



TERMS OF REFERENCE

Reference No.	PN/FJI/055/21
Consultancy Title	Formulation of Kiribati National E-commerce Strategy
Application deadline	16 th August, 2021
Duty Station	Ministry of Commerce, Industries and Cooperatives (MCIC) – Betio, Tarawa
Type of Contract	Individual Contractor
Post Level	National Consultant
Languages required:	English
Duration of Initial Contract:	4 Months (80 Working Days)

1. BACKGROUND

Kiribati consist of 32 atoll islands scattered in the middle of the Pacific Ocean with a population of 119,438 (2020 Census)¹. The country's national development agenda is encapsulated in the 20-year Vision Development Plan known as the KV20. The KV20 is Kiribati's long-term development blueprint for the period 2016-2036. The development blue print aims to transform Kiribati into a wealthier, healthier, and peaceful nation. The KV20 is founded on four pillars: Wealth, Peace and Security, Infrastructure, and Governance. The KV20 also recognizes Kiribati's vulnerability to climate change as a key constraint to its development.

Pillar 3 of the KV20, seeks to improve Information Communication Technology (ICT) access to facilitate connectivity and accessibility to economic infrastructure. Improving national ICT infrastructure is expected to support and enhance other drivers of sustainable economic growth. Better utilization of ICT in the public service, including through innovation and creativity, is recognised as a key ingredient to strengthening capability of public service to achieve high efficiency, cost-effectiveness, and productivity. The National ICT Policy adopted by government in 2019 has recognised ICT as a key enabler to improving economic and social developments and with innovative new technologies to filling the gaps in service coverage. It also maps out plan to develop E-government, E-commerce and digital infrastructure in line with the broader objectives of the KV20.

The government through the KV20 vision has sped up ICT development response through enhanced mainstreaming of ICT and e-commerce in development plans, implementing a robust telecommunications sector reform, and reaching out to investors and development partners. Among other achievements, this resulted in increased voice/Internet (3G/4G) coverage, faster Internet speeds, value-added services, and increased awareness of the power of the Internet in breaking isolation from markets. The establishment of submarine cable in 2024 is expected to boost Internet connectivity and affordability. It is envisaged to enhance country's readiness for a smart life and digital economy. The submarine cable is also expected to provide opportunities to leverage business innovations to increase exports and imports (in part through improvements in trade facilitation), enhance service delivery and

¹ National Statistic Office, MFEP 2020 Data

improve access to information, all contributing to ease of doing business for the general public and for international traders. The development of digital economy and trade through enhanced infrastructure has the potential to enable Kiribati leapfrog certain technological barriers and rebalance the power relations in the supply chain to support the key economic sectors including SMEs in order to create economic growth, employment and sustainable economic development.

While E-Commerce is significant in eliminating barriers between marketplaces and contributing to sustainable development, Kiribati does not have a policy and a legislative framework to facilitate effective development and utilisation of E-Commerce. Other challenges in respect of the E-Commerce regime include low percentage of internet penetration especially on the outer Islands. The Investment Policy Framework (IPF), the ICT Policy 2019 and UNCTAD E-Trade readiness assessment has recommended the need to promote the use of E-Commerce by the business community, educate consumers on the utilisation of E-Commerce, build the capacity of policy makers on Trade and E-Commerce, develop and effectively implement E-Commerce Policy and legislative framework.

It is against this background that the Government of Kiribati through this consultancy seeks to Formulate a national policy for e-commerce in line with the TPF as part of the current efforts to take advantage of ICT sector growth and needs. The overall policy is required, to put in place a strategy to optimize the benefits of e-commerce which includes enhancing competitiveness by improving productivity and service delivery. A holistic E-Commerce strategy would set the stage to have necessary regulatory framework and recommend appropriate laws to govern and facilitate e-commerce in the country.

This consultancy comes under the **“Kiribati trade capacity development and institutional strengthening project Phase 2” funded by Enhanced Integrated Framework (EIF) Facility**. This second phase of the EIF project commenced in July 2020. The objective is to strengthen the capacity of institutions and stakeholders to implement trade policies that support poverty reduction, inclusive economic growth, equitable sustainable development and wealthy economy in line with the Government’s 20-Year Vision development plan (KV20) 2016-2036). As part of the project, UNDP, as the Main Implementing Entity, is seeking the services of a qualified consultant with expertise and experience in Digital trade and E-commerce to provide technical support towards the formulation of National E-commerce Policy

2. DUTIES AND RESPONSIBILITIES

2.1. Scope of Work

The primary objective of the assignment is to formulate a National E-Commerce Policy /Blue print. The strategy is expected to promote sustainable growth of E-commerce, through public sector facilitation with the objective to improve e commerce business environment and through implementation of comprehensive action plan that pragmatically respond to the needs of the sector in Kiribati. The consultant is required to undertake the following specific key tasks to achieve the assignment objective:

a) Assessment of Broader Macro Economic Environment

- ❖ Review the existing development strategy, policies and reports on digital trade and E-commerce, identify the extent of mainstreaming E-commerce strategies into national Development strategies;

- ❖ Review the status of Legal and regulatory framework for E-Commerce in Kiribati, identify regulatory gaps and propose recommendations in relation to E-transactions, consumer protection, data protection, privacy and cybercrime;
- ❖ Review and propose baseline laws which are nonexistent including possible amendments if required in the existing laws to facilitate effective enforcement;
- ❖ Analyse the robustness of existing online payment facilities including the current mobile payment solutions; e-payment gateway, inter-connectivity and interoperability within banks and propose recommendations to standardize facilities that is required for smooth online transactions in terms of security, reliability and efficiency. Propose development of payment solutions to link international e-payment systems.
- ❖ Identify Capacity gaps in SME sector and provide recommendations on how SMEs can benefit from e-commerce. Identify skills building requirement in SME sector and propose recommendations including support to youth engaged in e-commerce and apps development;
- ❖ Analyse challenges and propose recommendations related to consumer protection and E-commerce development. Recommend regulations or a set of regulations for governing e-commerce consumer protection, setting business code of conduct, establishing dispute resolution mechanism. Study and propose recommendations to build trust in online transaction including ways to strengthen institutions for accreditation of websites.
- ❖ Study risks (fraud, adaptation costs, tax revenue erosion, job losses etc.) posed by e-commerce and propose measures to address it.
- ❖ Identify challenges throughout all the stages of e-commerce value chain and provide solutions to address it. Proposed recommendations could include development of platforms as an enabler of SME trade and exports.
- ❖ Asses key e-commerce bottlenecks related to trade logistics, national physical address system, Trade facilitation and paperless trade, Trade facilitation and inter-agency coordination and provide policy recommendations.
- ❖ Provide a comprehensive review of evolution of e-commerce, including existing initiatives, stocktaking of resources and capabilities that could contribute to e-commerce development.
- ❖ Identify E-commerce and gender issues that should be taken into account to ensure equitable and inclusive access to E-commerce opportunities.
- ❖ Review and provide best practices of integrating of taxation to online transactions and provide recommendations considering Kiribati's adaptability to the practice.
- ❖ Provide recommendations to GOK on innovative ways to encourage businesses to come online

b) Institutional Structure for e-commerce

- ❖ Identify government interventions at each step of e-commerce for facilitation and while ensuring that, the government does not hold back the sector which is fast growing with excessive interventions or lack of interventions.
- ❖ Identify relevant agencies, consultative mechanism on E-Commerce and designate institutions/instruments responsible for the development of E-commerce.

c) E-commerce Policy of Kiribati

- ❖ Prepare a draft National E-Commerce Policy for Kiribati (based on the diagnostic report), which is conducive to Kiribati's economic environment including consistency with international conventions

- ❖ on E-commerce
- ❖ Propose action plan/Matrix for implementation of the policy and a Monitoring and Evaluation Framework
- ❖ Conduct consultations with the private sector and relevant stakeholders including established Technical working group at different stages to discuss the various aspects of e-commerce policy to arrive at a consensus view on the policy.
- ❖ Conduct workshops at different stages to discuss the various aspects of the national e-commerce policy to arrive at a consensus view on the policy.
- ❖ Undertake any other tasks considered necessary to draft and complete the National E-Commerce Policy for Kiribati.

3. GEOGRAPHICAL AREA TO BE COVERED

The project will be implemented in Kiribati and consultations will be undertaken in Tarawa.

4. EXPECTED BENEFICIARIES

- ❖ Government of Kiribati through the Ministry of Commerce, Industries and Cooperatives (MCIC);
- ❖ Policy makers and key stakeholders for other relevant ministries and institutions engaged in ICT and E-Commerce related initiatives;
- ❖ Private sector including SMEs, importers, exporters, Service Providers, Financial Institutions and producers;
- ❖ The civil society

5. EXPECTED OUTPUTS AND DELIVERABLES

The consultant is required to produce the following outputs:

- ❖ Diagnostic Report providing the status of E-Commerce in Kiribati, key policy constraints to E-Commerce development in Kiribati and possible policy recommendations in line with the wider scope of this assignment.
- ❖ Final document for the National E-Commerce Policy, its Implementation Plan plus the Monitoring and Evaluation Framework developed and agreed upon with MCIC and the key stakeholders.

6. INSTITUTIONAL ARRANGEMENT

- ❖ The activities will be managed by the Ministry of Commerce, Industry and Cooperatives (MCIC) and facilitated by the Trade Promotion Division.
- ❖ MCIC will provide office space, facilitate consultations or meetings required, and provide the administrative support where needed.
- ❖ The assignment will be delivered through a stakeholder-driven approach. The consultant is expected to work closely with stakeholders including a Technical Working Group on E-commerce in delivering the outputs.

7. DURATION OF THE WORK

- ❖ All the activities are expected to be completed in a 4 months' period.

8. DUTY STATION AND RESOURCES PROVIDED

- ❖ The assignment is to be undertaken from the Ministry of Commerce, Industry and Cooperatives.

9. REQUIRED SKILLS AND EXPERIENCE

The consultant is expected to meet the following requirements;

a) Qualification and skills

- ❖ Master or Postgraduate degree in economics, law, Information Technology, or any other field relevant to the assignment.
- ❖ Excellent communication, analytical, and report writing skills
- ❖ Excellent team working abilities

b) General professional experience

- ❖ Minimum 8 years, of relevant post-graduate professional experience in issues related to e-Commerce

c) Specific professional experience

- ❖ Minimum 7 years of post-graduate experience in development of e-commerce policy and/or regulatory/administrative practices.
- ❖ Proven working knowledge in national e-commerce & related policies, regulatory and/or legislative reforms and its implementation
- ❖ Demonstrated ability to facilitate consultative meetings with key stakeholders
- ❖ Expertise in conducting situation analysis and needs assessments related to ICT, E-commerce and Digital trade;
- ❖ Experience in providing policy advice on best practices in developing E-Commerce policy and development of E-Commerce solutions;
- ❖ Experience with e-commerce policy designing and/or regulatory in SMEs will be an advantage

d) **Language requirements**

Fluency of English language is required.

10. SCHEDULE OF PAYMENTS

Deliverables	Due Date	% of overall contract amount:
❖ Draft diagnostic report informing the formulation of the National E-Commerce Policy	❖ Upon submission of the draft Diagnostic Report	10%
❖ Final diagnostic report informing the formulation of the National E-commerce Policy	❖ Upon submission of the Final Diagnostic Report	20%
❖ Draft National E-Commerce Policy, its Implementation Matrix and the Monitoring and Evaluation Framework	❖ Upon submission of the Draft National E-Commerce Policy and Implementation Plan and Monitoring and Evaluation Framework	40%
❖ Final National E-Commerce Policy, Implementation Plan and Monitoring and Evaluation Framework	❖ Upon submission and approval of Final National E-commerce Policy and Implementation Plan	30%

11. EVALUATION METHOD AND CRITERIA

11.1. Cumulative analysis

- ❖ The proposal will be evaluated using the cumulative analysis method with a split of 70% and 30% financial scoring.

Criteria	Weighting Scoring
Qualification	
❖ Master or Postgraduate degree in economics, law, Information Technology, or any other field relevant to the assignment	10
Experience	
❖ Minimum 8 years, preferably 7 years, of post graduate experience in development of e-commerce policy and/or regulatory/administrative practices.	10
❖ Experience in providing policy advice on best practices in developing E-Commerce policy and development of E-Commerce solutions;	15
❖ Expertise in conducting situation analysis and needs assessments related to ICT, E-commerce and Digital trade;	15
❖ Experience in designing e-commerce policy or related policies;	20
Technical Criteria	70%
Financial Criteria	30%

- ❖ 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:

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.

The final evaluation method will be based on a cumulative analysis of both the technical and financial proposals. When using this weighted scoring method, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- ❖ Responsive/compliant/acceptable; and
- ❖ Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.
- ❖ **Technical Criteria weight: 70 per cent; Financial Criteria weight: 30 per cent.**

Documentation required

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:

- ❖ **Letter of Confirmation of Interest and Availability** using the template provided in Annex II.
- ❖ **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.
- ❖ **Technical proposal**, including a)
 - i. a brief description of why the individual considers him/herself as the most suitable for the assignment; and b) a methodology, on how they will approach and complete the assignment.
 - ii. consultant's understanding of the assignment and experience supported by verifiable evidence of having undertaken assignments of similar scope (provide a minimum of one sample of similar work done for other organizations in the last three years)
- ❖ **Financial proposal**, as per template provided in Annex II. Note: National consultants must quote prices in United States Dollars (USD).

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 duty station) and any other applicable cost to be incurred by the LC 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.

Incomplete and joint proposals may not be considered. Consultants with whom there is further interest will be contacted. The successful consultant shall opt to sign an Individual Contract or a Reimbursable Loan

Agreement (RLA) through its company/employer with UNDP.

Annexes

- ❖ Annex I - Individual IC General Terms and Conditions
- ❖ Annex II – Offeror’s Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template

For any clarification regarding this assignment please write to Mr. Dale Kacivi - procurement.fj@undp.org/dale.kacivi@undp.org

All applications must be clearly marked with the title of consultancy and submitted by 5:00pm, 16th August 2021, 5pm (Fiji Time) online via UN Jobs website <https://jobs.undp.org/> or etenderbox.pacific@undp.org