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Resilient nations.*

## **TERMS OF REFERENCE**

### **INDIVIDUAL CONSULTANT**

<b>POST TITLE:</b>	<b>International Consultant to review the public procurement reform process in Thailand</b>
<b>AGENCY/PROJECT NAME:</b>	<b>UNDP Thailand: Promote Business Environment in ASEAN countries</b>
<b>COUNTRY OF ASSIGNMENT:</b>	<b>Home- based with travel to Thailand</b>

### **1) PROJECT DESCRIPTION**

The ASEAN Economic Community is the 7th largest global economy with a combined Gross Domestic Product of US\$2.6 trillion, which represents a huge potential for lifting people out of poverty in the region. However, inefficiency in governance practices hampers inclusive growth and increases inequalities. Corruption has been cited by the private sector as one of the significant challenges of doing business in ASEAN, which discourages investment and threatens the sustainability of economic and social development in the region.

There is a momentum created by the Agenda 2030 for Sustainable Development to work jointly with governments and private sector in “instilling a culture of integrity within ASEAN”. UNDP formulated a Regional project on Promoting a Fair Business Environment in ASEAN, aiming to promote a fair business environment in ASEAN by minimizing corruption risks and encouraging sustainable practices. It also helps encourage strong partnerships between governments and private sector to promote fair, transparent and predictable business environments in the dynamic ASEAN economies.

In the context, public procurement is identified as a major sector that makes huge impact on business in ASEAN countries due to its volume and contribution in economy. Improved efficiency in public procurement can save huge government budget, which can be utilized for additional development purpose.

To improve efficiency in public procurement, UNDP Thailand has been providing support to the Royal Thai government in public procurement reform. With support from the UK Foreign Commonwealth Office, UNDP Thailand supports Comptroller-General’s Department in its efforts to reform public procurement system that led to the adoption of the first Public Procurement Law in 2016. However, challenges remain in its implementation. Currently, the Comptroller-General’s Department is leading the process review and improve the laws, and that its effective implementation leads to a fairer business environment for national and international companies operating in Thailand.

## **2) OBJECTIVE OF ASSIGNMENT AND SCOPE OF WORK**

UNDP Thailand is seeking an international consultant to assist the Comptroller-General's Department of Thailand for effective implementation of the public procurement reform. Under the new legislation, the Public Procurement and Supplies Administration Act BE2560 (2017), it is found that there are needs to identify gaps between the legislative and the implementation. The consultant will assist in providing the following work;

- 1) Review the current implementation of the Public Procurement and Supplies Administration Act BE2560 (2017); challenges and area of improvement
- 2) Provide technical advise including training/workshop on legislative and regulation amendment
- 3) Present findings and recommendation on the strategic reform to the Thai government

## **3) EXPECTED OUTPUTS AND DELIVERABLES**

The consultant is expected to produce the following deliverables:

- 1) An inception report including rationale for the approach to the assignment; analysis of the implementation of the Public Procurement and Supplies Administration Act, B.E. 2560 (2017), review of regulation, secondary legislation and guidance materials.
- 2) Conduct desk review, 2 stakeholder interviews missions, 1 workshop to identify constrain of public procurement process and provide area of improvement including
  - a. Public procurement plan
  - b. Procurement methods for goods and services including consultancy service
  - c. Procurement method for design and build
  - d. Appeal process
  - e. Contract awarding and guarantee
  - f. Contract management and monitoring
  - g. Performance assessment
  - h. Job abandonment, break of contract and punishment
  - i. Bidder registration
  - j. Electronic bidding
- 3) Compare the practices from Thailand with three of the following countries/regions: United Kingdom, European Union, United States, Republic of Korea and Chile.
- 4) Facilitate workshop to present and validate findings and recommendation on the strategic reform to the current legislations.
- 5) Develop report of findings, comparison with other countries and proposed revision

## **4) INSTITUTION ARRANGEMENTS**

The consultant will report directly to the Deputy Resident Representative of UNDP Thailand and shall work under overall supervision of Programme Specialist, Democratic Governance and Social Advocacy, UNDP Thailand.

The consultant will work closely with UNDP Project Manager who will provide substantive and administrative coordination between the consultant, UNDP, the Comptroller General's Department and stakeholders.

UNDP Thailand will review the progress and quality of assignment upon outputs prior to issuance the payment. Review/approval time required to review/ approve outputs prior to authorizing payments is 7 – 10 days.

## 5) DURATION OF ASSIGNMENT, DUTY STATION, AND EXPECTED PLACES OF TRAVEL

**Contract duration:** 16 March – 30 September 2020. Consultant shall propose number of working days to complete the assignments

**Duty station:** Home-based with travel to Thailand is required to conduct interview, facilitate workshop and training as proposed by the consultant.

## 6) DEGREE OF EXPERTISE AND QUALIFICATIONS

The consultant will need to demonstrate high levels of technical, sectoral and policy expertise; rigorous research and drafting skills; and the capacity to conduct an independent and quality analysis. Specific requirements:

- I. Education:
  - university degree in economics, public administration, social science or other relevant discipline.
- II. Experience:
  - At least 10 years of relevant experience in public procurement;
  - Demonstrate record of having undertaken similar assignments.
- III. Technical expertise
  - A deep understanding of public procurement standards and practice;
  - An understanding or background knowledge of Thailand Public Procurement and Supplies Administration Act, B.E. 2560 (2017), its regulations and the nature of public procurement environment in Thailand;
  - Proven ability to produce policy-based analytical reports and high quality in English.

## 7) REQUIRED DOCUMENTS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:

- a) **Letter of Confirmation of Interest and Availability** using the template provided in Annex III;
- b) **Personal CV**, indicating all past experience from similar projects, as well as the contact details email and telephone number of the Candidate, and at least three (3) professional references;
- c) **Financial Proposal** that indicates the all-inclusive fixed total contract price supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

- d) **Proposed outline of methodology** for conducting the assignment

**Incomplete proposals may not be considered. The shortlisted candidates may be contacted and the successful candidate will be notified**

## 8) CRITERIA FOR SELECTION OF THE BEST OFFER

Cumulative analysis

The award of the contract shall 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 set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

Technical Criteria for Evaluation (Maximum 70 points)

- )} Criteria 1 Relevance of Education – Max 10 points
- )} Criteria 2 Relevance of experience.- Max 20 Points
- )} Criteria 3 Relevance of technical expertise – Max 20 points
- )} Criteria 4 Assessment of approach/methodology to assignment – Max 20 Points

Only candidates obtaining a minimum of 70% of the total technical points would be considered for the Financial Evaluation.

## 9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☐ NONE ☒ PARTIAL ☐ INTERMITTENT ☐ FULL TIME

## 10) PAYMENT TERMS

Consultant must send a financial proposal based on the 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 and as per below percentages:

Deliverable No.	Description	Timeline	Payment
1	An inception report including rationale for the approach to the assignment; analysis of the implementation of the Public Procurement and Supplies Administration Act, B.E. 2560 (2017), review of regulation, secondary legislation and guidance materials and initial findings and comparison	Mid April	20%

2	Conduct desk review, 2 stakeholder interviews missions, 1 workshop to identify constrain of public procurement process and provide area of improvement.	May	30%
3	<p>facilitate a workshop to present findings and recommendation on the strategic reform to the current legislations. Submit final report on the strategic reform.</p> <p>Report on findings, suggestion and comparison with reference countries in the following issues:</p> <ul style="list-style-type: none"> <li>a) Public procurement plan</li> <li>b) Procurement methods for Goods and services procurement methods for consultancy service</li> <li>c) Procurement method for design and build</li> <li>d) Appeal process</li> <li>e) Contract awarding and guarantee</li> <li>f) Contract management and monitoring</li> <li>g) Performance assessment</li> <li>h) Jon abandonment, break of contract and punishment</li> <li>i) Bidder registration</li> <li>j) Electronic</li> </ul>	July	50%

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.

Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent.