

Terms of reference (ToRs) for the procurement of services below the EU threshold (ANNEX 1)

Contract 83414347

Supporting the Preparation of EPA Monitoring Reports by SADC EPA Countries	Project number/ cost centre: 20.2165.7-004.00
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0. List of abbreviations

ACP	African, Caribbean and Pacific
AVB	General Terms and Conditions of Contract (AVB) for supplying services and work 2018
EPA	Economic Partnership agreement
ESA	Eastern and Southern Africa
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
NEW	Nachhaltigkeit in Europ. Wirtschaftspartnerschaftsabkommen (<i>German</i>)
SACU	Southern African Customs Union
SADC	Southern African Development Community
ToR	Terms of reference

1. Context

1.1 Brief description of the project

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) has been mandated by the German Federal Ministry for Economic Cooperation and Development (BMZ) to implement a global project operating under the title “Supporting sustainability aspects in the implementation of EU Economic Partnership Agreements (NEW)” in order to foster EPA implementation by regional organisations, their Member States, the private sector and civil society in a way that supports sustainable development. The first phase of the project was implemented during the period of May 2017 to April 2020, the current phase is commissioned to run from May 2020 until April 2023. The project operates cross-regionally, with a focus on Southern Africa (SADC EPA), Eastern and Southern Africa (ESA EPA) and the Caribbean (CARIFORUM EPA).

The GIZ NEW project’s interventions are organized around three main areas:

1. Facilitating the establishment of participatory EPA monitoring systems, providing methodological as well as institutional support.
2. Strengthening the capacity of public and private sector actors to (a) make best use of the potentials of the EPA for sustainable development and to (b) recognize and mitigate potential risks for sustainable development.
3. Developing cross-regional exchange of public and civil society actors on implementing and deepening the EPAs with a view to supporting sustainable development.

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. 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 June 2016 in

Botswana and entered into force on 10th October 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 goods from 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. In order to track whether or not the SADC EPA is delivering on its objective and that its potentials and opportunities are being made use of by the parties, it is important that the socio-economic and ecological effects of EPA implementation, whether positive or negative, are critically monitored by the Parties.

Article 4 of the SADC EPA enjoins the Parties to monitor the operation and impact of the EPA continuously. The main objective of monitoring is to ensure that the objectives of the Agreement are realized, that the Agreement is effectively implemented and that its benefits are maximized.

Article 4 states as follows:

“1. The Parties undertake to continuously monitor the operation and impact of this Agreement through appropriate mechanisms and timing within their respective participative processes and institutions, as well as those set up under this Agreement, in order to ensure that the objectives of this Agreement are achieved, that it is properly implemented and that

the benefits for their people deriving from it, in particular the most vulnerable groups, are maximised.

2. The Parties undertake to consult each other promptly over any issue concerning the implementation of this Agreement.”

The effective monitoring of the EPA will also facilitate the undertaking of the ongoing review and revision that is anticipated in the Agreement.

GIZ Support on SADC EPA Monitoring

The SADC EPA States, with the technical assistance of the GIZ NEW project, have designed a monitoring framework and system for monitoring the effects of the EPA. The indicators have been discussed between the SADC EPA States and the EU and convergence was reached on the set of indicators.

Following the design of the monitoring tool, the GIZ NEW project, in 2021, commissioned a capacity building measure for the SADC EPA countries. Under the measure the EPA monitoring needs of five SADC EPA countries were assessed. These needs assessments were followed by national validation workshops after which comprehensive country-specific training manuals were developed. On the basis of the manuals 5 national training of trainer's workshops were conducted targeting officials responsible for collecting data and compiling EPA monitoring reports. These are expected to train other officials and stakeholders on an ongoing basis in the future to ensure sustainability in EPA monitoring. With the support provided and envisaged under this follow-up measure, it is anticipated that the SADC EPA States will be able prepare their first national monitoring reports by the end of 2022.

1.3 Objectives

1.3.1 Overall objective

As follow up to the development of the agreed monitoring system, the monitoring needs assessment and the training of trainers that was provided to 5 SADC EPA States, this assignment is to support SADC EPA Member States to Collect Data and Produce the EU-SADC EPA Monitoring Reports. After this support it is expected that the countries would be able to, on their own, collect the relevant data and compile their monitoring reports in the future as agreed between the parties to the EU-SADC EPA.

1.3.2 Specific Objective

The specific objective of this initiative is to support, through technical assistance, three SADC EPA countries, namely Mozambique, Namibia and South Africa, in the preparation of their national EPA monitoring reports. The reports, when eventually finalized by the SADC EPA State and submitted to the SADC EPA Unit, will feed into the regional consolidated monitoring report and subsequently any joint monitoring report as agreed by the parties to the EU-SADC EPA.

1.4 Expected Results

The consultancy will provide the following three **deliverables**:

- (i) **Inception Report:** - prepare and submit to GIZ and SADC EPA Unit an Inception Report highlighting their understanding of the ToRs, intended approach/methodology and a work plan to execute the assignment. A PowerPoint presentation will be expected at this Inception meeting.
- (ii) **Country-specific draft sections of the monitoring report** for each of the mentioned three countries for use as input in its preparation of its EU-SADC EPA national monitoring report.
- (iii) **Final Report** (End of Assignment Report). The report shall summarise the whole assignment, highlighting only key issues, findings and recommendations. It shall contain, as Annexes: (1) the country-specific input given to each country for use in preparing the national monitoring reports, and (2) the PowerPoint presentation used during the regional validation workshop. The Final Report (excluding Annexes) shall not exceed 15 pages.

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services within the timeframes indicated. All services are expected to be provided physically or virtually by agreement and in English and Portuguese languages.

2.1 Prepare, submit an Inception Report which highlights understanding of the scope of work, the approach and methodology, deliverables (expected results and risks), and an implementation schedule for discussion with GIZ NEW project and SADC EPA Unit. This will be a desk report. The contractor will present the Inception Report in a kick-off meeting

with GIZ NEW project team and SADC EPA Unit in Gaborone, Botswana or virtually by agreement. (up to 5 days)

2.2 Provide technical support to each of the three countries by assisting the units responsible for EPA monitoring to:

(a) determine missing baselines for all agreed indicators, where not already determined. (up to 5 days per country)

(b) collect and analyse monitoring data from all relevant sources for all agreed indicators. (up to 10 days per country)

(c) prepare the draft national monitoring report for each selected country to be used as input in the preparation of the final report by the country. (up to 10 days per country)

2.3 Prepare and provide a PowerPoint presentation in English (but with a Portuguese translation) in a regional validation workshop organised by SADC EPA Unit at the end of the assignment (remotely). The presentation will highlight the inputs (data) prepared for each country's monitoring report, challenges faced and recommendations. The PowerPoint presentation will also be Annexed to the Final Report. (Up to 3 days)

2.4 Prepare and present the Final Report. The Final report will, inter-alia, include recommendations for improving future EPA monitoring reporting for each of the three countries (see 1.4 (iii) above). (up to 5 days)

NB: As established during the needs' assessment and training of 5 countries, most countries have not determined baseline data for the EPA monitoring indicators. Working with the relevant units and officials in the country responsible for EPA monitoring, the consultant will help determine appropriate baselines for all indicators using any credible available information and research.

Furthermore, while data required for some indicators can easily be collected from the relevant agencies and international sources, data for some indicators will have to be computed with the consultant's assistance using any credible available information, tools and through research in an objective and quantifiable manner.

The consultancy will therefore work closely with, in consultation with and under the direction of the EPA coordinating unit of the Ministry of Trade in each of the three countries, or any other unit that might have been mandated with that role in that country.

In addition, the consultancy will be expected to work in close coordination with the SADC Secretariat's consultant undertaking similar work for the other three SADC EPA countries to ensure that the two streams of work are aligned to facilitate the subsequent consolidation with other final reports for the other three countries by the SADC Secretariat.

Milestones

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

Milestone	Deadline	Payment Due
1. Inception Report	2 weeks after contract signing	Advance payment
2. Country consultations completed for one country, baselines set, and all monitoring data collected and analysed.	By end of November 2022	Interim payment: End of November 2022
3. Country consultations completed for the other 2 countries, baselines set, and all monitoring data collected and analysed.	By end of February 2023	Final payment: End of March 2023
4. Final input for use by each country in preparation of national EPA monitoring reports completed	By end of February 2023	
5. Final Report	Two weeks before end of contract	

Period of assignment: From 01.09.2022 until 31.03.2023.

Number of days: up to 88 days (depending on the number of countries). (Team Leader and Pool of Experts will work within the 88 days)

Number of countries	Number of days	Total No. of days
Three (3)	<ul style="list-style-type: none"> • Kick-off meeting and inception report: up to 5 days • In-country consultations - baselines data and data collection support: <u>3 x up to 15 days per country</u> • Drafting input to the national EPA monitoring report: <u>3 x up to 10 days per country.</u> • Regional validation workshop preparation and presentation (up to 3 days) • Final Report: Up to 5 days 	up to 88

Data protection

The performance of the contract may be associated with the processing of personal data by the contractor, who would alone define the nature of such data and how such processing would be carried out. In such cases, the contractor shall act as an **independent data controller** and must **alone** comply with **all** applicable data protection obligations, including regional and local laws. The data protection principles such as lawfulness, purpose limitation, storage limitation, transparency, integrity and confidentiality, and accountability, as well as the numerous rights of the data subject must be paid due attention. The General Data Protection Regulation's (GDPR's) data transfer rules must be considered whenever personal data leaves the EU for a third country. The GIZ is **not** in any way responsible for such processing and, apart from non-personal data (company data or statistics), the GIZ does not expect to receive any personal data from the contractor.

Concept

In the bid, the company 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: 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). Following this, the bidder presents and justifies the strategy with which it intends to provide the services for which it is responsible (see Chapter 2).

The bidder is required to present the actors relevant for the services for which it is responsible and describe the **cooperation** with them.

The bidder is required to present and explain its approach to **steering** the measures with the project partners.

The bidder is required to describe the key **processes** 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, take account of the milestones and contributions of other actors in accordance with Chapter 2.

The company is required to describe its contribution to knowledge management for the partner and GIZ and promote scaling-up effects (**learning and innovation**).

Project management of the contractor

The bidder is required to explain its approach for coordination with the GIZ project. In this regard:

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

The company 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** 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.

3. Personnel concept

The bidder is required to provide personnel who are suited to filling the positions described, based on their CVs (see Chapter 6), the range of tasks involved and the required qualifications.

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.

Team Leader:

Tasks of the team leader

- Overall responsibility for service delivery

- Coordinating and ensuring communication with the GIZ NEW project and the SADC EPA Unit
- 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, Development Studies, Business Administration, Commerce, International Trade, Statistics, Social Sciences or any related field. A qualification in monitoring & evaluation will be an added advantage.
- Language (2.1.2): Good business language skills in English, with Portuguese an added advantage.
- General professional experience (2.1.3): 10 years of professional experience in the area of international trade, development, investment or regional integration
- Specific professional experience (2.1.4): 5 years of professional experience in economic data analysis.
- Leadership/management experience (2.1.5): 10 years.
- Regional experience (2.1.6): 10 years of experience in projects in SADC region
- Development Cooperation (DC) experience (2.1.7): 5 years
- Other experience (2.1.8): Experience in providing on-job training (mentoring and coaching).

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, Development Studies, Business Administration, Commerce, International Trade, Statistics, Social Sciences or any related field. A qualification in monitoring & evaluation will be an added advantage.
- Language (2.6.2): Good business language skills in English, with Portuguese an added advantage.

- General professional experience (2.6.3): 10 years of professional experience in the area of international trade, investment or regional integration
- Specific professional experience (2.6.4): 5 years of professional experience in economic data analysis.
- Regional experience (2.6.5): 5 years of experience in projects in SADC region
- Development Cooperation (DC) experience (2.6.6): 5 years
- Other experience (2.6.7: Experience in providing on-job training (mentoring and coaching).

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.

4. Costing requirements

Assignment of personnel

Assignment for up to 88 expert/work days, depending on the number of countries (see also chapter 2).

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

Travel

The team of consultants is expected to travel to the three SADC EPA countries, Mozambique, Namibia and South Africa, for consultations, data collection and analysis.

A fixed total travel budget of up to EUR 14,985.00 is available for the whole assignment. Please note that this fixed budget does not count towards the price quote, as it is the same for everyone.

As the locations of the business trips is not yet clear, the above-mentioned fixed, unalterable travel-expenses budget for all trips for all experts is specified in the price schedule. The fixed budget contains the following travel expenses:

- Economy flights, overland travel and other transport costs, ancillary travel costs (vaccination, visa etc.)
- Accommodation and daily subsistence (per diems).

The costs are reimbursed in accordance with the regulations of each responsible GIZ country office on submission of documentary proof (accommodation costs which exceed this up to an appropriate amount, the cost of flights and other forms of transport). All business travel must be agreed in advance by the officer responsible for the project. Travel expenses must be kept as low as possible and will be invoiced against provision of evidence.

Kindly note the daily substance allowance ceilings in Mozambique, Namibia and South Africa approved by the GIZ country offices in those three countries shown in the table below:

	Number of days (up to)
Mozambique	15
Namibia	15
South Africa	15

As the per diem rates depend on the location of the experts and as they are not known yet, the final allowances and per diems will be agreed by closing of contract.

Workshops, training

No workshops are anticipated. However, the consultancy will be expected to provide the necessary on-the-job training and mentoring during the country consultations, data collection and analysis and report preparation.

Other costs

Translation

The key documents will need to be translated into Portuguese by the Consultancy. These include the documents referred to in sections 1.4 (ii), 1.4(iii) and 2.3. Other working documents as deemed necessary will also be translated into Portuguese. As the volume of material to be translated has not yet been determined, we add a fixed budget of up to EUR 7,500 that is only charged against proof of evidence. Please note that this fixed budget does not count towards the price quote, as it is the same for everyone.

5. Inputs of GIZ and SADC Secretariat

GIZ and SADC Secretariat (SADC EPA Unit) are expected to make the following available:

- Official contact details of focal persons in the selected countries
- Necessary introduction letters, national guidelines and any other necessary documentation to facilitate the consultant's work in the countries.

6. 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 10 pages (excluding CVs).

The CVs of the personnel proposed in accordance with Chapter 3 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.

Please note that this is a regional tender for SADC region-based companies.