



ASEAN-AUSTRALIA-NEW ZEALAND FREE TRADE AREA (AANZFTA)
ECONOMIC COOPERATION WORK PROGRAMME (EWCP)

**Consulting Opportunity – Investment Facilitation and Technical Assistance for Newer
ASEAN Members – Second Phase (Myanmar and Viet Nam)**

Lodgement of Tenders to:

Program Coordinator
ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Support Unit
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Closing time and date: 18 February 2013 (close of business Jakarta time)



ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Work Programme (ECWP)

Terms of Reference

Title of Assignment: Investment Facilitation and Technical Assistance for Newer ASEAN Members [AANZ-0018-INV-02] – Second Phase (Myanmar and Viet Nam)

I. Project Title and Summary

The Project on *Investment Facilitation and Technical Assistance for Newer ASEAN Members* (AANZ-0018-INV-02) is part of the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) Economic Cooperation Work Programme (ECWP), specifically under ECWP's investment component. It was considered during the 2nd Committee on Investment (COI) Meeting and the 3rd AANZFTA Joint Committee Meeting in June 2011, and intersessionally approved in September 2011.

The ECWP is being implemented through annual programmes for five years from AANZFTA's entry into force (1 January 2010) to implement the Agreement's Chapter on Economic Cooperation and will support the overall implementation of the AANZFTA. More information on AANZFTA and ECWP is available at <http://aanzfta.asean.org/>.

The Project aims to promote effective and efficient business entry regulations that are facilitative for entry of investments particularly in Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV). The second phase of the project will cover Myanmar and Viet Nam.

The ASEAN Secretariat seeks proposals or applications for short-term consultancy work for the project, specifically to undertake the following tasks:

1. Conduct analysis of and draft implementation plans for investment facilitation and streamlining of licensing or business approval procedures for Myanmar and Viet Nam.
 - Conduct at least two (2) in-country workshops in Myanmar and Viet Nam on best practices on licensing/approval process for the officials of the key agencies and other relevant stakeholders. Undertake consultations with the focal persons of the (i) relevant agencies of Myanmar and Viet Nam; and (ii) business sector/industry associations/chambers to assess and develop a flexible template for improving the country's business licensing/approval system.
 - In close coordination with the focal persons of Myanmar and Viet Nam, refine the proposed flexible template and develop an implementation plan for each of the country's consideration.
2. Formulate technical assistance and/or capacity building activities to carry out the implementation plans, which may require additional support from the ECWP to assist Myanmar and Viet Nam in implementing the reforms or changes on business licensing/approval processes and requirements.

- Identify key critical components of the implementation plan that require technical assistance or further capacity building support from the ECWP as may be appropriate and eligible for funding under the ECWP. This may require development of project proposals as follow-up activities to this project.
3. Present the findings of the Myanmar and Viet Nam Country Reports, as required in the Committee of Investment meeting or other relevant fora.

II. Purpose of the Assignment

The consultancy outcomes will progress the objectives of the Project, which seeks to facilitate investment within the AANZ free trade area through increased transparency and more predictable investment among the Parties.

In particular, the Project aims to assist the CLMV countries, with the second phase focusing on Myanmar and Vietnam, in improving their investment facilitation processes and streamlining their licensing/business approval procedures and requirements.

III. Project Background

Consistent with the objective of the ECWP Component on Investment, this project looks forward to deepening and broadening the linkages among Parties by addressing impediments to investment and “developing strategies for further improving the investment climate”.

In particular, the Project aims to promote effective and efficient ways of business entry regulations among the Parties, and support implementation thereof. This shall result to a guiding principle to ensure that the governments are able to exercise their regulatory functions on business start-ups, on the one hand, while at the same time ensure that regulations and regulatory practices do not impede or discourage entry of business (by being laborious, cumbersome, time-consuming, opaque, or costly), on the other hand. This can be achieved through improving investment facilitation processes and streamlining of licensing/business approval procedures.

Key beneficiaries for the activity

- Businesses/investors within AANZFTA region with increased transparency and reduced cost of doing business in the region.
- The economies of the CLMV countries through increased investment flows, with particular focus on Myanmar and Viet Nam for the second phase.
- National agencies and their personnel through improved capacities and systems.

IV. Scope of Work and Required Activities

The project will be carried out through:

- peer learning and sharing of experiences among AANZFTA Parties and assessment of the licensing practices among the Parties vis-à-vis best practices

- development of implementation plans on investment facilitation processes and streamlining of licensing/business approval procedures including identification of capacity building requirements for Myanmar and Viet Nam
- identifying capacity-building needs and assisting in the design for Myanmar and Viet Nam to operationalize the implementation plans at the national level.

The consultant will:

- Develop a flexible template on investment facilitation processes to improve ‘ease of doing business’ in the entry/start-up stages;
- Produce country-specific framework papers and implementation plans to improve investment facilitation processes and streamlining of licensing/business approval procedures;
- Undertake at least two (2) in-country workshops and consultations in Myanmar and Viet Nam, focusing on individual country needs for the development of an implementation plan on investment facilitation processes and streamlining of licensing/ business approval procedures;
- Conduct stakeholder consultations to present and solicit inputs for the country-specific framework paper and implementation plan as well as identify the critical priority follow-up work to implement the plan and assist the country in developing the proposals for technical cooperation assistance under the AANZFTA ECWP ; and
- Produce two (2) Country Reports that summarizes key findings/outcomes from the in-country workshops that includes country-specific implementation plans.
- Present a final consolidated Report as may required (costed separately).

V. Previous or Related Projects and Documentation/Views to be Considered

The project will have to consider related and/or similar work by multilateral organizations, particularly the World Bank and UNCTAD, and multilateral and regional organizations.

The other institutions/bodies that have conducted studies or related research on investment facilitation and ease of doing business and related topics such as competitiveness should be considered and referred to as building blocks.

The project will draw reference to the outcomes of the regional forum on best practices on licensing/approval processes and Committee on Investment recommendations under the Project’s first phase.

VI. Reporting

The model template, the individual country policy framework papers and the implementation plans will inform/feed into the final report

The final report has to be user friendly and easy to read and should not be more 50 pages in length (not including attachments). It should be structured as follows:

1. Executive Summary - The executive summary of the final project report should be no more than 5 pages long. It will provide a summary of the project and recommendations.

2. Introduction - This section will provide an overview of the purpose of and the rationale for the project and its key components, i.e., country-specific activities.
3. Background – This section will give an overall picture of investment facilitation practice specifically on the aspect of doing business at the entry stage – and provide description of developments as well as assessment of the issues and constraints in this area.
4. Discussion and Recommendations – This section, drawing from the discussions and outcomes of the in-country consultations, engagement with the industry associations/chambers should outline:
 - the status of “doing business” in Myanmar and Viet Nam vis-à-vis those considered as ‘best practices’ and the flexible template
 - the challenges facing Myanmar and Viet Nam in effecting changes to improve ‘the ease of doing business’ in their countries
 - the opportunities and future plans to improve and make business entry regulations, procedures and requirements business-friendly
 - the conclusions and outcomes gained in conducting the project
 - the flexible template as a practical reference for the other Parties of the AANZFTA.
 - recommendations to assist Myanmar and Viet Nam in improving investment facilitation processes and future follow-up work to be undertaken in this regard.
5. Appendices – include the concept papers, the flexible template and country-specific framework papers and implementation plans.

VII. Consultant Qualifications

In assessing whether a proposal represents best value for money with regard to all costs, fees, allowances and charges associated with the delivery of services, the Bidding Committee will consider the following evidence supplied by tenderers of their ability and experience to undertake the specified objectives/duties in this Request for Proposal, including (in order of priority from highest to lowest):

1. Evidence of the breadth and depth of knowledge in investment facilitation and ease of doing business;
2. Demonstrated experience and expertise in undertaking consultancy studies/research and on-ground advisory work on investment facilitation;
3. Evidence of a sound approach to the task and the methodologies to be applied (this should demonstrate that the consultant has a clear understanding of the consultancy);
4. Evidence of adequate exposure and understanding of ASEAN, and engagement with government and industry associations/chambers; and
5. Evidence of the capacity to deliver high quality products on time and within budget.
6. Ability to facilitate effective workshop/forums and engage positively and productively with the stakeholders

VIII. Timetable and Deliverables

The proposed timetable for the completion of each stage of the project is as follows:

Deliverables and Milestones	Timeline
Hiring of consultants	February 2013
Conceptual framework for COI co-chairs and country focal points inputs and on-site visits as required	March 2013
In-country workshop and consultations in Myanmar and Viet Nam	May/June 2013
Draft Implementation Plans for Myanmar and Viet Nam	June/July 2013
Stakeholders presentation in Myanmar and Viet Nam (to be confirmed)	August 2013
Final Report and Presentation (if required)	September 2013

IX. Project Management Arrangements

The Project will be implemented in accordance with the ECWP Project Management Guide and Templates (June 2011) and ASEC rules and regulations, as appropriate. The consultant may be required to provide Project Progress Reports and Project Completion Reports. Financial reports will be submitted at invoicing in line with a payment schedule to be specified in the consulting agreement.

X. Submission of Proposals

The proposal/applications will have technical and financial components. The technical component should contain the following information:

- A brief discussion indicating the prospective Consultant's understanding of the purpose of the study;
- A discussion of how the prospective Consultant proposes to approach the project including but not limited to methodology, to undertake the assignment and list of possible reference materials; and a work plan specifying the activities to be undertaken, an outline of the reports to be delivered, and schedule of activities, taking into account the targets to complete the undertaking;
- Evidence of Consultant's qualifications and expertise including related projects handled (e.g., curriculum vitae) and proposed rate for the consultancy assignment; and
- Names and curriculum vitae of associates, subcontractors, personnel or employees who will be engaged in the performance of services.

The financial component should specify all direct and indirect costs of the consultancy (but excluding consultant travels and subsistence, participants and conference-related expenses for workshops), including: consultancy fees for the tasks/deliverables indicated in the RFP (with allocation on professional fees), and coordination, communication, and administrative charges if any.