



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

Request for Proposal

**Consulting Opportunity for
STRACAP Work Plan for Implementation (SWIP) – Work Stream 1:
Good Regulatory Practice – Cosmetics Sector
[AANZ-0084-STR-06]**

**PROPOSAL MUST BE RECEIVED BY
9 October 2020**

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 / SCD / MID
Time: 08/2020

1 EXECUTIVE SUMMARY

1. Governments and industry alike use standards and conformance requirements as an effective and efficient means to achieving legitimate commercial and policy objectives. However, where there are inconsistencies across countries and markets this can reduce competition, stifle innovation and create unnecessary barriers to trade. The significance of technical barriers to trade has increased considerably over the past years as tariffs decline and governments worldwide introduce more and more regulatory requirements to address health, safety or environmental concerns.
2. The main goal of STRACAP Work Plan Implementation Program (SWIP) is to support the implementation of STRACAP Work Program through 3 key streams which are (1) Good Regulatory Practice, (2) Cooperation in International Standards Engagement and (3) Technical Capacity Building, ensuring that standards, technical regulations, and conformity assessment procedures do not create obstacles to trade. SC-STRACAP members identified three industry sectors (Health Supplements, Cosmetic and Food & Beverage) for implementation. Focusing on these industry sectors across the region will assist in identifying opportunities to enhance freer flow of goods and services across member economies while ensuring the safety, health and protection of the environment throughout AANZFTA Parties.
3. SC-STRACAP has identified and agreed for the priority activities and the key streams during its meeting in April 2016 in Singapore which noted the order of prioritisation under GRP should be: (1) GRP and Regulatory Cooperation, (2) Regulatory Dialogue, and (3) Access to Information. These priorities include, but not limited to, the Good Regulatory Practice and Regulatory Cooperation which includes consumer protection, Regulatory Dialogue with industry including cosmetics to share information, intelligence and to align regulatory responses and interventions in product areas such as Food & Beverages, Health Supplements and Cosmetics.

2 SCOPE OF WORK

2.1 THE ASSIGNMENT

I. BACKGROUND

4. The AECSP project on STRACAP Work Plan Implementation Program (SWIP): Good Regulatory Practice was completed in August 2017. This project supported the objectives of the AANZFTA Chapter on STRACAP through the (i) promotion of mutual understanding of each Party's standards, technical regulations and conformity assessment procedures and (ii) strengthening information exchange and co-operation among Parties in relation to the preparation, adoption and application of standards, technical regulations and conformity assessment procedures.
5. Outputs of the project provided Parties with (1) a review of best practice models on GRP from various regulatory systems (approach to GRP taken collectively by ASEAN and APEC, GRP practices of UK for its experience in radical and innovative practices in GRP, GRP practices of Australia and New Zealand as leading examples of international good practice in GRP), including the limitations on GRP reviewing on the practical applications of GRP in relation to trade issues and identifies various difficulties in applying GRP to STRACAP; (2) summary of STRACAP regulatory regimes that apply to cosmetics in each AANZFTA Party; and (3) a recommendation focusing on awareness raising on STRACAP issues in cosmetics products, including identifying best practices on how the best practices to be applied in day-to-day work of governments.
6. Following the success of SWIP I project implementation, this project will continuously support in ensuring that standards, technical regulations and conformity assessment procedures do not create unnecessary obstacles to trade, specifically for cosmetics sector, within the AANZFTA region. Through the implementation of this project, the SC-STRACAP can play a key role in reducing barriers to trade and help to develop greater regional integration through a better understanding and cooperation of STRACAP measures.

II. PURPOSE OF THE ASSIGNMENT

7. AANZFTA is seeking the services of a team of international expert consultant to support SC-STRACAP in undertaking the implementation of one of the focus areas identified in the work program, especially on sharing of information and approaches in implementing Good Regulatory Practices (GRP) for cosmetics sector.

III. CONSULTANT'S SCOPE OF WORK AND ACTIVITIES

9. The consultants are requested to:
 - i) Undertake a desk-based research
 - to review models of best practice for GRP which to be built on the research outputs from the workshop on GRP on F&B (2017) and GRP models at general level including work done through other forums such as the ASEAN-OECD and APEC. The review would include comparison of GRP models and its regulatory implementation with a

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view to diminish the occurrence of TBTs arising from inconsistencies in the delivery of regulations.

- to review regulatory practices and relevant regulations in the cosmetics sector within the AANZFTA region which include cosmetic labelling, packaging or characteristics, conformity assessment procedures i.e. procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; notification, accreditation and approval as well as their combinations.
- to review the current situation and prepare a summary of STRACAP regulatory regimes that applies to cosmetics in each AANZFTA Party. The report of the research will include a recommendation on specific aspects of GRP to be covered in the workshop.

ii) To facilitate the GRP Regional Workshop

- developing the agenda for the workshop based on the desk-based research
- facilitating discussion during the workshop
- prepare a workshop report including recommendation on specific areas

where regulators can co-operate to enhance the use of GRP.

10. The Regional Workshop will be a two-day event, designed to bring together sectoral regulators on cosmetics, cosmetics industry representatives, including SMEs, and SC-STRACAP members to discuss their regulatory objective and regulatory implementation based on the desk-based research report by the consultant and how they may be able to diminish the occurrence of TBTs arising from inconsistent delivery of regulation. It is proposed that the workshop be held in March 2021 in Penang, Malaysia tentatively.

11. The key beneficiaries will be the regulatory agencies and business sectors of the cosmetics industries. While the workshop will be targeted towards parties involved in the regulatory process, the tangible benefits will be to businesses, and particularly SMEs, who will find it easier to trade and operate between AANZFTA Parties

12. The following are detailed activities and time frames of this project:

No.	Indicative Timeline	Activity
1.	November 2020	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.	November 2020 – January 2021	<ul style="list-style-type: none"> • Conduct the desk-based research • Prepare the draft of Desk Research Report • Submit the draft of Desk Research Report for consideration by relevant ASEAN and AANZFTA bodies • Provide the revised draft for discussion at the workshop
3.	January 2021	<ul style="list-style-type: none"> • Submit and consultation on the draft agenda for the workshop

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No.	Indicative Timeline	Activity
		<ul style="list-style-type: none"> • Identify speakers and invitation of speakers • Prepare the workshop documents
6.	February/March 2021 (TBC)	Conduct regional consultation workshop Note: the format of regional consultation workshop would subject to travel restriction due to COVID-19 pandemic. The workshop would be delivered virtually if the travel restrictions continue to be in place.
7.	March/April 2021	Submit the (1) the revised research report, incorporating all comments, suggestions and output of discussions; (2) draft of workshop report including all outputs, incorporating all comments, suggestions and output of discussions for consideration and approval by relevant ASEAN and AANZFTA bodies

13. The consultants would be expected to complete the scope of work and activities with maximum 15 input days.

IV. EXPECTED DELIVERABLES

14. 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. Research Report, which would include (a) review best practices models on GRP in general and also in cosmetics sectors, to be built on the output of research undertaken for the Workshop on GRP on F&B (2017); (b) comparison of GRP models and its regulatory implementation at general level and also specific for cosmetics sectors, with a view to diminish the occurrence of TBTs arising from inconsistent delivery of regulation; (c) recommendations related to strategies on improving implementation of regulation;
- c. Workshop report, highlighting output of discussions and recommendations related to (1) strengthening methodology for GRP application for Food and Beverage developed under SWIP 1 by applying and adapting it to cosmetics sector; (2) promote a mutual understanding of each Party's standards and conformance infrastructure and regulatory implementation in the cosmetic sector; (3) strengthen information exchange, transparency, integration and collaboration among Parties in relation to standards, technical regulations and conformity assessment procedures and regulatory implementation within the cosmetic sector; and (4) supporting mechanisms applicable to the cosmetic sector to realise the objectives of the AANZFTA Agreement;
- d. Agenda, materials for the regional workshop.

2.2 QUALIFICATIONS

CONSULTANT’S QUALIFICATIONS

#	Qualification	Weight
1	Proven professional experience and knowledge in: a. International regulatory policy and cooperation and policy analysis, in particular on Good Regulatory Practices and on cosmetics sector; Proven qualification and/or expertise in Good Regulatory Practices on cosmetic sector would be an advantage; b. Implementation of international standards for cosmetic sector; c. Good knowledge of regulatory practices and compliance requirements of technical regulations in the AANZFTA region; d. Organisation development and capacity building; e. Facilitation and writing; f. 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 **9 October 2020**

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 December 2020**

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 Standards, Technical Regulations and Conformity Assessment Procedures (SC-STRACAP).
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 Sub Committee on Standards, Technical Regulations and Conformity Assessment Procedures (SC-STRACAP) 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		October 2020
Submission of draft output:		
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.	Inception report	November 2020
<ul style="list-style-type: none"> • Conduct the desk-based research • Prepare the draft of Desk Research Report • Submit the draft of Desk Research Report for consideration by relevant ASEAN and AANZFTA bodies • Provide the revised draft for discussion at the workshop 	Draft research report	November 2020 – January 2021
Regional Workshop	<ul style="list-style-type: none"> • Agenda for the workshop; • Workshop materials; • Workshop facilitation; and 	February/March 2021
Submit the (1) the revised research report, incorporating all comments, suggestions and output of discussions; (2) draft of workshop report including all outputs, incorporating all comments, suggestions and output of discussions for consideration and approval by relevant ASEAN and AANZFTA bodies	<ul style="list-style-type: none"> • Workshop report • Research Report 	March/April 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 international regulatory policy and cooperation, policy analysis, in particular on Good Regulatory Practices and on cosmetics sector, highlighting experience in related work relevant to the project. *(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 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	

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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	Professional Services		
	- Input days for each expected output	(# of days)	
2	Other expenses		
	- Item 1		
	- Item 2		
TOTAL			

B. PROPOSED PAYMENT SCHEDULE