

TERMS OF REFERENCE FOR CONSULTANTS

1. A team of three international and three national consultants will be recruited by the Asian Development Bank (ADB) through individual contracts to implement activities under Outputs 1–3. The three international consultants will be recruited for a total of 23 person-months, with expertise in Team Leader/ Transport facilitation specialist (one expert, 12 person-months), Customs expert (one expert, 6 person-months), and legal expert (one expert, 5 person-months).
2. Three individual national consultants will be recruited for a total of 34 person-months, comprising (i) national trade facilitation expert (one expert, 10 person-months); and project analyst and administrative/logistics expert (2 National, 24 person-months total). The Mekong Institute¹ will be engaged through single source selection (SSS) with contract not exceeding \$100,000 to undertake the monitoring and evaluation activities. The individual consulting services will be recruited using lumpsum output-based contracts, to the extent possible, to simplify administration of the consulting contracts. ADB will engage consulting firms and individual consultants in accordance with the ADB Procurement Policy (2017, as amended from time to time) and its associated project administration instructions and/or staff instructions. The technical assistance (TA) funds will be disbursed in accordance with ADB's Technical Assistance Disbursement Handbook (2020, as amended from time to time). The broad outline terms of reference for consultants are in paras. 4–15.
3. Consultants will be supervised by ADB's project manager, and report to both ADB's project manager and implementing agencies. Consultants will be required to report findings through inception, interim, and final reports.

A. Individual Consultants

a. Customs Expert (International, 6 person-months)

4. A customs expert will be engaged to support the delivery of the Output 1 on implementation of the 'Early Harvest' / Cross-Border Transport and Trade Facilitation Agreement (EH/CBTA) supported, which among others will include development of interim transit arrangement for EH implementation, and Coordinated Border Management (CBM). The customs expert is also expected to support implementation of the relevant section of Greater Mekong Subregion trade and transport facilitation (GMS TTF) coronavirus disease (COVID-19) action plan which currently being discussed and expected to be endorsed by the CBTA Joint Committee Meeting by end of 2020. Specific deliverables include an inception plan, progress reports, and a final report which includes a set of recommendation on the way forward. In each of the customs issue, the expert will (i) assess the current regulations and its operation in each GMS country; (ii) synthesize international best practices on the issue including emerging practices resulted from the COVID-19 pandemic; (iii) make suggestions for regulatory and/or operational improvements with a view to facilitating EH/CBTA implementation; (iv) present the issues to the GMS Customs sub-committee and support deliberation in arriving to mutually accepted arrangement between the concerned GMS countries; and (v) design and implement policy of the necessary training to ensure smooth implementation.

¹ Mekong Institute (MI) is an intergovernmental organization (IGO) founded by the six member countries of the GMS which provides capacity building programs, development projects and research related to regional cooperation and integration. ADB is also one of its council members. Engagement of MI is also expected to support sustainability of the CBTA implementation.

5. The experts should have a Masters' degree in public administration or equivalent, with at least 10 years of professional experience with proven knowledge and capacity on customs techniques, preferably in Association of Southeast Asian Nations (ASEAN). He or she should also have good knowledge of international best practices and international agreements on customs, coordinated border management, as well as interstate transport and multimodal transport as related to transport and customs. Previous experience in facilitating regional customs agreement would be an advantage. The expert will undertake field missions as required to GMS countries to provide necessary support and carry out consultations with key stakeholders. With particular reference to COVID-19, any need for international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face to face meetings as considered necessary.

b. Legal Expert (International, 5 person-months)

6. The legal expert will be engaged to support the implementation of 'Early Harvest' through the provision of legal assistance and advisory to government officials in National Transport Facilitation Committees (NTFC) agency headquarters and at NTFC and CBTA Joint Committee meetings. Issues requiring legal assistance will include among others: (i) legal interpretation of the memorandum of understanding (MOU) on EH for any dispute in the operations of the MOU; (ii) emerging need to update or revise the MOU on EH that takes into account potential new features such as interim customs transit arrangement, change in the permits quota, etc.; (iii) drafting of and/or legal advisory on the bilateral Initial Implementation of the CBTA between Myanmar and Lao People's Democratic Republic and People's Republic of China; (iv) update on the MOU on single stop inspection implementation in any border crossing points under CBTA; and (v) legal advisory in the deliberation of CBTA 2.0. In each of the legal issue, the expected deliverables will be: (i) initial review on the relevant current legal commitments by the concerned GMS countries vis-à-vis issues at hand; (ii) provide recommendation on the revised MOU text to address the issues; and (iii) support the deliberation on the issues among concerned GMS countries and prepare the final agreed legal text for countries' consideration.

7. The experts should have proven expertise in the area of legal and regulatory issues related to cross-border transport and trade facilitation, with extensive exposure on the legal systems of the Southeast Asian countries. He or she should have a degree in law and at least 10 years of experience in developing, evaluating regulatory frameworks. The expert will undertake field missions as required to GMS countries to provide necessary support and carry out consultations with key stakeholders. With particular reference to COVID-19, any need for international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face-to-face meetings as considered necessary.

c. Team Leader/ Transport facilitation expert (International, intermittent, 12 person-months).

8. The transport facilitation expert is expected to support Output 1 on the support for EH implementation and Output 2 on support to private sector by providing the necessary technical advisory and analytical work to the NTFC agencies as well as transport operators at both national and GMS level. Specific tasks includes: (i) providing technical advisory on operational issue of EH implementation; (ii) analyzing the various issues on the further liberalization of traffic rights, including rights for passenger buses; (iii) recommendations on provisions in CBTA 2.0; and (iv) design and implement measures to strengthen the transport logistics industry. Specific

deliverables include an inception plan, progress reports, and a final report which includes a set of recommendation on the way forward. In each of the transport facilitation issue, the expert will: (i) assess the current regulations and its operation in each GMS country; (ii) synthesize international best practices on the issue including emerging practices resulted from the COVID-19 pandemic; (iii) make suggestions for regulatory and/or operational improvements with a view to facilitating EH/CBTA implementation; (iv) present the issues to the GMS NTFC and support deliberation in arriving to mutually accepted arrangement between the concerned GMS countries; and (v) design and implement policy of the necessary training to ensure smooth implementation.

9. The expert will also serve as the team leader of the TA will provide management advisory to ensure relevancy of the GMS TTF program. The expert will be expected to coordinate TA implementation across the participating countries and support in ensuring timely delivery of the activities of the project and high quality of the project outputs. As the team leader, the expected deliverables include detailed work plan and semi-annual progress reports on the TA implementation, with recommendations on adjustments, if any is required, based on progress of activities as well as performance targets and indicators. Specific tasks include, but not limited to, the following:

- (a) develop the overall comprehensive work plan of the TA by taking into account existing TTF TAs within ADB and by other Development Partners to ensure synergies and integrated approach in the implementation;
- (b) design and deliver project activities, and prepare the semi-annual progress reports of the work plan of the project in the format agreed by ADB and the UK government as the co-financier;
- (c) identify implementation problems and potential risks associated with the outputs if any, with recommendations on measures to be undertaken to achieve target results;
- (d) provide advice on technical aspects covered under the TA such as transport facilitation and liberalization, institutional strengthening of TTF in GMS, TTF database development, private sector dialogue including with representative associations and federations, logistics strategy development, and so forth;
- (e) ensure satisfactory quality of the experts or consultants' outputs and compliance with their respective terms of reference;
- (f) keep abreast of the recent development in the region affecting TTF and recommend changes in the approach of the implementation if needed with a view to ensuring continued relevancy of GMS TTF Program;
- (g) support the project officer in coordinating with other Development Partners by updating the implementation status of the GMS TTF-AP and progress report;
- (h) provide other necessary support to the project officer; and
- (i) participate in ADB missions as required.

10. The expert should have an advanced degree in trade and economic development/commerce/finance or a related discipline. He or she should have a minimum of 10 years of experience international trade or regional economic integration-related work with extensive knowledge of the transport facilitation situation in the GMS countries and strong regional/international experience in transport facilitation. The expert must also have proven access to a network of Development Partners, technical experts and practitioners in the topics covered by the project, which will allow him or her to keep abreast of the current TTF issues. Vast relevant work experience in GMS and/or ASEAN would be strong advantage. The expert will undertake field missions as required to GMS Countries to provide necessary support and carry out consultations with key stakeholders. With particular reference to COVID-19, any need for

international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face-to-face meetings as considered necessary.

d. Trade and transport facilitation country specialists (National, 10 person-months combined, intermittent).

11. Subject to confirmation by participating countries, the TA will engage a national consultant with trade and transport facilitation expertise to support country-specific matters in each participating country. The trade and transport facilitation country specialists should have experience working with the trade-related private sector, transport officials and customs administration in their particular country, and will work closely with the TA project offices and the team leader. The responsibilities of the country specialists will include the following:

- a) provide inputs to and support the team leader as required in designing and conducting activities at national level;
- b) provide inputs and support the team leader and project officer in reviewing customs procedures and operations;
- c) support the team leader to design and provide information materials to facilitate the private sector's understanding of and compliance with customs requirements and procedures;
- d) provide inputs on country-specific issues to international consultants and ADB's Southeast Asia Department team;
- e) research and collect country-specific information regarding government policies, procedures, and regulations on trade necessary for international consultants to perform their assignments;
- f) translate necessary documents between local languages and English;
- g) provide inputs and support as required by the team leader and project officer; and
- h) participate in ADB missions as necessary; and
- i) participate in ADB missions as required

12. The consultants should have at least 5 years of relevant professional experience. An advanced degree in economics, finance, public administration, or its equivalent is preferred. Knowledge of and experience in Southeast Asia, especially the GMS subregion, and exposure to related activities in the region and subregion would be strong advantage. The expert may undertake field missions as required to GMS Countries to provide necessary support. With reference to COVID-19, any need for international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face to face meetings as considered necessary.

e. Project Analyst and Administrative/logistics expert (2 National, 24 person-months combined).

13. Two national consultants will be engaged to support the TA implementation. The TA administrators will work closely with the project officer, project consultants, and participating national agencies administrations to help coordinate and administer the project activities. The project administrator should be familiar with ADB's project administration to support the work of project experts and have experience working with developing countries. The consultants should have at least 5 years of relevant professional experience. An advanced degree in economics, finance, public administration or its equivalent is preferred. The responsibilities of the project

administrators will include the following:

- a) provide necessary administrative and logistical support to project consultants to perform their assignments to implement the project;
- b) support the project officer to implement the project;
- c) provide support in developing the regular progress report which includes breakdown of financial support to be submitted to ADB system, UK government as co-financier, and any other entities as requested by the project officer.
- d) assist in organizing workshops, and coordinating preparation of materials and documents;
- e) provide necessary logistical support to ADB missions;
- f) facilitate communication between project officer, consultants and government agencies and private sector;
- g) participate in ADB missions as necessary; and
- h) provide inputs and support as required by team leader and project officer.

14. The consultants should have demonstrated strong ability to provide guidance and coordination support, and with excellent interpersonal and communications skills. He or she should have at least a Bachelor's Degree in business administration, economics, or other related social sciences, with a minimum of 5 years of experience in project administration and project coordination and related activities. Knowledge of and experience in Southeast Asia, especially the GMS subregion, and exposure to related activities in the region and subregion would be strong advantage. The consultants will undertake field missions as required to GMS countries to provide necessary support and carry out consultations with key stakeholders. With particular reference to COVID-19, any need for international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face-to-face meetings as considered necessary.

B. Firm and/or Institutions

a. Monitoring and Evaluation Expert (International, intermittent, 10 person-months)

15. The TA will directly engage Mekong Institute to work on monitoring and evaluation of the CBTA 'Early Harvest' and work with NTFC officials and transport companies (GMS Road Transport Permit holders) at national and sub regional levels to collect and process (at least) annual data on: (i) the number of 'Early Harvest' journeys undertaken; (ii) average journey times; (iii) observed benefits and d) 'teething' implementation problems for elevation to the CBTA Joint Committee. The engagement of Mekong Institute will be through SSS given that this is a relatively small assignment requiring only US\$ 100,000. Also, SSS is justified given the very specialized nature of the assignment and in view of extensive experience of the Institute in handling such assignments within the subregion.² The expert will undertake field missions as required to GMS countries to provide necessary support and carry out consultations with key stakeholders. With reference to COVID-19, any need for international travel shall be assessed by ADB and the Consultant using ADB's advice at the time of travel. Subject to ADB's approval, the Consultant may use remote video technology meetings to replace face to face meetings as considered necessary.

² Based on Staff Instruction on ADB administered consulting services, SSS is appropriate usually for small assignments (\$100,000 or less, if a firm is engaged) or when only one firm or individual is qualified and available or has exceptional experience for the assignment.