



Call for Proposal Consultant for the Development of an Updated ASEAN Peer Review Guidance Document

1. Project Name

Technical Assistance to Strengthen Competition Law Enforcement in ASEAN - Phase 3

2. Background

A mid-term review exercise of the ASEAN Competition Action Plan (ACAP) 2025 was recently conducted to take stock of the progress and achievements of the implementation of the ACAP, five years since its inception. From the exercise, an updated five-year implementation schedule containing deliverables to be implemented by the ASEAN Experts Group on Competition (AEGC) was developed. This project aims to continue to support the implementation the ACAP 2025 by reviewing the ASEAN's peer review guidance document.

This project will continue to support the peer review exercise to assist ASEAN member states (AMS) in understanding the efficacy of their competition regime and determining how to move forward to enhance competition enforcement within their respective jurisdictions. It will assist AMS in reviewing the ASEAN peer review guidance document by considering the recommendations and challenges from the peer review pilot exercise, and recent competition policy and law developments at the regional and international level.

On this occasion, the International Institute for Trade and Development (Public Organization), as an implementing agency for this project, extends an invitation to an interested consultant to submit a proposal (in English) to serve as a consultant for the development of an updated ASEAN peer review guidance document in the project of Technical Assistance to Strengthen Competition Law Enforcement in ASEAN, Phase 3 (AJCEP Phase 3). This proposal will be considered and selected by the Trade Competition Commission of Thailand (TCCT), the Japan Fair Trade Commission (JFTC), and AEGC.

3. Objective

The project aims to review and update the peer review guidance document, which guides the ASEAN peer review on competition policy and Law process. Subsequently, the peer review guidance. Recommendations from the peer review exercise aim at helping the peer reviewed country to improve the implementation of their competition law, including their institutional set-up, and assess cross-sectoral work with other government sectors.

4. Scope of work

The ASEAN Member States (AMS) are committed to promoting fair business competition at the regional and national levels. The ASEAN Competition Action Plan (ACAP) 2016-2025 charts the direction of competition policy and law (CPL) in ASEAN towards strengthening national legislation and institutions, converging competition rules, and pursuing joint enforcement efforts in the medium to longer term.

Under the ACAP 2025, at least five peer reviews are set to be conducted in ASEAN by 2025. To achieve this outcome, a guidance document that outlines the general rationale and objectives, along with the substantive and operational considerations for peer review activity is to be developed in 2019.

The main task of the consultant is to review and update the peer review guidance document. To achieve this task, the consultant shall undertake the following tasks:

a. Develop the project inception report which will outline the steps to update the guiding principles.

b. Draft the agenda of the Brainstorming Meeting to be considered by the proponent, AEGC, and JFTC, and present the updated structure and propose amendments to the guidelines at the brainstorming meeting. The meeting will gather feedback from AMS, and discuss the lessons learned and areas needing improvement to be incorporated in the guidelines. Prepare the report of the brainstorming meeting

c. Identify and develop the updated peer review guidance document, this may include:

1. The objective and general rationale for the peer review,
2. The substantive and operational considerations,
3. Procedure for the peer review exercise,
4. Questionnaire template for the peer review exercise,
5. Identification of the source of information, including potential stakeholders, and
6. Outline of the peer review activity report.

d. Prepare the draft updated peer review guidance document. Ensure the draft updated guidance document is circulated two weeks before the Workshop. Prepare the report of the validation workshop.

e. Draft the agenda of the validation workshop and present the final draft updated peer review guidance document to the AEGC, and revise the draft should there be further inputs from the AEGC members.

5. Reporting

The timing of delivery is indicative and can be adjusted subject to mutual agreement.

No.	Reports	Target Delivery Date
1.	<p>Inception Report</p> <p>This would detail the consultant's approach to the project and provide a detailed work plan.</p>	End of April 2024
2.	<p>Paper on the review of key elements in the Peer Review Guidance</p>	2 nd week of June 2024
3.	<p>Draft of Updated Peer Review Guidance document (and Annexes)</p>	End of August 2024
4.	<p>Validation Workshop</p>	1 st week of October 2024
5.	<p>Report of the Validation Workshop</p>	End of October 2024
6.	<p>Final Draft of Updated Peer Review Guidance document (and Annexes)</p>	3 rd week of November 2024
7.	<p>Project Completion Report</p> <p>The Project Completion Report will establish a record of the project achievements against the project's original intended purpose and outputs. It is intended to assist in assessing impact, draw out conclusions and lessons learned that may be valuable in designing new related initiatives.</p>	End of December 2024

Remark: This target delivery date can be adjusted accordingly up to the IA, TCCT, and AEGC.

All reports will be submitted to the ASEAN Secretariat and the Trade Competition Commission of Thailand (TCCT) through the Implementing Agency. All outputs and reports must be suitable for publication, although the decision on publication lies with the ASEAN Secretariat. In addition to the above reports, the consultants may be asked to report the progress of the draft to the AEGC meetings, which are held twice a year.

6. Consultancy Fee

USD 45,680.00 (all in) to develop the peer review guidance document to be paid in tranches based on the achievements of the following milestones:

- Submission of the inception report, paper on key elements, and brainstorming meeting report to be included in the peer review guidance: 30%
- Final draft of peer review guidance and project completion report: 70%.

(In case the consultant is a Thai national, the consultancy fee will be paid in Thai baht, based on the currency exchange rate as of the date after the report is approved.)

7. Project Management

The project will be funded by the ASEAN-Japan Comprehensive Economic Partnership (AJCEP) and managed by the TCCT and Implementing Agency. The Consultant should be responsible for organising and conducting the scheduled activities in collaboration with Trade Competition Commission of Thailand (TCCT), Implementing Agency, and the ASEAN Secretariat.

8. Expected Outputs

The outputs of this project include the following:

- a. Project Inception Report;
- b. Paper on key elements to be included in the Peer Review Guidance Document;
- c. Report of the Brainstorming Meeting on the Development of the Peer Review Guidance Document;
- d. The Peer Review Guidance, the final report and validation workshop;
- e. Project Completion Report.

9. Qualifications / Special Skills or Knowledge

The necessary qualifications for the consultant are as follows:

- a. Consultants appointed by the institution should hold a Master's, preferably PhD degree, in law or development studies;
- b. Consultancy firms or a team of consultants are encouraged to apply;
- c. Extensive knowledge in competition policy and law;
- d. Substantial work experience in the field of competition policy and law preferably in ASEAN and in one or several AMS;
- e. Over 10 years of in-depth experience in international research (preferably);
- f. Thorough understanding of ASEAN is needed, and willingness to adapt with ASEAN Secretariat procedure is required;
- g. Familiarity with the prevailing condition and environment, particularly in competition policy and law in ASEAN;
- h. English proficiency and good report writing skills are prerequisites. Any proofreading needs requested by the client is included into the service;
- i. Ability to communicate and work as a team; and
- j. The institution is domiciled in ASEAN.

(Civil servants and government officials are not eligible to apply).

10. Submission of Application

Interested consultants are invited to submit a proposal (in English) in response to this Terms of Reference, with “AJCEP ASEAN Peer Review Guidance Document” as the subject via email to vatcharit@itd.or.th with a copy to email training@itd.or.th **no later than 20 March 2024** at 05:00 PM (UTC+7).

Please note that the ITD as the IA will facilitate the tendering process and the selection process will be led by the proponent (TCCT), JFTC, and AEGC.

This proposal should be in two parts: Technical and Financial components.

The Technical component should present the following information:

- A brief discussion indicating the bidder's understanding on the needs of the project;
- A brief analysis of key issues;
- A methodological discussion of how the bidder proposes to address those needs including assessment of key issues, analytical strategies that will underlie the project, specific tools/ methods/ techniques to be utilized, and practical discussion of possible limitations in carrying out the project;
- A detailed work plan that specifies activities to be undertaken, expected outputs and deliverables, resources to be utilized and timing;
- A discussion on what measures to ensure the future sustainability of the outcomes of the project will be addressed;
- Brief CV of bidder;
- Brief discussion of past experience in undertaking similar work and brief summaries of all projects undertaken.

The Financial component should specify:

1. Professional fees; and
2. Management and/or operational fees (if any), which include all costs incurred by the person for internal coordination, communication, travels and any other associated project management cost.

All costs must be quoted in United States USD Dollars. Activity costs for consultant such as reimbursable expenses for airfare, other travel costs and daily subsistence allowance for meetings and all other agreed activities should not be included in the Financial Component. These items will be discussed with the preferred contractor during the finalization of the scope of services, based on prevailing ASEAN Secretariat rates.

11. Contact Information

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