

# Terms of reference (ToRs) for the procurement of services below the EU threshold

## ANNEX (1)

**Contract: 83387859**

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<b>Hiring of a Firm for a Train-the-trainers-programme of SADC EPA Countries' Officials on EPA Safeguards</b>	<b>Project number/ cost centre: 20.2165.7-004.00</b>
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## 0. List of abbreviations

AVB	General Terms and Conditions of Contract (AVB) for supplying services and work 2020
ToR	Terms of reference
EPA	Economic Partnership Agreement
NEW	Förderung von Nachhaltigkeitsaspekten in EU-Wirtschaftspartnerschaftsabkommen ( <i>German</i> )  <i>Supporting sustainability aspects in the implementation of EU Economic Partnership Agreements</i>
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
SADC	Southern African Development Community
ACP	African, Caribbean and Pacific States
OACPS	Organisation of African, Caribbean and Pacific States
ESA	Eastern and Southern Africa
AfCFTA	African Continental Free Trade Area

## 1. Context

### 1.1 Background of the project “Supporting sustainability aspects in the implementation of EU Economic Partnership Agreements (NEW)”

Following the signature of the Economic Partnership Agreement (EPA) between 6 SADC Member States (Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa) on the one hand, and the European Union (EU) on the other and its provisional application since October 2016, the German Development Cooperation (GIZ) commenced a global project operating under the title “Supporting sustainability aspects in the implementation of EU Economic Partnership Agreements (NEW)”. The first phase of the project ‘NEW’ was implemented during the period of May 2017 to April 2020 with the overall objective to foster EPA implementation by regional organisations, their member states, the private sector and civil society in a way that supports sustainable development in the Caribbean and SADC regions. The new project was commissioned to run from May 2020 to April 2023 with the same objective but a wider geographical focus on Southern Africa (SADC EPA), Eastern and Southern Africa (ESA) and the Caribbean (CARIFORUM EPA).

The GIZ EPA Project (NEW)’s interventions are organised around three main areas of activity with the key goals of:

1. Facilitating the establishment of participatory EPA monitoring systems, providing methodological as well as institutional support.
2. Strengthening the capacity of relevant actors (regional organizations and their member states, the private sector and civil society) with regard to the potential and the challenges of the EPA for sustainable development, with the aim of maximising the positive impact of EPAs and increasing exports to the EU.
3. Developing cross-regional exchange platforms on EPAs for the exchange of useful experience and new approaches to maximise the positive development effects of the EPAs.

The main implementation partners are regional organisations and other institutions and stakeholders at regional level.

### 1.2 Background information on the EU-SADC EPA

The Economic Partnership Agreements (EPAs) denote a set of comprehensive trade agreements between the European Union (EU) and the African, Caribbean and Pacific (ACP) states (today: Organisation of African, Caribbean and Pacific States). These agreements aim

to extend beyond the scope of traditional trade agreements, and to create partnerships that implement trade in an effort towards sustainable development and regional integration.

Negotiations between the EU and the group of the Southern Africa Development Community (SADC) EPA countries (Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa) were concluded in 2014 and the agreement was signed on 10th of June 2016 in Botswana and entered into force on October 10th, 2016. The agreement became the first regional EPA in Africa to be fully operational after Mozambique, the only non-SACU SADC EPA State, started applying the EPA in February 2018.

EPAs are based on the principle of asymmetry and contain several provisions that reflect their developmental nature. Under the SADC EPA, the EU guarantees long-term duty-free and quota-free access to the European market for Botswana, Eswatini, Lesotho, Mozambique and Namibia. South Africa benefits from new market access that supplements the Trade, Development and Cooperation Agreement (TDCA) that governed its trade relations with the EU prior to the EPA. In turn, SADC EPA states will liberalise up to 86.2% (Mozambique 74%) of their total trade volume with transition periods of up to 12 years. Numerous sensitive products critical for local value addition are exempt from liberalisation and safeguards can be deployed when imports from the EU into the SADC EPA countries are growing too quickly.

It is important to note that having an EPA in place does not automatically translate into increased and free trade flows, deeper regional integration and increased poverty reduction. Seizing the opportunities created by this agreement and mitigating its risks presumes that regional and national government bodies, the private sector and civil society have the necessary capacity to interpret and apply the provisions in the EPA in a way that supports sustainable development. The SADC EPA States will need support in building their trade capacity in order to make use of new market opportunities that the EPA provides for them and equally to be able to properly apply risk-mitigating measures such as safeguards.

Safeguard measures are defined by the WTO as “emergency” actions with respect to increased imports of products, where such imports have caused or threaten to cause serious injury to the importing Member's domestic industry (Article 2). Such measures, which in broad terms take the form of suspension of concessions or obligations, can consist of quantitative import restrictions or of duty increases to higher than bound rates. Safeguard measures are one of three types of contingent trade protection measures, along with anti-dumping and countervailing measures, available to WTO Members.

## **1.3 Objectives**

### 1.3.1 Overall objective

The overall objective of the capacity development support is to develop the technical capacities of five SADC EPA States in applying the safeguard measures provided for in Articles 34, 35, 36, 37 and 38 of the EU-SADC Economic Partnership Agreement.

### 1.3.2 Specific Objective

The specific objective of this capacity building initiative is to enhance, through training of trainers, the technical skills of relevant public officials from competent departments of five SADC EPA countries (Botswana, Eswatini, Lesotho, Mozambique and Namibia) on safeguard investigations and implementation in combination with developing digital learning materials. It is expected that the same technical skills will also be useful in applying multilateral and any other safeguard measures the SADC EPA States may need to apply in their trade within SADC under the SADC Protocol on Trade and in Africa under the African Continental Free Trade Area (AfCFTA).

## **1.4 Expected Results**

Four key results are expected:

- a) Develop digital learning materials on safeguard provisions for subsequent use by trainers at national level. The trainers will be relevant public officials from competent departments of the SADC EPA countries and will be expected thereafter to take up the responsibilities of training other relevant public officials in conducting safeguard investigations under the SADC EPA.
- b) Hold four 2-hour virtual regional training workshops on safeguard provisions for trainers from five SADC EPA States to enhance their technical skills in conducting safeguard investigations under the SADC EPA and in teaching other public officials on the subject.
- c) Hold four 2-hour national virtual trainings for each of the five countries where the participants can apply what they have learned, both their technical and methodological skills, under the supervision of the trainers.
- d) Hold one 2-hour wrap-up workshop with all five SADC EPA states for an exchange and open Q&A session after the national trainings.

- e) Hold one 2-hour regional workshop with all five SADC EPA states two to three months after the last national workshop to gather participants' experiences and address outstanding issues.

## **2. Tasks to be performed by the contracted organisation**

The organisation is responsible for providing the following services within the timeframes indicated. All services are expected to be provided virtually and in English language:

2.1 Prepare and submit Inception Report which highlights understanding of the scope of work, the approach and methodology, templates for deliverables like the training manual, expected results and risks as well as an implementation schedule for discussion with GIZ project (2 days).

2.2 Develop digital learning materials on safeguard provisions under the SADC-EU EPA. For this activity, the handbook “Capacity Building on Trade Remedies under the SADC-EU EPA – Handbook on Trade Defence Instruments (Focus on Bilateral Safeguards in the SADC - EU EPA)” which has been produced under a previous contract can be used as a starting point. A prerequisite for the creation of the materials is that they continue to be available and can be used free of charge by all participants after the training. The design of the materials must be agreed with the GIZ NEW project (30 days).

In this regard the organisation will be expected to:

- a. Prepare the training materials suitable for the virtual training and self-study – presentations, digital handouts, educational videos, step-by-step-instructions for conducting investigations, quizzes, exercises, case studies and any other necessary or relevant materials.
- b. Prepare a training manual for subsequent use by the trainers during their training of other officials. As this will be a train-the-trainers workshop, the manual should cover relevant contents, materials, (open source) tools and data sources that the trainers may use to train others as well as training methodologies and approaches for further application. The training manual shall be translated into Portuguese for participants from Mozambique before the start of the trainings.

2.3 Organise and conduct the virtual Train-the-Trainers workshops on SADC EPA safeguards (up to 52 hours in total). Of the 52 hours, 8 hours are to be used for regional trainings involving all five SADC EPA states. This will be followed by 8 hours of national training

sessions for each of the five member states (40 hours in total for national trainings). In the end, two regional workshops will be held for exchange and asking questions. Up to 10 people from each of the five SADC EPA states are expected to participate (in total 50 participants). The group of participants will be composed of officials from trade ministries and trade commissions, especially focal points for safeguards and tariff commission officials (10 days).

In this regard the organisation will be expected to:

- a. Prepare and make available the necessary effective virtual conferencing facilities for the train-the-trainers workshop series (eg MS Teams, Skype for Business, ect).
- b. Hold a series of virtual regional training workshops (up to 8 hours) on safeguard provisions for trainers from five SADC EPA States to enhance their technical skills in conducting safeguard investigations under the SADC EPA and in teaching other public officials on the subject. The focus of the regional trainings should be on the topic on safeguards in general (the different forms, new innovations ect.) in order to familiarize the participants with the topic. In addition to that, a comprehensive training manual is to be developed (see 2.2 b) on how participants can prepare and set up their first training with colleagues. This includes tips on the training process, content on safeguards provisions and their application, relevant sources, scheduling, specifics of a virtual training in comparison to an on-site training, tips for breaks and relaxation exercises, freely available survey tools etc. Between the workshop sessions, small exercises could be included for the participants, which they can easily manage in addition to their daily workload. The organisation is expected to ensure active involvement and participation by participants.
- c. Hold four national virtual trainings for each of the five countries (8 hours each / 40 hours in total) where the participants can apply what they have learned, both their technical and methodological skills, under the supervision of the trainers. During the national training sessions, the participants will be trained on accessing and calculating data from relevant sources, on conducting a safeguard investigation by looking at actual case studies and on writing a report. For this exercise, the organization should keep in mind to allow enough time for the participants for preparation during the workshop in order not to overburden the participants in addition to their daily work besides the workshop. Furthermore, interpretation from English into Portuguese will be required during the national training workshop sessions for the participants from Mozambique (for 8 hours in total).

- d. Hold a 2-hour wrap-up workshop with all five SADC EPA states directly after the last national training for a common Q&A session, reflection on the national trainings and exchange on how to use their acquired knowledge in their daily work. During or after this workshop the GIZ NEW questionnaire shall be filled out by participants.
- e. Hold a 2-hour follow-up regional workshop with all five SADC EPA states two to three months after the training series to gather participants' experiences, provide the possibility for exchange between them and address outstanding issues. For the long-term evaluation of the measure, an additional questionnaire shall be developed together with the GIZ NEW project.

2.5 Preparation and presentation of the Final Report. The Final report will, *inter-alia*, include the tasks performed, feedback from participants on their satisfaction with the measure using the questionnaires developed by and with the GIZ NEW project, and pertinent recommendations on possible future or follow-up capacity development measures on SADC EPA safeguards (5 days).

Additionally, to the above-mentioned activities, the organisation is expected to coordinate the participant management. This includes creating lists of participants during the activities, sending invitations to the participants, providing information on the time and documents needed for the activities, and collecting feedback.

Certain milestones, as laid out in the table below, are to be achieved by certain dates during the contract term, and at particular locations:

<b>Milestone</b>	<b>Deadline/place/person responsible</b>
1. Inception Report	30.09.2021
2. Develop training programme and training materials for the virtual training workshop series	12.10.2021
3. Conduct regional and national train-the-trainer workshop on SADC EPA safeguards	05.11.2021
4. Conduct regional follow-up workshop	28.02.2022
5. Final Report	31.03.2022

Prepare and submit Inception Report	2 days
Draw up a suitable training programme for a series of virtual training workshops	30 days
Organise and conduct the virtual Train-the-Trainers workshops	10 days
Preparation and presentation of the Final Report	5 days

### 3. Concept

In the bid, the bidder is required to show how the objectives defined in Chapter 2 are to be achieved, if applicable under consideration of further specific method-related requirements (technical-methodological concept). In addition, the bidder must describe the project management system for service provision.

#### Technical-methodological concept

**Strategy (section 1.1 of the assessment grid):** The bidder is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1) (1.1.1). Following this, the bidder presents and justifies the capacity development strategy (digital training concept, suitable mix of methodologies) and preliminary agenda as structure of the training with which it intends to provide the services for which it is responsible (see Chapter 2) (1.1.2).

The bidder is required to present the actors relevant for the services for which it is responsible and describe the **cooperation** with them (**section 1.2 of the assessment grid**).

The bidder is required to present and explain its approach to **steering (section 1.3 of the assessment grid)** the measures with the project partners and its contribution to the results-based monitoring system.

The bidder is required to describe the key **processes (section 1.4 of the assessment grid)** for the services for which it is responsible and create a schedule that describes how the services according to Chapter 2 are to be provided. In particular, the bidder is required to describe the necessary work steps and, if applicable, take account of the milestones and contributions of other actors in accordance with Chapter 2.

The bidder is required to describe its contribution to knowledge management for the partner and GIZ and promote scaling-up effects (**learning and innovation, section 1.5 of the assessment grid**).

### **Project management of the contracted organisation**

The bidder is required to explain its approach for coordination with the GIZ project (**section 1.6 of the assessment grid**). In this regard:

- The organisation is responsible for selecting, preparing, training and steering the experts (international and national, short and long term) assigned to perform the advisory tasks.
- The organisation makes available equipment and supplies (consumables) and assumes the associated operating and administrative costs.
- The organisation manages costs and expenditures, accounting processes and invoicing in line with the requirements of GIZ.

The organisation reports regularly to GIZ in accordance with the AVB of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH from 2020.

The bidder is required to draw up a **personnel assignment plan (section 1.6.2 of the assessment grid)** with explanatory notes that lists all the experts proposed in the bid; the plan includes information on assignment dates (duration and expert days) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

## **4. Personnel concept**

The bidder is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 7), the range of tasks involved and the required qualifications (**section 2 of the assessment grid**).

The below specified qualifications represent the requirements to reach the maximum number of points.

A team of a minimum of two and a maximum of three experts is expected with the following qualifications. One of the experts is expected to act as the Team Leader vis-à-vis the GIZ project.

## **Expert 1 - Team Leader:**

### Tasks of the team leader

- Overall responsibility for service delivery
- Coordinating and ensuring communication with the GIZ project
- Preparation, implementation and follow-up of the agreed activities
- Ensuring the deployment of the other experts
- Regular and timely reporting

### Qualifications of the Team leader

- Education/training (2.1.1): Master's degree in Economics, Business, Commerce, International Trade/Development or any relevant qualification
- Language (2.1.2): Very good business language skills in English
- General professional experience (2.1.3): 10 years of professional experience in the area of international trade or regional integration
- Specific professional experience (2.1.4): 10 years of professional experience in trade agreement provisions, especially on SADC EPA safeguards
- (2.1.5) n. a.
- Regional experience (2.1.6): 10 years of experience in projects in SADC region
- Development Cooperation (DC) experience (2.1.7): 5 years of experience in DC projects
- Other experience (2.1.8): 6 years of experience in design and delivery of trainings

## **Pool of experts (at least one, maximum of two experts)**

### Tasks of the expert(s)

- Supporting the Team Leader in the preparation, implementation and follow-up of the agreed activities

### Qualifications of the expert(s)

- Education/training (2.6.1): Master's degree in Economics, Business, Commerce, International Trade/Development or any relevant qualification
- Language (2.6.2): Very good business language skills in English
- General professional experience (2.6.3): 6 years of professional experience in the international trade or regional integration
- Specific professional experience (2.6.4): 4 years in trade agreements provisions, especially on safeguards

- Regional experience (2.6.5): 4 years of experience in projects in SADC region
- (2.6.6) n. a.
- Other experience (2.6.7): 2 years of experience in design and delivery of virtual trainings and in the design of curriculum and materials for training to be used by other trainers in the future.

#### Soft skills of all team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills
- Initiative
- Communication skills
- Socio-cultural competence
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

The bidder must provide a clear overview of all proposed short-term experts and their individual qualifications. The bidder is requested to take a fair **gender distribution** into account.

## **5. Costing requirements**

### **Assignment of personnel**

Assignment for up to 47 workdays (see also chapter 2)

The bidder must propose how the expert days would be allocated to the proposed experts.

### **Travel**

Due to the travel restrictions and lock-downs during the COVID-19 pandemic, no travel is anticipated. Therefore, the assignment will be executed remotely using virtual platforms.

## **Workshops, training**

The organisation implements the following virtual workshops/study trips/training courses:

- Virtual regional training workshops (up to 8 hours) on safeguard provisions for trainers from all five SADC EPA States to enhance their technical skills in conducting safeguard investigations.
- 8 hours of national virtual workshop sessions for each of the five countries (up to 40 hours) where the participants can apply what they have learned, both their technical and methodological skills, under the supervision of the trainers.
- Hold one 2-hour wrap-up workshop with all five SADC EPA states for an exchange and open Q&A session after the national trainings.
- Hold one 2-hour regional workshop with all five SADC EPA states two to three months after the last national workshop to gather participants' experiences and address outstanding issues.

The workshop participants will be drawn from the 5 SADC EPA countries (Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa).

As translation into Portuguese will be required for the training manual for subsequent use by the trainers. Furthermore, interpretation from English into Portuguese will be required during the 8 hours (four 2-hours sessions) of national training sessions for the participants from Mozambique.

For the above-mentioned translation and interpretation activities, the contracted organisation is required to include the following costs into their budgetary offer: 4.500,00 Euro.

This is a fixed budget. Please note that fixed budgets are not considered in the final financial evaluation assessment. Please do not change, delete or deviate from the fixed budgets, that are already prefilled in the price schedule

## **6. Inputs of GIZ or other actors**

GIZ and/or other actors are expected to make the following available:

- The GIZ NEW project together with the SADC secretariat will forward the invitation to the ministries and other relevant institutions. The selection of participants will be done internally by the ministries.

## **7. Requirements on the format of the bid**

The structure of the bid must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) is to be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). It must be legible (font size 11 or larger) and clearly formulated. The bid is drawn up in English.

The complete bid shall not exceed 5 pages (excluding CVs).

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages. The CVs must clearly show the position and job the proposed person held in the reference project and for how long.

If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment.

Please calculate your price bid based exactly on the aforementioned costing requirements. In the contract the contractor has no claim to fully exhaust the days/travel/workshops/ budgets. The number of days/travel/workshops and the budget amount shall be agreed in the contract as 'up to' amounts. The specifications for pricing are defined in the price schedule.