



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

**Request for Proposal**

**Preparatory Work on Transitioning to Negative List: Preparing Negative  
List Schedules (Pilot Phase) [AANZ-0082-SER-14]**

**PROPOSAL MUST BE RECEIVED BY  
[29 March 2019]**

**EMAIL PROPOSAL TO:**

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

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Prepared by: AANZFTA Support Unit / EERD and  
SID, MID

Date: March 2019

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## **1 EXECUTIVE SUMMARY**

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The project on ‘Preparatory Work on Transitioning to Negative List: Preparing Negative List Schedules (Pilot Phase), is part of the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Support Programme (AECSP), under the Investment component of the Economic Cooperation Work Program (ECWP).

The pilot project aims to assist participating countries to develop draft negative list commitments in targeted sectors and thereby build their trade policy and trade negotiation expertise, knowledge and skills. The project is a ‘pilot project’ with four participating countries, namely Cambodia, Indonesia, Lao PDR and Thailand. The sectors covered in the pilot phase of the project will be determined through discussions with the four countries and the AANZFTA Committee on Trade in Services (CTS).

The immediate objectives of the Pilot Project are:

**Objective one:** Build capacity within participant countries in relation to preparing and negotiating negative list services commitments

**Objective two:** Increase regional understanding and information-sharing on approaches to preparing negative list schedules

To achieve the objectives above, interested consultants are invited to submit proposals to deliver the following outputs:

**Output 1:** Training and workshop materials prepared for use in-country

**Output 2:** Refresher training seminars and Technical Assistance (TA) workshops to prepare negative list schedules held in the four participating countries

**Output 3:** Assist the four participating countries to draft negative list commitments for the targeted sectors

**Output 4:** Consultant report on in-country training seminar and TA workshop for each of the four participating countries

**Output 5:** Regional Dialogue held on negative list scheduling of services commitments

**Output 6:** Consultant report on Regional Dialogue including evaluation of the pilot phase, lessons learned and next steps, and Project Completion Report (PCR)

**Output 7:** Best practice guidelines on consultation for, preparation and negotiation of negative list services schedules in the targeted sectors

**Output 8:** Services negative list scheduling training material prepared for future use by AANZFTA Parties

## **2 SCOPE OF WORK**

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### **2.1 PROJECT OVERVIEW**

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#### **I. BACKGROUND**

A number of ASEAN Member States 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.

Negative list scheduling has been the subject of previous co-operation and training projects in ASEAN alongside AANZFTA implementation and the RCEP negotiations, as well as 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. To significantly build capacity, it is now appropriate to move to more practical cooperation projects that enable participating countries to prepare actual draft or template offers and commitments for use in negotiations.

## II. PURPOSE OF THE ASSIGNMENT

AECSP is seeking the services of a team of consultants to provide technical assistance and support to build capacity through refresher trainings, practical workshops and a regional dialogue, to assist four participant countries to prepare draft negative list commitments in the targeted sectors. This will involve:

- **Awareness enhancement: Refresher in-country training workshops on negative list scheduling and negotiation**
  - This training will build upon prior work in this area to refresh participants on the operation of negative lists and the key concepts that need to be known to develop negative list commitments.
  - The training will also cover how negative list schedules are actually negotiated during typical trade agreement negotiations.
- **Technical Assistance/Capacity Building: In-country workshops with relevant regulators to prepare draft negative list commitments**
  - These workshops will be the key value-add of this project. They will bring together all of a participating country's regulators in the targeted sectors to enable whole-of-government consultation for the purpose of preparing a draft negative list schedule for sectors selected by each participant country.
  - With the assistance of the consultant, trade negotiators and regulators will be stepped through the process of preparing a negative list schedule including: identifying relevant non-conforming measures in the targeted sectors, considering areas where additional policy space might be needed, and preparing draft negative list schedule entries.
- **A Regional Dialogue and training seminar to share experiences, knowledge and lessons learned**
  - To maximize the value of this project, a regional dialogue will be held to enable participant countries to share their experience of preparing a negative list with other ASEAN Member States. This will include exchanging knowledge and best practice guidance, and sharing lessons learned from the process of preparing a negative list schedule.
  - The regional dialogue will also be used to further train officials on how negative list commitments are negotiated during trade agreement negotiations.

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

The consultants chosen through this competitive bidding process, are expected to support the project team and to deliver the outputs in accordance with the timeline. The consultants will work closely with Australia, participating countries and ASEAN Secretariat, including

AANZFTA Support Unit (ASU) on the implementation of the project in line with this project proposal and agreed Terms of Reference.

The consultants are expected to deliver outputs, as follows:

**a. Description of Activities:**

**Project Objective 1: Build capacity within participant countries in relation to preparing and negotiating negative list services schedules**

*Outputs:*

- a) Up to 50 trade negotiators and regulators (with numbers/attendants determined by each participant country) trained per participant country with increase in knowledge demonstrated through comprehensive monitoring and evaluation.
- b) Draft negative list schedules covering targeted sectors for each participant country.
- c) Training material prepared for future use by participant countries.
- d) Consultant workshop reports (for each participant countries), including lessons learned and recommended next steps, on each participant country's experience of the project including in relation to consultations, preparation of commitments and services trade negotiation.

*Description of Activities:*

- a) Country-specific refresher training on negative list scheduling and negotiation:
  - One-day training providing an introduction to the key concepts of negative list scheduling and how market access negotiations are undertaken for negative list commitments.
  - Each participant country will have its own country-specific training to take place in-country.
  - The training will be run by external consultant(s) hired by AECSP with the involvement of experienced trade negotiators from AANZFTA Parties as appropriate.
  - Criteria to consider for participants:
    - The refresher will likely be more relevant to trade negotiators and those directly involved in preparing the negative list schedules
    - Level of seniority to be determined by the relevant agency, but should include officials that draft the actual services commitments
    - Number of participants to be determined by participating countries.
- b) Country-specific technical assistance (TA) and capacity building workshops with relevant regulators to develop draft negative list commitments:
  - Two-day workshops involving trade negotiators and relevant regulators to prepare draft negative list schedules for the sectors selected by each participant country.
  - Each participant country will have its own country-specific workshop to take place in-country to maximize the involvement of domestic regulators and the value of the whole-of-government consultation process.
  - Criteria to consider for participants:

- The workshops will be relevant to both trade negotiators and domestic regulators, and would benefit from attendance by relevant regulators with knowledge of the country's regulatory regimes attending to input into the services schedules
  - Relevant regulators to be determined based on the sectors targeted for attention at this workshop
- Level of seniority to be determined by the relevant agency, but should include officials that draft the actual services commitments and with day-to-day experience and knowledge of the relevant regulatory regime
- Number of participants to be determined by participating countries.
- The workshops will be run by external consultant(s) hired by AECSP with the involvement of experienced trade negotiators from AANZFTA Parties as appropriate.
- Following the TA workshop, the consultant(s) will also be available for up to three additional days' work with each individual participant country to address any questions, issues or comments as they arise.

*Proposed Timeline:*

The above refresher training (a) and technical assistance workshops (b) will be held back-to-back within each participant country, and take an estimated five business days. Appropriate dates and times for these activities will be decided upon, following the engagement of a consultant or a team of consultants and consultation with participant countries.

*Direct Beneficiaries*

Up to 50 trade negotiators and domestic regulators from each participating country will be the direct beneficiaries of these activities.

**Project Objective 2: Increase regional understanding and information-sharing on approaches to preparing negative list schedules**

*Outputs:*

- a) Approximately 30 attendees from AANZFTA Parties at a regional dialogue.
- b) Consultant's workshop reports from the Regional Dialogue and Training (activities (a) and (b) below) to capture shared experiences, knowledge and lessons learned.

*Description of Activities:*

- a) Regional dialogue involving trade officials from all the AANZFTA Parties to enable participant countries to share their experience of preparing a negative list (one day).
- b) Regional training on best practice approaches to preparing and negotiating negative list commitments (one day).

*Proposed Timeline:*

The two-day regional dialogue and training would take place at the end of the pilot phase of the project at time and date to be agreed following consultation with AANZFTA Parties. The location of the dialogue and training would be determined following consultation with the AANZFTA Parties.

*Direct Beneficiaries:*

Direct beneficiaries of these activities will be trade negotiators from the participant countries and trade negotiators from all the AANZFTA Parties.

**b. Outputs:**

The outputs of consultants are expected to be as follows:

- Output 1:** Training and workshop materials prepared for use in-country
- Output 2:** Refresher training seminars and TA workshops to prepare negative list schedules held in the four participating countries
- Output 3:** Assist the four participating countries to draft negative list commitments for the targeted sectors
- Output 4:** Consultant report on in-country training and TA workshop for each of the four participating countries
- Output 5:** Regional Dialogue held on negative list scheduling of services commitments
- Output 6:** Consultant report on Regional Dialogue including evaluation of the pilot phase, lessons learned and next steps, and Project Completion Report (PCR)
- Output 7:** Best practice guidelines produce on consultation for, preparation and negotiation of negative list services schedules for the targeted sectors
- Output 8:** Services negative list scheduling training material prepared for future use by AANZFTA Parties

**IV. EXPECTED DELIVERABLES**

The list of expected deliverables and tentative timeframe for the consultants are as follows:

<b>In-country training and TA workshops</b> (held consecutively for 5 days in total in each of the four participating countries)	
Output 1: Training and workshop materials prepared for use in-country	May
Output 2: Training seminar and workshop held Cambodia	June-July
Training seminar and workshop held in Indonesia	
Training seminar and workshop held in Lao PDR	
Training seminar and workshop held in Thailand	
Output 3: Assist the four participating countries to draft negative list commitments for the targeted sectors	August
Output 4: Consultant report on in-country training seminar and TA workshop for each of the four participating countries	August
<b>Regional Dialogue and Training</b>	
Output 5: Regional dialogue held on negative list scheduling of services commitments	October
Output 6: Consultant report on regional dialogue including evaluation of the pilot phase, lessons learned and next steps, and Project Completion Report	November
Output 7: Best practice guidelines produce on consultation for, preparation and negotiation of negative list services schedules for the targeted sectors	November
Output 8: Services negative list scheduling training material prepared for future use by AANZFTA Parties	November

## **2.2 PROJECT REQUIREMENTS**

### **CONSULTANT'S QUALIFICATIONS**

<b>No.</b>	<b>Qualification</b>	<b>Weight</b>
1	The consultant(s) should have demonstrated experience in negative list commitments, including drafting negative list commitments	35 %
2	The consultant(s) should have demonstrated experience in producing education/training materials on negative list commitments	30%
3	The consultant(s) should have demonstrated ability and experience in effectively conducting and facilitating workshops/trainings for various stakeholders, including government officials	25%
4	The consultant(s) should have firsthand experience with government services or consulting work in ASEAN / AANZFTA (desirable)	10%
Total		100%

## **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 **29 March 2019**  
AANZFTA Support Unit  
External Economic Relations Division ASEAN Economic Community  
Department 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**

#### **3.2.1 Bid Expiration Date**

Received proposals shall be valid until 28 June 2019

#### **3.2.2 Implementation/Delivery Schedule**

- a. Contract award will be decided by the Selection Committee comprised of Co-Chairs of the AANZFTA Committee on Trade in Services (CTS)

- 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 CTS through the ASEAN Secretariat
- d. The timeline for hiring and initial activities of the project will be as follows:

Action	Deliverables	Timeframe 2019
<b>1. Procurement of consulting services</b>		
Open tender process and contracting of consultant		March-April
<b>2. In-country training and TA workshops</b>		
Submission of draft training materials	Output 1: Training and workshop materials prepared for use in-country	May
Organization of in-country refresher training and TA workshop in: <ul style="list-style-type: none"> <li>• Cambodia</li> <li>• Indonesia</li> <li>• Lao PDR</li> <li>• Thailand</li> </ul>	Output 2: Training seminar and workshop held in four participant countries	June-July
Submission of Draft negative list commitments	Output 3: Assist the four participating countries to Draft negative list commitments for the targeted sectors	August
Submission of consultant's reports	Output 4: Consultant report on in-country seminar and workshop for each of the four participating countries	August
<b>3. Regional Dialogue and Training</b>		
Organization of Regional dialogue	Output 5: Regional dialogue held on negative list scheduling of services commitments	October
Submission of consultant's reports and draft PCR	Output 6: Consultant report on regional dialogue including evaluation of the pilot phase, lessons learned and next steps, and Project Completion Report (PCR)	November
Submission of Best practice guidelines	Output 7: Best practice guidelines produce on consultation for, preparation and negotiation of negative list services schedules for the targeted sectors.	November
Submission of negative list scheduling training material prepared for future use by AANZFTA Parties	Output 8: Services negative list scheduling training material prepared for future use by AANZFTA Parties	November





## **4 RESPONSE FORMAT (PROPOSAL FORMAT)**

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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 Negative List Schedules, 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 and 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;

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.

**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?</b> <b>*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**