



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

Request for Proposal

**Consulting Opportunity for
ASEAN's Transition to Negative Listing for Services Commitments
[AANZ-0097-SER-16]**

**PROPOSAL MUST BE RECEIVED BY
05 November 2021**

EMAIL PROPOSAL TO:

AANZFTA Support Unit
Programme Cooperation and Project Management Division
Community & Corporate Affairs Department
The ASEAN Secretariat
Jakarta 12110, Indonesia
Email: ecwp@asean.org

Prepared by: AANZFTA Support Unit /
SID/ MID
Time: 10/2021

1 EXECUTIVE SUMMARY

The current AANZFTA upgrade negotiation for the services chapter includes the possibility of transitioning the services commitments from a positive list to a negative list approach. This project aims to support the negotiation by providing refresher training to AANZFTA Parties and targeted support for several select ASEAN Member States (AMS) to develop draft negative list commitments and thereby build their trade policy and trade negotiation expertise knowledge, and skills. This project is a follow-up to a 'pilot project' in 2019 participated by some AMS and seeks to mainstream the Negative Listing Best Practice Guidelines developed as part of the pilot project.

The project will consist of regional virtual training sessions held across three days for services negotiators and relevant agencies, with follow-up targeted dialogue with participants from up to six AMS.

The output of the project will be:

- i. Needs Assessment Report, outlining the current state of play of each Parties' readiness and capacity to develop negative list commitments and recommendation of training method and materials required to better equip the services negotiators.
- ii. Training materials.
- iii. A three-day virtual regional refresher training with representatives from all AANZFTA Parties.
- iv. Regional Training Report, including evaluation of the lessons learned and next steps.
- v. A Series of Follow-up targeted virtual dialogues with participants from up to six AMS.
- vi. Targeted Dialogue Reports including evaluation of the lessons learned and next steps.
- vii. Refinement of AANZFTA AECSP Best Practice Guidelines for Preparing a Negative List, as necessary.

2 SCOPE OF WORK

2.1 THE ASSIGNMENT

I. BACKGROUND

1. The negative list approach to scheduling services commitments has become increasingly popular in recent free trade agreements. The ASEAN Member States (AMS) have signed a negative list services agreement in its ASEAN Trade in Services Agreement (ATISA) negotiations. The Regional Comprehensive Economic Partnership (RCEP) signed in November 2020 includes the transition to negative list schedules for services commitments. The AANZFTA Upgrade presents another opportunity for implementing the use of negative list scheduling architecture, subject to the agreement of all Parties.
2. The negative list approach to scheduling services commitments differs substantially from the positive list approach to scheduling (as used in agreements such as the GATS and the AANZFTA). Some AMS have expressed a desire to develop their knowledge and capability in relation to the preparation and negotiation of negative list services commitments to ensure that they can participate efficiently and effectively in ongoing and future services negotiations.
3. A number of ASEAN Member States AMS have not yet negotiated negative list services commitments and have therefore not yet fully developed their capabilities in this area, including in relation to preparing negative list schedules and educating domestic regulators about how negative list commitments work.
4. Negative list scheduling has been the subject of previous cooperation and training projects in ASEAN alongside AANZFTA implementation and the RCEP negotiations and through capacity building programs delivered by foreign government agencies, such as USAID and the GiZ. These projects have generally focused on training seminars and workshops to help build understanding within the region regarding how negative list commitments work. A recent project run through the AECSP featured practical cooperation projects that enabled AANZFTA Parties to prepare actual draft or template offers and commitments for use in negotiations. This project also developed the Best Practice Guidelines for Preparing a Negative List.
5. As we are now at a pivotal time for ASEAN Member States' implementation of negative listing approaches to scheduling services commitments, it is now appropriate to provide additional support to maintain and strengthen capabilities.

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 ASEAN's Transition to Negative Listing for Services Commitments, as a follow-up activity from the 2019 project on "*Preparatory Work on Transitioning to Negative List: Preparing Negative List Schedules*".

III. CONSULTANT'S SCOPE OF WORK AND ACTIVITIES

7. The Consultant is expected to provide capacity building for the AANZFTA Parties, including the previously engaged AMS from the pilot phase, in relation to preparing

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and negotiating negative list services commitments with the “AANZFTA AECSP Best Practice Guidelines for Preparing a Negative List” as the basis. The consultants will also provide expertise in preparing and delivering substantive content for the capacity building programmes. The Consultant will be responsible for delivering the following project activities in consultation with project stakeholders, AANZFTA Committee on Trade in Services (CTS), Australia as the project proponent and the ASEAN Secretariat:

- Providing the current state of play of AANZFTA Parties on their readiness and capacity in negotiating and preparing negative list schedule.
- Training officials (regulators and negotiators) in relation to how to draft and negotiate a negative list schedule, resulting in:
 - participants being able to efficiently and effectively prepare negative list schedule entries.
 - increased participants' understanding of the various options for negotiating negative list commitments in free trade agreement negotiations.
 - increased participants' confidence in preparing and negotiating negative list commitments.
- Educating domestic regulators on negative list scheduling of commitments, resulting in:
 - more efficient and effective domestic consultation on negative list commitments.
 - improved domestic regulatory processes that better consider trade commitments.
- Supporting/enabling whole-of-government consultation within AANZFTA Parties on negative list commitments, resulting in:
 - improved consultation between trade negotiators and domestic regulators.
 - trade commitments better reflecting domestic regulatory settings and/or core policy interests.

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8. The following are detailed activities and time frames:

No.	Indicative Time Frame	Activity
1	December 2021	Prepare an inception report for consideration by the CTS. The Consultant is expected to incorporate the comments and inputs from CTS for finalisation before proceeding to the next steps.
2	January 2022	Activity 1: Needs Assessment Report, outlining the current state of play of each Parties' readiness and capacity to develop negative list commitments and recommendation of training method and materials required to better equip the services negotiators
3	February 2022	Activity 2: a three-day virtual regional refresher training on negative list scheduling
4	February – March 2022	Activity 3: A series of follow-up targeted virtual dialogues with representatives from up to six ASEAN countries, likely countries with limited experience of negative listing in previous FTAs
5	April 2022	Activity 4: Media Release and Final Reporting by Consultant (Prepare and submit the final report, summarising all findings and outputs related to the assignments, for consideration by CTS).

All activities will be undertaken using virtual videoconferencing facilities.

9. The consultants would be expected to complete the scope of work and activities with maximum **53** 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, methodologies and workplan to carry out the activities. The approaches and methodologies should also include how the Consultant will conduct and deliver effective and efficient trainings and dialogues in virtual format;

b. **Needs Assessment Report**

Development of Needs Assessment Report (through desk research and surveys/interviews), outlining the current state of play of each Parties' readiness and capacity to develop negative list commitments and recommendation of training method and materials required to better equip the services negotiators.

Target of respondents for the surveys/interviews:

- Trade in services negotiators from each of the AANZFTA Parties; and
- Sectoral regulators or policy makers from each of the twelve AANZFTA Parties.

c. **Regional Refresher Training on Negative List Scheduling**

Three-day virtual training sessions providing refresher to prepare negative list schedules. The sessions would focus on: different elements of negative listing based on participant availability, such as consultation, legal drafting, and negotiations.

Targeted participants:

- Trade in services negotiators from each of the AANZFTA Parties; and
- Sectoral regulators or policy makers from each of the twelve AANZFTA Parties.

The Consultant is expected to develop training materials, training agenda and presentation slides, identify and coordinate with speakers, facilitate the training, and prepare a report following the completion of the training.

Outputs from this activity includes:

- Training Agenda
- Training Materials;
- Facilitation of a three-day virtual regional refresher training to prepare negative list schedules with representatives from all AANZFTA Parties;
- Regional Training Report.

d. **Follow-up targeted dialogues with participants from up to six countries**

These virtual dialogues aim to provide a tailored-capacity building assistance and mentoring for participants up to six AMS in preparing their negative list scheduling and negotiations and will be held for 1- 2 days per AMS.

Targeted participants:

- Trade in services negotiators from up to 6 AMS; and
- Sectoral regulators or policy makers from each of the 6 AMS.

The Consultant is expected to facilitate the virtual dialogues including proposing the schedule, developing the agenda, preparing materials, coordination with

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speakers for the delivery arrangement, and preparing a comprehensive report following completion of the dialogues.

Output from this activity includes:

- Proposed schedule for the dialogues
- Materials for the dialogues;
- Facilitation of the follow-up targeted dialogues with participants from up to six countries;
- Report on targeted dialogues including evaluation of the lessons learned and next steps.
- Refinement of AANZFTA AECSP Best Practice Guidelines for Preparing a Negative List, as necessary.

e. **Media Releases**

The Consultant is expected to prepare the draft of one to two-page Media Release summarising the activities under the refresher training sessions and the targeted dialogue with close consultation with AANZFTA Support Unit (ASU) and the ASEAN Secretariat.

f. **Inputs to Project Completion Report**

The Consultant is expected to submit inputs to the Project Completion report, particularly summarising the outcome achieved following the completion of the project.

2.2 QUALIFICATIONS

CONSULTANT'S QUALIFICATIONS

#	Qualification
1	Proven professional experience and knowledge in: <ol style="list-style-type: none"> a. Application of Negative Listings, particularly on services sector in the AANZFTA region; b. Developing negative list commitments and/or transforming services commitments from positive listing to negative listing; c. Development of virtual training programme and training materials, specifically for negative listing on trade in services; d. Organisation development and capacity building, including delivery of training in virtual format; e. Training/ webinar facilitation and efficient report writing; f. Government service or consulting work in ASEAN/ AANZFTA is preferred but not necessary.
2	Appropriateness of proposed concept and work plan, including detail content and clear deliverables
3	Strong qualification of proposed team members
4	Experienced in organising and facilitating virtual workshops/trainings/webinars, including having sufficient office equipment supporting the conduct of the virtual workshops/training/webinars.

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 closing date **05 November 2021**

AANZFTA Support Unit
Programme Cooperation and Project Management Division
Community & Corporate Affairs 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 proposal 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 **30 November 2021**

3.2.2 Implementation/Delivery Schedule

- a. Terms and reference of the contract will be negotiated by the ASEAN Secretariat.
b. In carrying out his/her assignment, the consultant or consultant team will work closely with the ASEAN Secretariat and AANZFTA Support Unit (ASU) and reporting to the AANZFTA CTS through the ASEAN Secretariat.

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

Action	Deliverables	Indicative Timeline
Contracting		Mid of November 2021
Submission of draft output:		
Submission of inception report	Inception report	December 2021
Activity 1: Needs Assessment	<ul style="list-style-type: none"> • Desk Research, Surveys and Interviews • Needs Assessment Report 	January 2022
Activity 2: a three-day virtual regional refresher training on negative list scheduling	<ul style="list-style-type: none"> • Training agenda and training materials, approved by CTS • Facilitation of virtual regional refresher training to prepare negative list schedules with representatives from all AANZFTA Parties • Regional Training Report 	February 2022
Activity 3: Follow-up targeted dialogue with participants from up to six countries	<ul style="list-style-type: none"> • List of identified countries participants; • Dialogue Agenda, materials and brief/info paper; • Facilitation of Follow-up Targeted Dialogue with participants from up to six countries (virtual) • Report on Targeted Dialogue including evaluation of the lessons learned and next steps • Final refinement of AANZFTA AECSP Best Practice Guidelines for Preparing a Negative List 	March 2022
Final Submissions	<ul style="list-style-type: none"> • Draft Media Release • Consultant input on the project completion report (PCR) for this project, including evaluation of the lessons learned and next steps 	End of March 2022

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 the training and the follow-up dialogues), 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 negative listings, particularly on trade in services, 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. A brief summary of the prospective Consultant's expertise and knowledge in designing and facilitating virtual training /dialogue using online video conference platforms;
- e. Brief discussion on the consultant's or firm's past experience in undertaking similar work and brief summary of projects undertaken;
- f. Names and curriculum vitae of associates, subcontractors, personnel or employees who will be engaged in the performance of services;
- g. Complete the attached Appendix 1 and 1a - Company General Information and List of Clients; and
- h. 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.

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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