-term Review
FK	Expert
FKT	Expert days
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
KPIs	Key Performance Indicators
KZFK	Short-term expert
MTR	Mid-term Review
PROTECT	Consumer Protection in ASEAN
ToRs	Terms of reference

1. Context

The regional project "Consumer Protection in ASEAN" (PROTECT II) is funded by the Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ) GmbH, with a current term until 01/2026. The project supports stakeholders in the ASEAN region in the implementation of consumer protection policies and actions, with a special focus on online and cross-border trade:

(1) At the regional level, the project works with the ASEAN Committee on Consumer Protection (ACCP) on the development of guidance documents and the preparation of selected deliverables under the ASEAN Strategic Action Plan on Consumer Protection (ASAPCP) 2016-2025.

(2) At the national level, individual ASEAN Member States (AMS) – notably Indonesia, Cambodia, Lao PDR and Vietnam – receive technical assistance to strengthen their respective consumer protection frameworks, notably to draft implementing regulations that address emerging issues in the digital economy, and to build capacities for effective consumer dispute resolution and access to redress.

(3) For wider awareness-raising and advocacy, the project furthermore facilitates the conceptualisation and implementation of innovative pilot activities with consumer associations, think tanks and the private sector.

Building on the experiences and networks of the predecessor PROTECT project, the current project strives to carry forward results and deliverables from the previous phase while also replicating successful approaches within and across AMS. Regional and country-level activities are closely interlinked in order to help bridge the implementation gap between ASEAN commitments and their follow-up in national reform processes. In the spirit of the "Feminist Development Policy" of the German government, adverse effects on women and other vulnerable groups (e.g. consumers with disabilities) – for example as a result of (e.g. discriminatory online practices – are assessed in order to leave no one behind.

Moreover, it is necessary to ensure that effective policy measures that are taken in the medium to long term are attuned to major trends and economic developments in the region. As ASEAN moves to its new post-2025 vision, digitalisation and cross-border trade take center stage on the agenda – also with respect to the new strategic action plan on consumer protection. With implementation records of more than 10 years, regulatory regimes in most ASEAN countries can no longer be considered "young". However, existing frameworks may be outdated and thus insufficiently respond to new consumer risks, such as "dark patterns", data misuse and manipulation, or influencer marketing. At the same time, gaps in consumer access to redress persist, particularly as consumers navigate e-commerce platforms.

To support the work of the ACCP beyond 2016 in developing a comprehensive and well-functioning national and regional consumer protection system, the ASAPCP was developed in 2016. The current ASAPCP 2025 includes clear targets, timelines and key performance indicators (KPIs) according to the following general structure:

Strategic Goals	Key Performance Indicators
1. A Common ASEAN Consumer Protection Framework is Established	I. A set of high-level principles on consumer protection is adopted. II. Recommendations for improving the effectiveness of consumer protection regimes in ASEAN are identified and implemented. III. The legal framework on consumer protection in AMS is strengthened / improved in line with regional guidance / regionally recommended practices.
2. A High Common Level of Consumer Empowerment and Protection is Ensured	IV. Capacities of consumer protection agencies in ASEAN are strengthened.
3. High Consumer Confidence in ASEAN Economic Community (AEC) and Cross Border Commercial Transactions is Instituted	V. Existing dispute resolution and redress mechanisms in ASEAN are assessed to identify areas for improvement. VI. New dispute resolution and redress mechanisms are set up in ASEAN to resolve domestic and cross-border consumer complaints. VII. Product safety enforcement in ASEAN is strengthened.
4. Consumer Concerns in all ASEAN Policies are Integrated.	VIII. Regional platforms and tools are developed in ASEAN to engage with and provide information to consumers at large. IX. A higher level of consumer empowerment is ensured in ASEAN through evidence-based policymaking and implementation. X. An impact assessment of other policies, laws and regulations on consumer welfare and interests is undertaken. XI. Consumer protection issues in ASEAN are discussed at a high level to gain better traction and visibility.

A Mid-term Review (MTR) of the ASAPCP 2025 was carried out in 2020 to take stock of the implementation status of the ASAPCP mid-way through its implementation, reviewing achievements and shortcomings, drawing relevant lessons for adjustment(s) and refinement(s), and developing a revised Implementation Schedule for the 2021-2025 period which is published on the ACCP website. Parallel to the activity mentioned in these following terms of reference, the ACCP will also implement an End-term Review (ETR) as a continuous

process following the MTR to assess the overall implementation of ASAPCP since 2016 to date.

Overall, ASEAN has made good progress in the first five years (2016-2020) of the ASAPCP implementation. As of May 2020, out of the total number of 30 initiatives under the 4 Strategic Goals, 16 initiatives have been completed (equivalent to 62.5%). Under the revised Implementation Schedule, out of the 22 deliverables in the Action Plan, 11 deliverables have been completed, 8 deliverables are recurring/continuing, and 3 deliverables will need to be completed by 2025. Overall, almost 86% of the deliverables under the ASAPCP have been completed to date.

In the light of the above, the ASAPCP post-2025 report and proposed implementation plan should be developed. It should be in-line with the overall AEC Vision and contribute to the Strategic Goals. Considering the AEC Strategic Plan is being developed in parallel with the Post-2025 ASAPCP, the alignment of the ASAPCP to the AEC Strategic Plan would need to be continuously updated. The ASEAN Secretariat will provide regular updates on the AEC Strategic Plan.

The Economic Ministers, at the 23rd ASEAN Economic Council Meeting in 2023, decided for AEC Sectoral Action plans to have a 5-year timeframe. The Post-2025 ASAPCP would need to follow the AEC Sectoral Action Plans structure which consist of the following tiers:

1. ***Objectives***, refer to sets of medium-term objectives to help achieving the strategic goals.
2. ***Strategic Measures***, refer to immediate measures, as identified by AEC Sectoral Bodies, to realise the corresponding objectives and strategic goals.
3. ***Activities***, refer to set of milestones or practical actions to be implemented to achieve the strategic measures, in correspond to the identified objectives and strategic goals.
4. ***Supporting Activities***, comprise of immediate actions to support the achievement of the identified activities.
5. ***Performance Measures***, comprise of two monitoring processes namely the outcome monitoring and output monitoring. The outcome monitoring will assess the realisation of the Strategic Measures by using the “Outcome Indicators”, whilst the output monitoring will assess the achievement of Activities by using the “Output Indicators”.

2. Tasks to be performed by the contractor.

The contractor is responsible for providing the following services:

- Develop report on the recommendations of Post-2025 ASEAN Strategic Action Plan on Consumer Protection (ASAPCP)

The methodological approach for the assignment will comprise of the following qualitative analysis:

(i) A desk study undertaken by the consultants, which includes a review of existing documents (e.g. current ASAPCP 2025) relevant to the work of the ACCP and the developments of consumer protection laws and regulations of individual AMS.

(A comparison study will also take place on developments of consumer protection on countries outside of ASEAN that can be utilised later on for the Post-2025 ASAPCP);

(ii) Consultation with relevant stakeholder groups (through questionnaire, interviews, and/or focused group discussions using design thinking methods), where possible stakeholder testimonies will be used to support the analysis;

(iii) Participatory and collaborative approach of all relevant parties (among others, ACCP, ASEAN Consumer Association Network (ACAN), ASEAN Secretariat, dialogue partners (DPs), selected academics/researchers, other related ASEAN sectoral bodies) for information gathering and validating the review results;

(iv) Assessment of the outcomes of the ASAPCP 2025 using, among others, the five strategic goals and the corresponding KPIs as the basis;

(v) Identify and consider all relevant changes and developments, emerging needs and demands of AMS and stakeholders, as well as take stock of the achievements and progress, and draw any lessons learnt, which are relevant for designing the ASAPCP 2045. It will build on the work of the ACCP and AMS;

(vi) Support the ACCP in recommending new strategic goals and corresponding outcomes that are supportive of the new overarching vision of AEC Blueprint 2045; and

(vii) Develop and recommend a new implementation schedule for the ASAPCP 2045 covering the period 2026-2030. The ACCP and AMS will provide guidance to the Consultants in developing the draft ASAPCP Report and Implementation Schedule, which would then be used as the basis of discussion by the ACCP and the AMS. Closed-door sessions without direct involvement of consultants will also be arranged for AMS to further discuss and decide on the recommendations and content of the final ASAPCP Report and Implementation Schedule.

The following activities and schedule are envisaged to be implemented under the assignment:

Milestones/partial works	**Deadline/place/person responsible**	**Criteria for acceptance**
Drafting of Inception Report (desk study and proposed methodology for the Post-2025 ASAPCP)	May 2024	Submission of an interim report (± 20 pages) consisting of: a) desk study and proposed methodology b) preliminary list of objectives, key strategic measures, activities, and performance indicators based on the 1st brainstorming meeting c) list of questions for the 2nd brainstorming meeting and its follow-up online interviews
The 1st Brainstorming Meeting with ACCP (to identify the preliminary list of objectives, key strategic measures, activities (and supporting activities), and performance indicators)	23 May 2024* (At the sideline of the 28th ACCP Meeting in Brunei Darussalam) **Date is subject to change*	
Drafting of the preliminary list of objectives, key strategic measures, activities (and supporting activities),	June 2024	
Development of list of questions for the 2nd Brainstorming Meeting and its follow-up online interviews	July 2024	

2nd Brainstorming Meeting (online) with ACCP and Relevant Stakeholders (including to refine Post-2025 vision/mission, objectives, key strategic measures, activities (and supporting activities) and key performance indicators.	August 2024 (online)	Submission of final report (± 50 pages) for the Recommended Vision and Mission of ASAPCP 2045 and Proposed Implementation Schedule 2026-2030
Follow-up online interviews with selected stakeholders (e.g. ASEC, dialogue partners and international organizations, researchers, legal practitioners, businesses (including MSMEs), academicians, judiciary, relevant ministries, sector regulators, business chambers, and professional associations)	October 2024	
Drafting the Report for the Recommended Vision and Mission of ASAPCP 2045 and Proposed Implementation Schedule 2026-2030	November 2024	
1st Validation Workshop for the first Draft Report and Proposed Implementation Schedule 2030 Closed-door session for ACCP and AMS	TBA November (At the sideline of the 29th ACCP Meeting in Lao PDR)	
Revising the draft Report and Proposed Implementation Schedule	December 2024 – February 2025	
Intersessional endorsement of the Report and Implementation Schedule	March 2025	

Period of assignment: from 14 May 2024 until 30 April 2025.

The assignment is to be performed within ASEAN region with close coordination with the project.

The assignment has a planned duration of up to 150 expert days in total.

All activity packages shall be closely coordinated with GIZ and the respective partners, for example the ACCP and/or ASEAN Secretariat. Where appropriate and needed, specific national institutions (e.g. the ACCP focal points) and/or additional experts will be engaged. The assigned consulting firm or team of researchers/experts shall guarantee confidentiality and refrain from disclosing details, unless approved or endorsed on the ASEAN side. As is common practice with ASEAN and ASEAN-German cooperation projects, final deliverables will be published with ASEAN logo and credit to GIZ support in the imprint, without author's mention.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Note: The numbers in parentheses correspond to the lines of the technical assessment grid.

Technical-methodological concept

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

The tenderer is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1) and its contribution to the **results-based monitoring system** (1.3.2).

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

The tenderer is required to describe its contribution to knowledge management for the partner (1.5.1) and GIZ and to promote scaling-up effects (1.5.2) under **learning and innovation**.

Project management of the contractor (1.6)

The tenderer is required to explain its approach for coordination with the GIZ project. In particular, the project management requirements specified in Chapter 2 (Tasks to be performed by the contractor) must be explained in detail.

The tenderer is required to draw up a **personnel assignment plan** with explanatory notes that lists all the experts proposed in the tender; the plan includes information on assignment dates (duration and expert months) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

The tenderer is required to describe its backstopping concept. The following services are part of the standard backstopping package, which (like ancillary personnel costs) must be factored into the fee schedules of the staff listed in the tender in accordance with Section 3.3.1 of the GIZ AVB:

- Service-delivery control
- Managing adaptations to changing conditions
- Ensuring the flow of information between the tenderer and GIZ
- Assuming personnel responsibility for the contractor’s experts

- Process-oriented steering for implementation of the commission
- Securing the administrative conclusion of the project.

4. Personnel concept

The assigned contractor shall be available to perform the required tasks with the following specifications:

- A research institution/think tank/legal company/consulting firm/relevant entity with a high recognition and credibility record in the legal and policy sector, and at least 3 years of experience;
- Focus of work specifically on providing capacity building or alike for public officials and consumer protection agencies;
- Previous engagement with the ASEAN Secretariat is an added value;
- Extensive networks with national policymakers, high-level government officials, private sectors, and civil society;

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see chapter 2), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Team leader (Senior Expert)

Tasks of the team leader

- Overall responsibility for the advisory packages of the contractor (quality and deadlines)
- Coordinating and ensuring communication with GIZ, partners and others involved in the project
- Personnel management, in particular identifying the need for short-term assignments within the available budget, as well as planning and steering assignments and supporting local and international short-term experts
- Regular reporting in accordance with deadlines

Qualifications of the team leader

- Education/training (2.1.1): University qualification: Master's degree in political science, law, or related field
- Language (2.1.2): C1-level (fluent in written and oral) language proficiency in English and a national language of ASEAN
- General professional experience (2.1.3): 15 years of professional experience in the political economy sector
- Specific professional experience (2.1.4): 10 years in competition and consumer protection sector
- Leadership/management experience (2.1.5): 6 years of management/leadership experience as project team leader or manager in a company
- Regional experience (2.1.6): 5 years of experience in projects in ASEAN region, of which 2 years in projects in selected ASEAN countries
- Development cooperation (DC) experience (2.1.7): 6 years of experience in DC projects
- Other (2.1.8): Sound understanding of the political and economic context in ASEAN, as well as policy issues related to consumer protection and trade.

Key Expert 1 (Junior Expert)

Tasks of key expert 1

- Technical and administrative support to all activities, in close coordination with the team leader and GIZ

Qualifications of key expert 1

- Education/training (2.2.1): master's or bachelor's degree in political science or other relevant fields
- Language (2.2.2): B2 -level (good business) language proficiency in English and a national language of ASEAN
- General professional experience (2.2.3): 3 years of professional experience in the political economy sector
- Specific professional experience (2.2.4): 2 years in competition and consumer protection sector
- Leadership/management experience (2.2.5): N/A
- Regional experience (2.2.6): 2 years of experience in projects in ASEAN region, of which 1 year in projects in selected ASEAN countries
- Development Cooperation (DC) experience (2.2.7): 2 years of experience in DC projects
- Other (2.2.8): Ability to self-organize and follow up on processes and administrative issues

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills
- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

5. Costing requirements

Assignment of personnel and travel expenses

Contracts for works:

The following basic calculations for the contract for works are a reference value based on the acceptance criteria for each partial work/milestone specified in Chapter 2 (Tasks to be performed by the contractor).

Since the contract to be concluded is a contract for works, we would ask you to offer your services at a lump sum price.

The contract shall be assigned as a lump sum package for the deliverables and the payment will be based on the submission of deliverables derived from the overall process mentioned on the Milestone:

Deliverable	Requirement	Deadline	Payment
Interim Report of the initial study and proposed methodology for the Post-2025 ASAPCP	± 20 pages	31 July 2024	40%
Final Report and Proposed Implementation Schedule of Post-2025 ASAPCP	± 50 pages	31 March 2025	60%

As stipulated in the Chapter 2, participation in the 1st brainstorming meeting and 1st validation workshop are foreseen to be conducted in-person with close coordination with GIZ, ASEAN Secretariat and ACCP. The travel expenses of up to two personnels (accommodation, return economy flights, and return airport transfers at home and destination countries) are to be reimbursed against evidence.

All business travel must be agreed in advance by the officer responsible for the project.

Travel expenses	Quantity	Number per expert	Total	Comments
Overnight allowance in Brunei Darussalam	2 nights	2	4	For attending the 1st Brainstorming Meeting at the sideline of 28th ACCP Meeting
Overnight allowance in Lao PDR	2 nights	2	4	For attending the 1st Validation Workshop at the sideline of 29th ACCP Meeting
Transport	**Quantity**	**Number per expert**	**Total**	**Comments**
International flights to Brunei Darussalam	1 return economy flight	2	2	Travel to Brunei Darussalam for the 1st Brainstorming Meeting at the sideline of 28th ACCP Meeting
International flights to Lao PDR	1 return economy flight	2	2	Travel to Lao PDR for the 1st Validation Workshop at the sideline of 28th ACCP Meeting

In addition to the above travel modalities, **return airport transfers** at home country and visiting country should be accounted based on documentary evidence.

With regard to sustainability aspect of travel, GIZ would like to reduce greenhouse gas emissions (CO2 emissions) caused by travel. When booking travel, please incorporate options for reducing emissions, such as choosing economy flight and sharing ride from/to airport.

6. Inputs of GIZ or other actors

GIZ and/or other actors are expected to make the following available:

- Logistics (e.g., venue, meeting package, transportation) for up to two in-person meetings (as stipulated in the table of milestones on chapter 2)

7. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English.

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English.

As the contract to be concluded is a contract for works, please offer a fixed lump sum price that covers all relevant costs (fees, travel expenses etc.). The price bid will be evaluated on the basis of the specified lump sum price. In addition, please also provide the underlying daily rate. A breakdown of days is not required.