



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

**Request for Proposal**

**Lessons Learned from the RCEP Agreement and Other Relevant FTAs to  
support the AANZFTA Upgrade Negotiations**  
[AANZ-0095-GEN-04]

**Proposal Deadline:** 14 May 2021

**E-Submit To:**

AANZFTA Support Unit  
The ASEAN Secretariat  
Jakarta 12110, Indonesia  
Email: [ecwp@asean.org](mailto:ecwp@asean.org)

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Prepared by : AANZFTA Support Unit and EERD  
Date : April 2021

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## **1 EXECUTIVE SUMMARY**

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- 1) In 2019, AANZFTA Parties agreed to a Work Plan for the AANZFTA Upgrade Negotiations, with a view to concluding the Second Protocol to Amend the AANZFTA. Such negotiations will cover Customs Procedures and Trade Facilitation, Rules of Origin, Services, Investment, Competition, E-Commerce, as well as develop a chapter on Government Procurement which covers cooperation and transparency. Parties also agreed that the outcomes of the upgrade should ensure that the Agreement continues to add greater commercial value to businesses and take into accounts developments in other fora including the Regional Comprehensive Economic Partnership (RCEP) negotiations, subject to negotiations and agreement of individual subsidiary committees.
- 2) In connection with the above, ASEC is initiating a proposal for a comparative study for the AANZFTA Parties to learn from the recently-signed RCEP Agreement, and other relevant FTAs, where possible. The RCEP Agreement is a comprehensive agreement, which updates the coverage of the existing ASEAN Plus One FTAs and takes into consideration changing and emerging trade realities, including the age of electronic commerce, the potential of micro, small, and medium enterprises, the deepening regional value chain, and the complexity of the market competition. The study should also take into account commitments/provisions in other relevant FTAs for new elements related to emerging and ongoing issues, including trade measures relevant in addressing the impact of COVID-19 and building economic resilience in the region. These measures would include, but are not limited to, elements such as trade and sustainable development, non-tariff measures, enhancing supply chain connectivity and promoting digitalisation.
- 3) The overall goal of the project is to support the AANZFTA Upgrade negotiations with a view to achieving an upgraded AANZFTA Agreement that remains relevant to the current and emerging trends, modern, comprehensive, of high-quality, more responsive to the needs of business operating, the production networks and complementary to existing FTAs.
- 4) The project aims to support FJC and its subsidiary bodies in the preparation for AANZFTA Upgrade negotiations through identifying some lessons learned from the RCEP Agreement, and other relevant FTAs which could be of interest to the AANZFTA Parties to be included as part of AANZFTA Upgrade negotiation agenda.

## **2 SCOPE OF WORK**

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### **2.1 PROJECT OVERVIEW**

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#### **I. BACKGROUND**

- 5) The Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) was signed by Ministers from all 12 participating countries on 27 February

2009 in Hua Hin, Thailand, and entered into force for nine parties on 1 January 2010. Subsequently, the Agreement entered into force for the three remaining Parties, namely Lao PDR on 1 January 2011, Cambodia on 4 January 2011, and Thailand on 10 January 2012.

- 6) After more than four years since the establishment of AANZFTA, the Parties signed First Protocol to Amend the Agreement Establishing the ASEAN-Australia New Zealand Free Trade Area (AANZFTA) on 26 August 2014, which amends the provisions under Chapter 2 (Trade in Goods), Chapter 3 (Rules of Origins), Annex on the Operation Certification Procedures to Chapter 3, and Annex 2 (Product Specific Rules) to Incorporate Consolidated Product Specific Rules. The first protocol was fully implemented by all parties on 1 April 2019.
- 7) In line with Article 9 of Chapter 18 of the AANZFTA, Parties undertook the general review of the AANZFTA Agreement, starting in 2017. The Stage One Joint Report was endorsed by the Ministers at the 22<sup>nd</sup> AEM-CER Consultations in September 2017, while the recommendations to the Ministers (Stage Two) based on the outcomes of the Stage One Report was endorsed by the Ministers at the 23<sup>rd</sup> AEM-CER Consultations in September 2018. Subsequently, the FJC Work Plan for the AANZFTA Upgrade Negotiations was finalised and presented to the 24<sup>th</sup> AEM-CER Consultations. Parties agreed to commence the negotiations at the 12<sup>th</sup> FJC meeting in Auckland scheduled in June 2020 with a view to concluding the Second Protocol to Amend the AANZFTA with an expeditious timeframe. Such negotiations will cover Customs Procedures and Trade Facilitation, Rules of Origin, Services, Investment, Competition, E-Commerce, as well as develop a chapter on Government Procurement which covers cooperation and transparency. The outcomes of the upgrade aim to ensure that the Agreement continues to add greater commercial value to businesses and take into accounts developments in other fora including the Regional Comprehensive Economic Partnership (RCEP) negotiations. However, under the impact of the COVID-19 pandemic, the first round of upgrade negotiations was put on hold until 2021.
- 8) As the FJC and relevant subsidiary bodies continued intersessional work to prepare for the AANZFTA upgrade negotiations, ASEAN, Australia, New Zealand have become signatories to the RCEP Agreement, the largest trade agreement that covers 15 countries and accounts for around 30% of the world's GDP. The RCEP Agreement is a comprehensive agreement that brings together ASEAN and its five FTA partners under a single agreement that consolidated the existing FTAs.
- 9) Although the outcomes of the General Review have outlined the areas for the AANZFTA upgrade negotiations, the scope and level of ambition for the exercise are still subject to negotiations. In the 12 years that followed the signing of the AANZFTA in 2009, Parties have gone through many developments and reforms related to their trade policy, including improved commitments and new areas in more recent FTAs.

## **II. PURPOSE OF THE ASSIGNMENT**

10) AECSP is seeking the services of team of consultants to undertake activities under the project in conducting:

1) Comparative Study and Gap Analysis:

**Part 1** will draw upon and compare the legal texts of the AANZFTA and the RCEP by addressing the following questions:

- What and how issues are covered/ addressed in the relevant provisions in the two Agreements?
- What are the nature, scope and level/depth of commitments taken in the relevant provisions under these Agreements?
- What are the resourced-based implications (human, financial, and other) associated with implementing and enforcing these provisions?
- How AANZFTA can build on the concluded provisions of RCEP?

**Part 2** will take into account emerging and ongoing issues, including how Parties can incorporate lessons learnt from the COVID-19 pandemic e.g., initiatives to enhance Parties' cooperation on trade and sustainable development, supply chain connectivity and digital connectivity, amongst others. This will draw on provisions from relevant FTAs that deal with this issue, preferably those that an AMS/CER country is a Party to.

In addition, the comparative study and gap analysis should also be complemented by extensive researches from economic and empirical literature, summaries and assessments of the relevant literature.

2) Consultations and Lesson Learned from Sharing Sessions through workshops/webinars:

The comparative study will be followed by a series of workshops or webinars, led by the Consultant Team, which serves as a platform for the AANZFTA Upgrade negotiators to discuss and share the lessons learned from the comparative study with a view to facilitating the exchanges of views on the commitments under RCEP and relevant FTAs that can be applied to AANZFTA upgrade and to obtain some initial inputs and recommendation on how to go forward with AANZFTA Upgrade negotiations. Taking into account the travel restriction imposed due to COVID-19 Pandemic, all series of workshops will be conducted virtually.

3) Final Report on Lesson Learned from RCEP to Support the AANZFTA Agreement:

Following the series of workshops, a set of recommendations will be included in the final report of the project along with results of the comparative study, on how to set the level of ambition for AANZFTA upgrade.

### III. CONSULTANT'S SCOPE OF WORK AND ACTIVITIES

11) The consultants chosen through this competitive bidding process, are expected to deliver the outputs in accordance with the timeline. The consultants will work closely

with the Project Management Team (PMT), including ASEAN Secretariat and AANZFTA Support Unit (ASU), on the implementation of the project in line with this project proposal and agreed Terms of Reference.

**Output 1: Inception Report.**

An inception report will be prepared after the commencement of the project, to include the approaches and methodologies to achieve the objective by the Consultant, entailing the following:

- Background
- Project Consultant Team
- Proposed Methodologies
- Work Plan, Key Activities and Timelines
- Information and Resources Required for Conducting the Project
- List of relevant FTAs and Literatures to be included in the Comparative Study and Gap Analysis
- Draft Questionnaires (if relevant)
- Outlines for the Comparative Study and Gap Analysis and Final Report
- Appendixes or Annexes (if any)

**Output 2: A comparative study and gap analysis**

A comparative study and gap analysis comparing level commitments/ provisions under RCEP and AANZFTA in all areas covered under the RCEP Agreement and under other relevant FTAs, namely:

- (i) the level of commitments/ provisions under RCEP and AANZFTA in particularly on elements present in the RCEP, and are being considered for inclusion in the AANZFTA upgrade negotiations. For new elements related to emerging and on-going issues, the study will also take into account the commitments/provisions in other relevant FTAs, and;
- (ii) trade measures relevant in addressing the impact of COVID-19 and in building economic resilience in the region taken under other relevant FTAs. These measures would include, but not limited to, elements such as trade and sustainable development, non-tariff measures, enhancing supply chain connectivity and promoting digitalisation.

The comparative study and gap analysis, will include the following activities, among others:

- Desk-based review, and comparison of the legal text of the all provisions from all Chapters under the AANZFTA and RCEP Agreements, focusing on the following elements that are included for the AANZFTA upgrade negotiations, namely: Trade in Goods (NTM), Customs Procedures and Trade Facilitation, Rules of Origin, Trade in Services, Financial Services, Telecommunication Services, Investment, Competition and Consumer Protection, E-Commerce, Government Procurement, with an exception of sustainable development;

- Extensive researches from economic and empirical literature, summaries and assessments of the relevant literature and trade agreements where AANZFTA Parties are signatories on the issues related to trade and sustainable development and potential subjects to be included in AANZFTA upgrade;
- Analysis on the resource-based implications (human, financial, and other) associated with implementing and enforcing these provisions and issues in AANZFTA upgrade;
- Draft Recommendation on how AANZFTA may be built upon the concluded provisions in the RCEP and emerging issues based on current FTA trends and as agreed among AANZFTA Parties.

### **Output 3: Consultative and Lesson Learned Sharing Sessions (Workshop/Webinar) conducted**

A series of 2 or 3-days workshops or webinars, including: (approximately - six sectoral workshops/webinars with relevant subsidiary bodies on (i) Trade in Goods (NTM), Customs Procedures and Trade Facilitation, Rules of Origin; (ii) Trade in Services, Financial Services, Telecommunication Services, (iii) Investment; (iv) Competition and Consumer Protection; (v) E-Commerce; (vi) Government Procurement), which serves as a platform for the future AANZFTA Upgrade chief negotiators, will be conducted to discuss the outcome of the comparative study.

One seminar for FJC on potential provisions to be included in AANZFTA upgrade and also final/overall overview of the study; and with a view to facilitating the exchanges of views on the commitments can apply to AANZFTA upgrade and to obtain some initial inputs and recommendation on how to go forward with AANZFTA Upgrade negotiations.

All series of workshops/webinars will be conducted virtually, which include, among others:

- Presentation of the results, findings and recommendation from the comparative study;
- Roundtable discussions to validate the outcomes, findings and recommendation from the comparative study;
- Report from each workshop/webinar to summarise the conclusion, lesson learned and recommendations in support of the AANZFTA negotiations.

Taking into account the travel restriction imposed due to COVID-19 pandemic, the workshops/webinars will be conducted virtually.

### **Output 4: Final Report on lessons learned for AANZFTA upgrade negotiations**

A Final Report will be prepared which will consolidate the result of comparative study and inputs gathered from all consultation through workshops/webinars. The final report will also include a set of recommendation on how to set the level of ambition for AANZFTA upgrade based on the concluded provisions in RCEP and emerging trade

trends.

12) The following are the activities and tentative timeframes of the project:

	<b>Activity Milestone</b>	<b>Indicative Timeframe</b>
1.	Project Commencement: Inception Report to include the approaches and methodologies to achieve the objective by the Consultant	May/June 2021
2.	Comparative Study and Gap Analysis	June/July 2021
3.	Consultative and Lesson Learned Sharing Sessions (Workshop/Webinar)	July - September 2021
4.	Final Report on lessons learned for AANZFTA upgrade negotiations	Late September/ Early October 2021

13) The consultants would be expected to complete the scope of work and activities with maximum 106 input days.

#### **IV. EXPECTED DELIVERABLES**

14) The list of expected deliverables of the consultants are as follows:

1. Inception report.
2. A Report of Comparative Study and Gap Analysis, which will include:
  - a. Desk-based review, and comparison of the legal text of the all provisions from all Chapters under the AANZFTA and RCEP Agreements, focusing on the following elements that are included for the AANZFTA upgrade negotiations.
  - b. Extensive researches and in-depth analysis from economic and empirical literature, summaries and assessments of the relevant literature and trade agreements where AANZFTA Parties are signatories on the issues related to trade and sustainable development and potential subjects to be included in AANZFTA upgrade;
  - c. Analysis on the resource-based implications (human, financial, and other) associated with implementing and enforcing these provisions and issues in AANZFTA upgrade;
  - d. Draft Recommendation on how AANZFTA may be built upon the concluded provisions in the RCEP and emerging issues based on current FTA trends and as agreed among AANZFTA Parties.
3. Consultative and Lesson Learned Sharing Sessions (Workshop/Webinar) conducted:
  - a. A series of 2 or 3-days six (6) sectoral workshops or webinars with relevant subsidiary bodies on:
    - i. Trade in Goods (NTM), Customs Procedures and Trade Facilitation, Rules of Origin;
    - ii. Trade in Services, Financial Services, Telecommunication Services;

- iii. Investment;
  - iv. Competition and Consumer Protection;
  - v. E-Commerce; and
  - vi. Government Procurement), which serves as a platform for the future AANZFTA Upgrade chief negotiators, will be conducted to discuss the outcome of the comparative study.
- b. One (1) seminar for FJC on potential provisions to be included in AANZFTA upgrade and also final/overall overview of the study; and with a view to facilitating the exchanges of views on the commitments can apply to AANZFTA upgrade and to obtain some initial inputs and recommendation on how to go forward with AANZFTA Upgrade negotiations.
  - c. Lead in the facilitation and presentation of the above workshops/webinars, preparation of agenda and materials.
  - d. Preparation of the workshops/webinars reports.
4. A Final Report on the Lessons Learned from the Comparative Study and Workshops to Support the AANZFTA Agreement:
- a. Preparation of the final report.

## **2.2 PROJECT REQUIREMENTS**

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### **CONSULTANT'S QUALIFICATIONS**

No.	Qualification	Weight
1	The consultant should have a team of recognised experts in Trade in Goods, Customs and Trade Facilitation, Rules of Origin, Trade in Services, Financial Services, Telecommunication Services, Investment, Competition and Consumer Protection, E-Commerce, Government Procurement and Trade and Sustainable development, and should demonstrate qualification in providing analytical, comparative study and not limited to technical assistance and capacity building solutions related to regional (multilateral and bilateral) FTAs.	35 %
2	The consultants should have a minimum of 10-years-experience in working on FTAs related studies	35%
3	The consultants should have demonstrated ability and experience in effectively facilitating group discussions and engaging positively and productively with various stakeholders, including government officials	15%
4	The consultants should have previous experience or consulting work with ASEAN / AANZFTA Parties	15%
<b>Total</b>		<b>100%</b>



### 3 RFP REQUIREMENTS

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#### 3.1 PROPOSAL SUBMISSION INSTRUCTIONS

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- a) Consultant must ensure that both Technical & Financial Proposals are received via email at the following address before the tender closing date **14 May 2021**

AANZFTA Support Unit  
The ASEAN Secretariat  
Jakarta 12110, Indonesia  
Email: [ecwp@asean.org](mailto: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

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##### 3.2.1 Bid Expiration Date

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Received proposals shall be valid until 30 June 2021

##### 3.2.2 Implementation/Delivery Schedule

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- a. Contract award will be decided by the Selection Committee comprised of Co-Chairs of the AANZFTA Joint Committee (FJC)  
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 process of the Consultant to the AANZFTA FJC through the ASEAN Secretariat  
d. The timeline for hiring and initial activities of the project will be as follows:

Action	Deliverables	Indicative Timeline
Engagement of Consultant / Contracting	Agreed Special Service Agreement by the selected Consultant	May 2021
Project Commencement	Inception Report	May/June 2021

Action	Deliverables	Indicative Timeline
Comparative Study and Gap Analysis	Report of Comparative Study and Gap Analysis	June/July 2021
Consultative and Lesson Learned Sharing Sessions (Workshop/Webinar)	<ul style="list-style-type: none"> <li>• A series of 2 or 3-days workshops or webinars, including: (approximately - six sectoral workshops/webinars with relevant subsidiary bodies on (i) Trade in Goods (NTM), Customs Procedures and Trade Facilitation, Rules of Origin; (ii) Trade in Services, Financial Services, Telecommunication Services, (iii) Investment; (iv) Competition and Consumer Protection; (v) E-Commerce; (vi) Government Procurement)</li> <li>• One (1) seminar for FJC on potential provisions to be included in AANZFTA upgrade and also final/overall overview of the study.</li> <li>• Agenda of workshop</li> <li>• Workshop materials</li> <li>• Lead in the facilitation of the workshop</li> <li>• Workshop report</li> </ul>	July – September 2021
The Final Report	<ul style="list-style-type: none"> <li>• Approved Final Report on lessons learned from the Comparative Study and Workshops to Support the AANZFTA Agreement by the FJC.</li> </ul>	Late September/Early October 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, i.e.,

technical and financial components.

#### **4.1 TECHNICAL PROPOSAL**

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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 on Regional Trade and FTAs, highlighting experience in related work relevant to the project. *(Please provide links to any 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. Completed 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**

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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, inclusive of applicable taxes, 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

### Appendix 1

#### Company General Information

*To be submitted together in the **Technical Proposal***

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

**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**  
**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	<b>Professional Services</b>		
	--- Input days for each expected output	(# of days)	
2	<b>Other expenses</b>		
	--- Item 1		
	--- Item 2		
<b>TOTAL</b>			

**B. PROPOSED PAYMENT SCHEDULE**