



**ASEAN-Australia-New Zealand Free Trade Area (AANZFTA)
Economic Cooperation Support Programme (AECSP)**

Request for Proposal

**Consulting Opportunity for
Capacity Building on Advance Ruling on Origin (ARO)
[AANZ-0096-CUS-04]**

**PROPOSAL MUST BE RECEIVED BY
11 June 2021**

EMAIL PROPOSAL TO:

AANZFTA Support Unit
External Economic Relations Division
ASEAN Economic Community Department
The ASEAN Secretariat
Jakarta 12110, Indonesia
Email: ecwp@asean.org

Prepared by: AANZFTA Support Unit /
TFD/ MID
Time: 04/2021

1 EXECUTIVE SUMMARY

Article 8 of Customs Procedure Chapter (Chapter 4) of the AANZFTA Agreement requires each Party, through its customs administration or other relevant authorities, to the extent permitted by its domestic laws, regulations and administrative determination, to provide in writing advance rulings in respect of the tariff classification, questions arising from the application of the principle of the Agreement on Customs Valuation and/or origin of goods.

This project supports the objectives of AANZFTA Chapter on Customs Procedures in (i) ensuring predictability, consistency and transparency in the application of customs laws and regulations of the Parties; and (ii) promoting efficient, economical administration of customs procedures and the expeditious clearance of goods. This project would support the enhancement of the understanding of ARO by all Parties and preparing AMS to implement and apply ARO to facilitate trade as mandated by Article 8 of the Customs Procedure Chapter of the AANZFTA Agreement.

The project will be undertaken in two phases. Phase 1 of this project will focus on the development of training programme and training materials to support the training programme. The training programme needs to take into account capacity buildings and trainings on advance rulings, specifically for advance ruling on origin organized/designed in other fora, e.g., WCO, WTO, APEC, that would complement the output of this project. Key focus areas to be covered in the training programme include (i) overview and introduction to ARO; (ii) application forms and fees; (iii) legal and policy framework; (iv) processing and timeframes; (v) templates and decisions; (vi) outreach activities for relevant officials and traders; (vii) information technology (e.g. publication of AROs approved, online applications, the portal to check application status, the infrastructure used to develop the portal); (viii) issues and challenges faced; (ix) best practices on overcoming dispute between ARO and importation, including sharing of best practices and practical knowledge on ARO.

Based on the output of Phase 1, and subject to the approval by relevant AANZFTA bodies for subsequent Phase, Phase 2 of the project will focus on the conduct of the training for trainers to assist AMS in their practical implementation of ARO. The training includes:

- Regional Training for Trainers, to be facilitated and delivered by the appointed Consultant; and
- On-site visit to Australia or New Zealand that will provide in-depth practical knowledge on the implementation of ARO and the administrative aspect of information technology on ARO.

2 SCOPE OF WORK

2.1 THE ASSIGNMENT

I. BACKGROUND

1. Recognizing the need to promote trade facilitation and uniform interpretation and application of the Harmonized System, Rules of Origin and the WTO Valuation Agreement, the WCO has provided various tools for countries to assist the work of customs, including guidelines and recommendation on advance rulings. The key objective of pre-entry advance rulings is to provide decisions on the classification, origin and valuation of traded products prior to their importation or exportation, thus adding certainty and predictability to international trade and helping traders to make informed business decisions based on legally binding rules. Customs administration also benefits from having advance knowledge of future importations which is useful for risk management purposes.¹ Advance ruling provisions aim to set up a transparent and formal process whereby exporters and importers obtain upon request rulings from Customs administration prior to the importation or exportation. The ruling obtained would be legally binding on the Customs authority over a fixed time period.
2. Article 8 of Customs Procedure Chapter (Chapter 4) of the AANZFTA Agreement requires each Party, through its customs administration or other relevant authorities, to the extent permitted by its domestic laws, regulations and administrative determination, shall provide in writing advance rulings in respect of the tariff classification, questions arising from the application of the principle of the Agreement on Customs Valuation and/or origin of goods.
3. This project supports the objectives of AANZFTA Chapter on Customs in (i) ensuring predictability, consistency and transparency in the application of customs laws and regulations of the Parties; and (ii) promoting efficient, economical administration of customs procedures and the expeditious clearance of goods. This project would support enhancement of the understanding of ARO by all Parties and preparing AMS to implement and apply ARO to facilitate trade as mandated by Article 8 of Customs Procedure Chapter of the AANZFTA Agreement. Implementation and application of ARO for business would provide certainty to traders on the originating status of their goods at the time of import, promote consistent application of rules related to the originating status of the imported goods.
4. Provisions on Advance Ruling appears in various FTA agreements of ASEAN, including AANZFTA. At the current stage, the ARO has not been fully implemented by AMS and in some countries, implementing the ARO, this arrangement has not been utilized by businesses. Capacity building for relevant officials is envisioned to help in promoting understanding of ARO and to implement ARO to facilitate trade. The approach to capacity building in this proposed project is mainly training on ARO as well as sharing of practical knowledge and best practice on ARO among AANZFTA Parties.
5. The overall goal of this project is to enhance the understanding of ASEAN Member States on Advance Ruling on Origin (ARO). This project aims to (i) promote uniform application on the implementation of ARO procedure among AANZFTA Parties; (ii) share knowledge and best practices in the areas of ARO including organization structure, information technology structure and system, issues and challenges faced,

¹ WCO Technical Guidelines on Advance Rulings for Classification, Origin and Valuation.

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an outreach program to relevant officials and traders, and overcoming dispute between ARO and importation.

II. PURPOSE OF THE ASSIGNMENT

6. AANZFTA is seeking the services of a team of international expert consultants who will provide technical assistance and support to implement Phase 1 of capacity building on Advance Ruling on Origin. Phase 1 of this project will focus on the development of training programme and training materials to support the training programme. The training programme needs to take into account capacity buildings and trainings on advance rulings, specifically for advance ruling on origin organized/designed in other fora, e.g., WCO, WTO, APEC, that would complement the output of this project. Key focus areas to be covered in the training programme include (i) overview and introduction to ARO; (ii) application forms and fees; (iii) legal and policy framework; (iv) processing and timeframes; (v) templates and decisions; (vi) outreach activities for relevant officials and traders; (vii) information technology (e.g. publication of AROs approved, online applications, the portal to check application status, the infrastructure used to develop the portal); (viii) issues and challenges faced; (ix) best practices on overcoming dispute between ARO and importation, including sharing of best practices and practical knowledge on ARO. The consultants will also provide expertise in preparing and delivering substantive content for the capacity building programmes.

III. CONSULTANT'S SCOPE OF WORK AND ACTIVITIES

7. The Consultant will support the initiative to promote uniform application on the implementation of ARO procedure among AANZFTA Parties and share knowledge and best practices in the areas of ARO including organization structure, information technology structure and system, issues and challenges faces, and outreach program to relevant officials and traders, and overcoming dispute between ARO and importation. The Consultant will be responsible for delivering the following project activities in consultation with project stakeholders, AANZFTA Sub-Committee on Customs Procedures and Trade Facilitation (SC-CPTF), Malaysia as the project Proponent and the ASEAN Secretariat:

Phase 1: Development of Training Programme and Training Materials on Advance Ruling on Origin.

Development of Training Programme on Advance Ruling on Origin for AANZFTA Parties. The programme will include:

- Training Modules on Advance Ruling on Origin focusing on the following key areas (i) overview and introduction to ARO; (ii) application forms and fees; (iii) legal and policy framework; (iv) processing and timeframes; (v) templates and decisions; (vi) outreach activities for relevant officials and traders; (vii) information technology (e.g., publication of AROs approved, online applications, the portal to check application status, the infrastructure used to develop the portal); (viii) issues and challenges faced; (ix) best practices on overcoming dispute between ARO and importation, including sharing of best practices and practical knowledge on ARO; incorporating reviews from relevant sub-committees, committee and relevant agencies.
- Programme and possible topics for the on-site visits to Australia and/or New Zealand, that complement the regional training programme through providing an opportunity to learn practical knowledge on the implementation of ARO and the

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administrative aspect of information technology on ARO from the two countries. The actual on-site visit would be included in the Phase 2 project.

- Design and facilitate 4-days virtual Consultation Workshop incl. development of agenda based on the training programme/materials, workshop facilitation, workshop report, coordination with speakers and ASEAN Secretariat for workshop delivery arrangement. The workshop would provide a venue for the SC-SPTF and other relevant bodies, relevant agencies representatives to review and provide suggestions to the training programme and its training materials. The virtual Consultation Workshop, targeting participation of relevant agencies in each Party such as customs officials directly involved in the implementation of Advance Ruling, and representatives from SC-CPTF, Sub-Committee on Rules of Origin (SC-ROO) and Committee on Trade in Goods (CTG), is tentatively scheduled in August 2021.
- Provide written report of Consultation Workshop, setting out the outcome of the Consultation, including successes, challenges, lessons learned, and recommendations related to the training programme and its training materials for the implementation of the training programme to be undertaken in Phase 2 of the Project.

8. The following are detailed activities and time frames of the Project:

No.	Indicative Time Frame	Activity
1	July 2021	Prepare an inception report for consideration by relevant ASEAN and AANZFTA bodies. The Consultant is expected to incorporate the comments and inputs from ASEAN and AANZFTA bodies for finalisation before proceeding to the next steps.
2	July – August/September 2021	Development of ARO Training Programme and its Training Materials for AANZFTA Parties.
3	September/October 2021	Virtual Consultation Workshop on Advance Ruling on Rules of Origin.
4	October 2021	Revision and finalisation of the training materials, incorporating all inputs/comments from the Consultative Workshop.
5	October/November 2021	Final Reporting by Consultant (Prepare and submit the final report, summarising all findings and outputs related to the assignments, for consideration by relevant ASEAN and AANZFTA bodies).

The ASEAN Secretariat will coordinate the nomination of participants with relevant bodies.

9. The consultants would be expected to complete the scope of work and activities with maximum **38** input days.

IV. EXPECTED DELIVERABLES

10. The main output documents of this project will be, but not limited to:

- a. **Inception report**, detailing the approaches and methodologies as well as workplan to carry out the activities;
- b. **Training programme and its training modules on Advance Ruling on Origin**, taking into account capacity buildings and trainings on advance rulings, specifically for advance ruling on origin organized/ designed in other fora, such as WCO, WTO, APEC. The training programme and its training materials would cover the following key areas:
 - i. Overview and introduction to ARO;
 - ii. Application forms and fees;
 - iii. Legal and policy framework;
 - iv. Processing and timeframes;
 - v. Templates and decisions;
 - vi. Outreach activities for relevant officials and traders;
 - vii. Information technology (e.g., publication of AROs approved, online applications, portal to check application status, infrastructure used to develop the portal);
 - viii. Issues and challenges faced;
 - ix. Best practices on overcoming dispute between ARO and importation, including sharing of best practices and practical knowledge on ARO.
- c. **Programme and possible topics for the on-site visits to Australia and/or New Zealand**, that complement the regional training programme to provide opportunity for ASEAN Member States to learn practical knowledge on the implementation of ARO.
- d. **Consultation Workshop**: The workshop would provide a venue for the SC-SPTF and other relevant bodies, relevant agencies representatives to review and provide suggestions to the training programme and its training materials.
 - i. Design and facilitate of four-days virtual workshop;
 - ii. Agenda based on the training programme/materials, workshop documents/materials and written report following the consultation workshop setting out the outcome of the Consultation, including successes, challenges, lessons learned, and recommendations related to the training programme and its training materials for the implementation of the training programme to be undertaken in Phase 2 of the Project;
 - iii. The virtual Consultation Workshop, targeting participation of relevant agencies in each Party such as customs officials directly involved in the implementation of Advance Ruling, and representatives from SC-CPTF, SC-ROO, CTG.
- e. Final report, summarising Capacity Building on Advance Ruling on Origin.

2.2 QUALIFICATIONS

CONSULTANT'S QUALIFICATIONS

#	Qualification	Weight
1	Proven professional experience and knowledge in: <ul style="list-style-type: none"> a. A demonstrated high level of expertise and extensive experience in regulatory policy, knowledge, application and best practices on Advance Ruling on Origin (ARO), and also rules of origin, of various international fora, e.g., WCO, WTO, APEC, etc., and of various FTAs; b. Development of training programme and training materials, specifically for advance ruling on origin; c. Organisation development and capacity building, including delivery of training for trainers/enablers; d. Facilitation and writing; e. Government service or consulting work in ASEAN/ AANZFTA is preferred but not necessary. 	40%
2	Appropriateness of proposed concept and work plan, including detail content and clear deliverables	30%
3	Qualification of proposed team members	30%

3 RFP REQUIREMENTS

3.1 PROPOSAL SUBMISSION INSTRUCTIONS

- a) Consultant must ensure that both Technical & Financial Proposals are received via email at the following address before the tender closing date **11 June 2021**

AANZFTA Support Unit
External Economic Relations Division
ASEAN Economic Community Department
The ASEAN Secretariat
Jakarta 12110, Indonesia
Email: ecwp@asean.org

- b) All proposals must be submitted in English.
c) Consultant should indicate the Title of the Tender at the subject of the email.
d) The Technical and Finance Proposals must be submitted in two separate documents.
e) Consultant must not include any financial/cost data in the Technical Proposal, but only in the Financial Proposal.
f) The proposal should be concisely presented and structured, and should explain in detail the Consultant's availability, experience and resources to provide the requested services.
g) Proposals that are incomplete or do not address the required criteria may not be considered in the review process.

3.2 RFP TERMS & CONDITIONS

3.2.1 3.3.1 Bid Expiration Date

Received proposals shall be valid until **31 July 2021**

3.2.2 Implementation/Delivery Schedule

- a. Contract award will be decided by the Selection Committee comprised of Co-Chairs of the AANZFTA Sub Committee on Customs Procedures and Trade Facilitation (SC-CPTF).
b. Terms and reference of the contract will be negotiated by the ASEAN Secretariat.
c. In carrying out his/her assignment, the consultant or consultant team will work closely with the ASEAN Secretariat and reporting to the AANZFTA SC-CPTF through the ASEAN Secretariat.

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d. The timeline for hiring and initial activities of the consultant will be as follows:

Action	Deliverables	Indicative Timeline
Contracting		June 2021
Submission of draft output:		
Submission of inception report	Inception report	July 2021
Development and submission of draft ARO Training Programme and its Training Modules for AANZFTA Parties	<ul style="list-style-type: none"> • Draft ARO Training Programme; • Draft ARO Training Modules; <p>Revised draft incorporating initial inputs from SC-CPTF and ASEAN Secretariat to be presented at the Consultation Workshop.</p>	July – August/September 2021
Development and submission of draft Programme and possible topics for the on-site visits to Australia and/or New Zealand, that complement the regional training programme, to provide opportunity for ASEAN Member States to learn practical knowledge on the implementation of ARO and the administrative aspect of information technology on ARO from the two countries.	<ul style="list-style-type: none"> • Programme and topics for the on-site visits to Australia and/or New Zealand 	July – August/September 2021
Virtual Consultation Workshop on Advance Ruling on Rules of Origin	<ul style="list-style-type: none"> • Agenda for the workshop; • Workshop materials; • Workshop facilitation; and • Workshop report 	<ul style="list-style-type: none"> • August/September 2021 • August/September 2021 • September/October 2021 • September/October 2021
Revision and finalisation of ARO Training Programme and its Training Modules, incorporating all inputs/comments from the Consultation Workshop	<ul style="list-style-type: none"> • ARO Training Programme; • ARO Training Modules. <p>Final ARO Training Programme and its Training Modules</p>	<ul style="list-style-type: none"> • October 2021
Submission of final report	Final report	October/November 2021

4 RESPONSE FORMAT (PROPOSAL FORMAT)

In conformance to the ASEAN Secretariat's Financial Rules and Administrative Procedures (AFARP), the Consultant shall submit the applications in **two** separate documents: Technical Proposal and Financial Proposal.

4.1 TECHNICAL PROPOSAL

The technical component should contain the following information:

- a. A brief discussion indicating the prospective Consultant's understanding of the project's purpose;
- b. A discussion of how the prospective Consultant proposes to approach the project including but not limited to methodology to undertake the assignment, list of possible reference materials and a work plan specifying the activities to be undertaken (including draft agenda or focused topics for workshop, travels per expert for each activity), an outline of the reports to be delivered, and schedule of activities, taking into account the targets to complete the undertaking;
- c. A brief summary of the prospective Consultant's expertise and knowledge in the application and implementation of Advance Rulings procedures, particularly on origin, highlighting experience in related work relevant to the project and capacity building. *(Please provide links to the publications if available, or enclose selected publications in soft-copy in the application);*
- d. Brief discussion on the consultant's or firm's past experience in undertaking similar work and brief summary of projects undertaken;
- e. Names and curriculum vitae of associates, subcontractors, personnel or employees who will be engaged in the performance of services;
- f. Complete the attached Appendix 1 and 1a - Company General Information and List of Clients; and
- g. Other information to substantiate the capacity of applicants to undertake the project.

4.2 FINANCIAL PROPOSAL

Please complete submit the financial proposal which shall include detailed cost estimates including a summary sheet indicating the unit prices; payments schedule, following Appendix 2 to this RfP.

The financial component should specify all direct and indirect costs for undertaking the project, including but not limited to:

- Professional services fee for completing all deliverables in unit cost and the number of hours/days;
- Miscellaneous charges, if applicable.

The cost of travels to support the proposed work program, as may be required and arranged by the ASEAN Secretariat, shall be borne by the Project Fund and based on actual costs.

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Appendix 1

Company General Information

*(Only required for consulting firms, to be submitted as part of the **Technical Proposal**)*

Company's Legal Name:			
Division or Subsidiary (if applicable):			
Company Address:			
City:			
Province / State:			
Country:			
Postal Code:			
Telephone:			
Business Name Registration:			
Tax Registration Number:			
Valid Business Permit:			
Company Contact:		Telephone no.:	
Title / Position:		Fax no.:	
E-Mail:			
Indicate number of years involved in similar business			
Are you a subsidiary of a financial institution? *If Yes, Please indicate your Holding Company			

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**Appendix 1a.
Customer Reference**

To be submitted as part of the Technical Proposal

Customer Details	
Company Name	
Company Address	
Telephone Number	
Fax Number	
Contact Name	
Project Title	

Customer Details	
Company Name	
Company Address	
Telephone Number	
Fax Number	
Contact Name	
Project Title	

Customer Details	
Company Name	
Company Address	
Telephone Number	
Fax Number	
Contact Name	
Project Title	

APPENDIX 2

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Price and Payment Schedule

To be submitted as part of the Financial Proposal

A. PRICE

Unit: USD or AUD

No	Description	Unit	Price (Total estimated cost)
1	Professional Services		
	- Input days for each expected output	(# of days)	
2	Other expenses		
	- Item 1		
	- Item 2		
TOTAL			

B. PROPOSED PAYMENT SCHEDULE