



## TERMS OF REFERENCE

### Trade Consultant – Economic Partnership Agreement (EPA)

<b>Location</b>	Tarawa, Kiribati
<b>Type of Contract</b>	Individual Consultancy
<b>Title</b>	Trade Consultant – Economic Partnership Agreement (EPA)
<b>Post Level</b>	International Consultant
<b>Languages required:</b>	English
<b>Duration of Initial Contract:</b>	6 months (1 <sup>st</sup> Jan – 30 <sup>th</sup> June 2019)

Consultancy Proposal should be sent via email to [etenderbox.pacific@undp.org](mailto:etenderbox.pacific@undp.org) no later than **28<sup>th</sup> November , 2018 (Fiji Time)** clearly stating the title of consultancy applied for. Any proposals received after this date/time will not be accepted. Any request for clarification must be sent in writing, or by standard electronic communication to [procurement.fj@undp.org](mailto:procurement.fj@undp.org). UNDP will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants. Incomplete, late and joint proposals will not be considered and only offers for which there is further interest will be contacted. **Failure to submit your application as stated as per the application submission guide (Procurement Notice) on the above link will be considered incomplete and therefore application will not be considered.**

#### BACKGROUND

The Republic of Kiribati with a population of 112,000 is a Least Developed Country (LDC) and one of the most isolated small island states in the Pacific. The majority of the population are engaged in subsistence farming and fishing activities for a living. Government through its 20 Year vision (KV20) development plan (2016-2036) has prioritized fisheries and tourism as key productive sectors to foster structural transformation of the economy and to support the development of inclusive trade and private sector development.

Increasing preferential market access opportunities remains to be one of the important avenues to increasing export opportunities. Kiribati as an LDC benefits from several preferential arrangements that give Duty-free and Quota-free (DFQF) access for exports to major developed country markets including the European Union (EU), Australia, New Zealand, the United States and Japan. Kiribati is also a signatory to the Pacific Agreement on Closer Economic Relations (PACER) Plus Trade Agreement between the Pacific Island Countries (PICs) and Australia and New Zealand. Kiribati is also a Party to the Pacific Island Countries Trade Agreement (PICTA).

Kiribati's trade policy objective is to secure long-term market access for its exports especially in the fisheries and coconut related products. The country's Trade Policy Framework (TPF) has recommended the need to explore best market access options that would provide a sustainable and cost effective market for Kiribati's export products to the EU market. The policy also seeks to consider accession to Interim Economic Partnership Agreements (i-EPA), based on a cost benefit analysis, taking into account the existing market access arrangements and the implications of the potential LDC graduation.

While the Government's policy objective is to secure long-term market access opportunities for its key exports, the potential LDC graduation remains to be a significant threat to sustaining preferential market access arrangements for Kiribati especially to the EU Market. At the same time, the Pacific i-EPA remains to be the immediate alternative market access preferential arrangement to the EU Market for Kiribati's products in the wake of LDCs graduation.

In light of the above, the Government of Kiribati is considering accession and implementation of the Pacific i-EPA



to safeguard its future preferential market access arrangement with the EU. Experience based on the current Everything But Arms (EBA) market access initiative to the EU market depicts underutilization of preferential market access among the LDCs due to possible factors related to supply side constraints among others. In this context, the Government seeks to address policy constraints that may hinder the effective utilization of i-EPA market access scheme.

The Government through this consultancy seeks to undertake diagnostic study to inform and facilitate the accession process and the implementation of the i-EPA. This consultancy comes under the Enhanced Integrated Framework (EIF) Tier 1 Trade Capacity Building and Institutional Strengthening Project in Kiribati. The EIF project commenced in January 2016 with the main objective to strengthen the capacity of institutions and stakeholders in Kiribati to formulate and implement trade policies that support poverty reduction, inclusive economic growth and equitable sustainable development.

As part of the Tier 1 project, UNDP, as the Main Implementing Entity, is recruiting a suitably qualified consultant with a background and specific experience in the negotiation and implementation of Economic Partnership Agreements related policies.

## **DUTIES AND RESPONSIBILITIES**

### **Scope of Work**

The consultant is expected to undertake a diagnostic study by performing the following specific tasks;

#### **Utilisation of Market Access**

- Review the i- EPA in the context of the national development strategies and sectoral policies including but not limited to KV20, KDP 2016-2019; Fisheries Policy; Trade Policy Framework, National Quality Policy and other sectoral related policies;
- Review and analyse in consultation with key stakeholders, the private sector readiness, demand to export to the EU Market, identify the gaps and make policy recommendations;
- Review and analyse in consultation with the key stakeholders the industry structure and the specific policy issues related to utilisation of the preferential market access in the context of i-EPA and the Rules of Origin (ROO) especially in the context of fisheries exports and ROO. The consultant is required to identify the gaps/policy constraints and make policy recommendations;
- Review and analyse the current state of Sanitary and Phytosanitary (SPS) issues and access to the EU market including the ability to meet and sustain the EU market standards and technical regulations;
- Review and analyse the current and planned growth strategies to improve productive/supply capacity and facilitate the utilisation of the Market access under the i-EPA;
- Review and analyse any possible implications of i-EPA accession on attracting Foreign Direct Investment and make policy recommendations;
- Identify and define cost that may be required to support the private sector in exploring the EU market such as business-business (B2B) engagements with European private sector, access to finance and building the capacity of business support organisations;
- Consider and analyse other necessary complementary policies and support measures required to facilitate the utilisation of market access and make policy recommendations;
- Develop a costed action plan/matrix with the timeframe in line with the issues identified and the respective policy recommendations.

**Interim EPA and Everything But Arms**

- Review and provide a comparative analysis of i-EPA and EBA through a cost benefit analysis especially on market access conditions, limitations and broader market access policy issues related but not limited to ROO, SPS and other trade facilitation related matters.

**Accession to i-EPA**

- Draft, in consultation with relevant key stakeholders, Market Access Offer to facilitate accession to i-EPA;
- Review the Pacific i-EPA treaty and in consultation with key stakeholders; develop a road map/plan to inform the accession to the i-EPA;

**Implementation of the i-EPA**

- Review the legal obligations contained in i-EPA, outline compliance gaps in reference to the Kiribati's existing legal and administrative framework, and recommend actions for addressing those gaps to enhance compliance with the i-EPA;
- Identify and prioritise areas of capacity building to facilitate effective implementation of the i-EPA;
- Analyse and identify the financial and technical assistance required to assist in addressing the identified gaps in order to enhance compliance with the i-EPA; and
- Develop a costed implementation/Action matrix in line with the identified gaps and recommendations, to facilitate the implementation of the recommendations to facilitate compliance.

**Expected Outputs and Deliverables**

- A diagnostic report providing the situational analysis, policy recommendations and associated Action Matrix in the area of utilisation of Market access, accession to the i-EPA and implementation of the i-EPA as highlighted in Section 3
- A consolidated Costed Action Matrix in the area of Utilisation of Market access, Accession to i-EPA and implementation of the i-EPA ;
- Draft Market access Offer to facilitate Accession to i-EPA

**Institutional Arrangement**

- Ministry of Commerce, Industry and Cooperatives (MCIC) will coordinate the implementation of the activities.
- MCIC will provide access to office space, organise meetings and provide administrative support where needed.
- The assignment will be delivered through a stakeholder-driven approach. The consultants are expected to work closely with stakeholders in delivering the outputs.

**Supervision/Reporting**

- Secretary, Ministry of Commerce, Industries and Cooperatives
- EIF Focal Point – Director, Business Promotion Centre & Coordinator, Enhanced Integrated Framework (EIF)
- UNDP Project Manager

**Duration of the Work**

- 6 months- January to June 2019



## COMPETENCIES

- Demonstrated experience and understanding of Market access arrangements with the EU including the Economic Partnership Agreements;
- Demonstrated experience in undertaking analytical Trade Policy research, design and implementation;
- Demonstrated experience in working on policy and implementation issues related to Economic Partnership Agreement (EPA) and other market access arrangement with the EU; and
- Demonstrated experience in the Pacific Island Countries or Small Island developing States.

## REQUIRED SKILLS AND EXPERIENCE

### Qualifications

- Post graduate degree in International Trade, Trade Law, Economics, or related field.

### Experience

- At least 10 years of relevant working experience in Trade Policy analysis and implementation;
- Experience in undertaking analytical Trade Policy research, design and implementation;
- Experience in working on policy and implementation issues related to Economic Partnership Agreement (EPA) and other market access arrangement with the EU; and
- Experience in the Pacific Island Countries or Small Island developing States.

### Language requirements

- Fluency in written and spoken English is essential

### Evaluation

#### Cumulative analysis

The proposals will be evaluated using the cumulative analysis method with a split 70% technical and 30% financial scoring. The proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

When using this weighted scoring method, the award of the contract may be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

\* Technical Criteria weighting; 70%

\* Financial Criteria weighting; 30%

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

Criteria	Max. Point
<b>Qualification</b>	
<ul style="list-style-type: none"> <li>Post graduate degree in International Trade, Trade Law, Economics, or related field</li> </ul>	10%
<ul style="list-style-type: none"> <li>At least 10 years of relevant working experience in Trade Policy analysis and implementation and demonstrated experience in undertaking analytical Trade Policy research, design and implementation;</li> </ul>	20%
<ul style="list-style-type: none"> <li>Demonstrated experience in working on policy and implementation issues related to Economic Partnership Agreement (EPA) and other market access arrangements with the EU;</li> </ul>	20%
<ul style="list-style-type: none"> <li>Demonstrated experience in translating policy recommendations into practical and realistic action plans</li> </ul>	10%
<ul style="list-style-type: none"> <li>Demonstrated experience in the Pacific Islands Countries or Small Island developing States;</li> </ul>	5%
<ul style="list-style-type: none"> <li>A clear methodology including the proposed work plan explaining how the consultant intends to execute the assignment;</li> </ul>	5%

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#### Schedule of Payments

Milestone	Number of Days	Time Line	Payments
Home Based <ul style="list-style-type: none"> <li>Review of relevant development strategies, reports related Trade policy and I-EPA</li> </ul>	5	December 2018	20%
1 <sup>st</sup> In country Mission <ul style="list-style-type: none"> <li>Initial in country Consultations with MCIC and relevant stakeholders.</li> </ul>	10	15 <sup>th</sup> January 2019	



Home Based	<ul style="list-style-type: none"> <li>Develop 1<sup>st</sup> draft diagnostic Report</li> <li>Submission of the draft Report and Action Matrix for review and comments</li> </ul>	10	15 <sup>th</sup> February 2019	30%
2 <sup>nd</sup> In country Mission	<ul style="list-style-type: none"> <li>Presentation of Draft diagnostic Report and Action Matrix in validation workshop</li> <li>Developing and validating the Draft Market access offers</li> </ul>	13	25 <sup>th</sup> February 2019	30%
Home Based	<ul style="list-style-type: none"> <li>Finalise and submit the final Diagnostic Report ,Consolidated Action Matrix and Market access offer</li> </ul>	3	12 <sup>th</sup> March 2019	20%

### Proposal Submission

Offerors **must send** the following documents.

#### 1. Technical Proposal (Consisting of the following)

- i) **Signed CV including names of at least 3 referees**
- ii) **Cover letter setting out:**  
*How the proposer meets the qualifications and experience required.*  
*Methodology/Workplan and Realistic time schedule*

#### 2. Financial Proposal

- iii) **Completed template for confirmation of Interest and Submission of Financial Proposal**

#### Interested Candidates must accept UNDP General Terms and Conditions for Individual Consultants

Consultant must send a financial proposal based on a **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs.

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Template for confirmation of interest and Submission of Financial Proposal is available under the procurement section of UNDP Fiji website ([www.pacific.undp.org](http://www.pacific.undp.org))

**Women candidates are encouraged to apply**