



**ASEAN AUSTRALIA DEVELOPMENT COOPERATION PROGRAM (AADCP)
PHASE II**

**TERMS OF REFERENCE
FOR
DEADLINE EXTENDED - DEVELOPMENT OF TWO TRAINING MODULES TO APPLY
GOOD CONSUMER PROTECTION PRACTICES**

The ASEAN Secretariat and the Australian Government, through AADCP II, invite applications from consultants for the above-referenced project.

I. BACKGROUND

With a market of over 600 million consumers, rising purchasing power, a young demographic profile and the likelihood of becoming the 4th largest economy of the world by 2050, ASEAN represents an important market for businesses and an attractive destination for global foreign investment.

Effective consumer protection policies are therefore important to ensure that ASEAN consumers buy with trust and confidence, knowing fully well that local and international conglomerates engage in fair business practices, that comply with international standards. And that any unethical, dishonest and fraudulent trade and credit practices by such businesses will be met with severe penalties and adequate redress and compensation for the consumers.

Confident and well-informed consumers are empowered to make rational decision as economic actors that will maximize both their personal and business interest. In this way, enlightened ASEAN consumers can represent powerful drivers for innovation and productivity in their respective countries and thereby able to effectively contribute to the development and inclusive integration of the ASEAN Economic Community (AEC).

Consumer protection is usually safeguarded by law and regulations established by the authorities in their respective countries.

But these are also fortified by inter-alia, the following:

- (i) strengthening and enhancing the awareness of consumers rights;
- (ii) establishing effective and vocal consumer associations,
- (iii) redress mechanisms and enforcement machineries;
- (iv) providing up-to-date consumers education;
- (v) increasing the capacity of government consumer agencies; and
- (vi) building cross border cooperation and enforcement in an increasingly connected and fast moving global market place.

Noting that globalisation is leading to wider variety of products and technological revolutions and transforming the traditional ways of conducting business in the market places, governments need to find innovative means to protect and promote the interest of the consumers without erecting unnecessary barriers to the exchange of goods and services.

The COVID-19 pandemic has also shown how small, interconnected and inter-dependent

the world is today. In a matter of months, the global supply chains were disrupted and the global trading systems were put under stress. The consequences to the economy, public health, employment and consumer rights cannot be understated.

Consumer protection is therefore recognized under the AEC Blueprint 2025, to play a critical role in developing “a competitive, innovative and dynamic ASEAN”. Consumer protection is also important as it helps to build a people oriented AEC, which places paramount importance to the interests and welfare of consumers in the economic integration of the region.

The strategic measures listed in the Blueprint formed the basis for the following four strategic goals of the [ASEAN Strategic Action Plan for Consumer Protection \(ASAPCP\) 2025](#). Its outcomes and deliverables are to be implemented by the ASEAN Committee on Consumer Protection (ACCP) according to the Implementation Schedule:

STRATEGIC GOALS OF THE ASAPCP 2025

1. A Common *ASEAN Consumer Protection Framework* is Established;
2. A High Common Level of Consumer Empowerment and Protection is Ensured;
3. High Consumer Confidence in the AEC and Cross-border Commercial Transactions is Instituted; and
4. Consumer Concerns in all ASEAN Policies are Integrated.

The *ASEAN consumer protection framework* provides for a high-level consumer protection regime to meet the evolving consumer landscape in ASEAN. It envisages improved capacity to respond to new and emerging challenges and opportunities facing ASEAN, enabling governments to find innovative ways to protect and promote the interest of consumers amidst growth in cross border trade, e-commerce and other new trading methods resulting from globalisation and technological advancement.

The framework is expected to result in common underlying principles towards a coherent regulatory environment, and stronger institutional structures and capacities required to implement and enforce policies and regulations in each ASEAN Member State (AMS) and across the region.

A common consumer protection framework thus requires strengthened institutional capacities to ensure that the goal (i.e. Strategic Goal No. 1) is met. AMS face the following institutional capacities challenges at varying degrees and depending on their existing developmental stages:

- (i) inadequate number of staff available for proper enforcement of their consumer protection laws; and
- (ii) lack of trained and qualified personnel or ability to provide training to employed personnel.

Recognising that AMS may differ in terms of quality of standards of practice, regulatory environment and its institutional capacities, the project is formulated and developed for the purpose of inter-alia, to help narrow these gaps through capacity development.

This need for capacity development have been long recognised. It was included in the ASAPCP 2025 and discussed in more detail in the [ASEAN Capacity Building Roadmap for Consumer Protection 2019-2025 \(Roadmap 2025\)](#) which was prepared last year through AADCP II support. Roadmap 2025 identified 10 key capacity building needs and a number of

capacity building tools that corresponds to those needs. One of the areas is consumer law enforcement. Deceptive and unfair practices and irregularities in the market requires governments to intervene to safeguard the interests of consumers by upholding their rights through various measures such as consumer protection laws. The Roadmap underscored the need for consumer agencies to have the capacity to enforce laws, specifically:

- Enforcing the law to secure maximum levels of compliance;
- Developing specific investigation and enforcement capacities;
- Skills for successful investigations;
- Collaborating with other national agencies on enforcement;
- Developing the capacity of consumers and businesses to gain compliance; and
- Cross border enforcement collaboration.

The ASEAN Secretariat is seeking the services of Consultant(s) to develop two training modules on topics related to consumer law enforcement. Topics may include Unfair Contract Terms, Data Privacy, Fair Business Practices, and Advertising and Marketing. The topics will be determined by the ACCP at the project inception stage.

II. NEEDS AND OBJECTIVES

This project aims to provide consumer protection agencies, as well as other government institutions/ agencies with consumer protection responsibilities, with the knowledge and skills required for them to create and implement policies that enables effective consumer law enforcement.

It will prepare two training modules, comprising a set of instructional materials and tools, for use by consumer protection agencies and agencies with consumer protection responsibilities in training and/or enhancing the existing capacities of their staff. It is envisaged that the modules will be used by trainers with more than 5-year experience to train the intended learners, which are personnel with 2-5 years functional experience dealing with consumer protection issues with identified needs to improve their professional competence. These would include staff rendering front line services involving public relations, consumer assistance and complaints management.

These new modules, once completed, will be validated and tested through a workshop or Train the Trainers (ToT). The ToT will be attended by relevant government officials with sufficient knowledge and experience to help refine the modules prior to their finalization. For future replication of the training at the national level, there is an intention to tap some participants of the ToT as potential trainers in their respective agencies. Most of them may not have teaching/training experience, which should be taken into consideration in the development of the modules.

III. OUTPUTS

The outputs of this project will comprise of two training modules, each includes the following:

- i) Streamlined training manuals and PPT slides inclusive of study guides with questions;
- ii) Trainers guides/instructors manuals with suggested exercises and corresponding session plans;

Reference could be made to the teaching modules developed through the Strengthening Technical Competency on Consumer Protection in ASEAN” project implemented in 2014-2015 and the corresponding teaching manuals produced in 2018, which covered the following topics:

- (i) consumer credit and banking [modules](#) and teaching [manuals](#);
- (ii) environment [modules](#) and teaching [manuals](#);
- (iii) professional services [modules](#) and teaching [manuals](#);
- (iv) healthcare services [modules](#) and teaching [manuals](#);
- (v) phones, internet services and e-commerce [modules](#) and teaching [manuals](#);
and
- (vi) product safety and labelling [modules](#) and teaching [manuals](#).

Details on the Roadmap 2025 and the training materials stated above can be found within the ASEAN Consumer website at <https://aseanconsumer.org/publication>. However, recommendations on the development of other more user friendly models is encouraged. The proposed teaching/ training models should be outlined in the applicant's applications.

The Consultant(s) will be responsible for the:

- (1) training needs assessment on two topics of the modules identified by the AMS;
- (2) Preparation of a training structure and content of each module taking into account the goals and objectives identified from the assessment as well as the intended participants. The course content will be delivered through short lectures, group discussions, group presentations, case studies, role-play, simulation and skill practices during the training. It would be preferable to consider options for both delivering the training offline (face-to-face) and online (virtually).
- (3) Review of the draft training manuals to ensure their consistency and smooth flow of the contents;
- (4) Separation of the contents into logical components or training modules and design of a series of instructional materials in the form of presentation slides and training manual, including training session plans with indicative time that needs to be allocated for each concept/sections of the modules. It is important to ensure that the modules and instructional materials may be used by inexperienced trainers; and
- (5) Development of evaluation forms including questions regarding relevance and effectiveness of training materials, whether the material covered the professional needs of the participants.

The teaching/learning tools should be user-friendly and include coloured and graphical illustrations, illustrative examples, list of activities, exercises and guided questions that can be used by trainers.

The consultant must design and format the materials in a manner that is visually appealing, clear and consistent (e.g., with illustrations and graphical representations). These should be easy to read and understand as English is not the primary language of all AMS participants.

It is expected that AMS will subsequently translate these tools into local languages, where appropriate and use them for their national consumer protection advocacy and education programs.

In addition, these reports will be required :

- i) Project Inception Report
- ii) Consultation with AMS Report
- iii) Validation Workshop (ToT) Report
- iv) Project Completion Report

IV. Tasks/Activities

The following activities will need to be undertaken and completed to the satisfaction of the ASEAN Secretariat and AADCP II to achieve the outputs presented above. The bidder should provide details on its approach to each activity in its bid and is free to recommend additional activities.

	Deliverable	Activity	Person working days	Completion Date	Person(s) responsible
1	Inception Report	Preparation of Inception Report including: <ul style="list-style-type: none"> • Online consultation with AMS to identify specific training needs, objectives and intended participants • Development of the overall approach for the delivery of the expected outputs • consultation method • training structure • outline and format of the training modules with specific recommendations for each module when appropriate 	20 working days	4 weeks after signing of SSA (Week 3)	Consultants with inputs from ASEC and AADCP II
		Circulation and revision of the Inception Report based on feedback, if any			
<i>Approval of Inception Report by ACCP/ASEC of the Inception Report (3 working weeks)</i>					
2	Draft Teaching / Learning Modules and Validation Workshop Report	Desk research, interview with AMS on the two identified topics of the training modules	60 working days	Week 7	Consultants with inputs from ASEC and AADCP II
		Prepare and finalise consultation report.			

	Draft Teaching / Learning Modules and Validation Workshop Report (Cont'd)	Drafting of the teaching/learning materials (simplified technical manuals and PPT with study guides and trainers/instructors manuals with session plans and exercises)		Week 20	Consultants
		Circulation of the draft materials to ACCP, ASEC and AADCP II including review of the modules by the original technical writers		Week 23	ACCP, ASEC, AADCP and original module writers
		Revision of the draft materials based on feedback received		Week 25	Consultants
		Testing the teaching modules via a validation workshop or a TOT		Week 27	Consultants with support from ACCP, ASEC and AADCP
		Preparation and submission of the Validation Workshop Report		Week 29	Consultants
<i>Approval of Final Consultation Report, Draft Teaching / Learning Modules and Validation Workshop Report by ACCP/ASEC of the Workshop Report (3 working weeks)</i>					
3	Final Teaching/Learning Modules and Project Completion Report	Finalisation of the two sets of teaching/learning materials	6 working days set	Week 35	Consultants
		Preparation, circulation and revision (if needed) of the Project Completion Report	1 working day	Week 36	Consultants with inputs from ASEC and AADCP II
<i>Approval of Final Teaching/Learning Modules and Project Completion Report by the ACCP/ASEC (3 working weeks)</i>					

V. REPORTING

The consultant is expected to produce reports in accordance with Section III and IV above. The timing of delivery is indicative and can be adjusted when the consultant's work plan is developed, subject to mutual agreement.

NO.	REPORTS	TARGET DELIVERY DATE
1	Inception Report This would detail the consultant's approach to the project and provide a detailed work plan.	2 weeks after contract signing
2	Consultation Report Detailing the selected two module topics and reasons why they were chosen	1 week after researching, conducting interviews with AMS
3	Workshop Report In-line with the various outputs, which would be presented in a validation, a corresponding workshop report would be prepared.	2 weeks after the conduct of the workshop
4	Project Completion Report The Project Completion Report will establish a record of the project achievements against the project's original intended purpose and outputs. It is intended to assist in assessing impact, draw out conclusions and lessons learned that may be valuable in designing new related initiatives.	1 week after delivery of all outputs

All reports will be submitted based on AADCP II Guidelines for Contractors in draft format to the ASEAN Secretariat, Competition, Consumer Protection and Intellectual Property Rights Division (CCPID) (with a copy to AADCP II) and, following ASEC approval, in final form. All outputs and reports must be suitable for publication, although the decision on publication lies with the ASEAN.

The contractor will also provide regular (weekly, bi-monthly or as agreed with ASEC) summation of activities undertaken and issues that have arisen. These will be submitted to CCPID and AADCP II via email.

Financial reports will be submitted at invoicing in line with a payment schedule to be specified in the Special Services Agreement (SSA).

VI. PROJECT MANAGEMENT

The project will be funded by the ASEAN-Australia Development Cooperation Program II and managed by the Competition, Consumer Protection and Intellectual Property Rights Division (CCPID) of the ASEAN Secretariat. The consultant should be responsible for organising and conducting the scheduled activities in collaboration with the host countries and the ASEAN Secretariat.

VII. SCOPE OF SERVICES

The consultancy will be undertaken over a **continuous effective period of nine (9) calendar months** with at least **89 person days** of professional services. Work will commence immediately after contract signing.

VIII. QUALIFICATIONS

Entities, including firms and consortiums, are invited to bid for this project. In its proposal, the bidder should demonstrate:

- (i) *Extensive experience in consumer rights, enforcement of consumer laws, and consumer demands for safe and sustainable consumption practices as well as current and emerging consumer concerns and related issues, preferably in ASEAN context;*
- (ii) *Extensive experience in curriculum development, instructional systems design, knowledge management and capacity building;*
- (iii) *Skilled in facilitating discussion and/ or conducting training needs assessment in government agencies;*
- (iv) *Skilled in developing practical and user-friendly training materials and tools for different target groups;*
- (v) *Proven experience in developing graphical presentations or infographics; and*
- (vi) *Thorough understanding and good knowledge of IEC approaches, training methods/tools applicable for various consumer groups.*

A thorough understanding of ASEAN, ASEC and AADCP II procedures will be considered of added value.

IX. BIDDING

Bidders should submit a proposal in response to these Terms of Reference. The proposal should be submitted in two separate parts: (A) **Technical** and (B) **Financial components**.

(A) The **Technical component** should present the following information:

- (1) A brief discussion indicating the bidder's understanding of the needs of the project;
- (2) A brief analysis of key issues;
- (3) A methodological discussion of how the bidder proposes to address those needs including:
 - (i) assessment of key issues,

- (ii) analytical strategies that will underlie the project,
- (iii) specific techniques to be utilised, and
- (iv) practical discussion of possible limitations in carrying out the project;
- (4) A detailed work plan that specifies:
 - (i) activities to be undertaken,
 - (ii) expected outputs and deliverables,
 - (iii) resources to be utilised and timing;
- (5) Staffing and management plan;
- (6) A discussion on how measures to ensure the future sustainability of the outcomes of the project will be addressed;
- (7) CVs of all proposed experts;
- (8) Brief discussion of firm's past experience in undertaking similar work and brief summaries of all projects undertaken; and
- (9) Examples of relevant past work as hyperlinks or Annexes to the proposal.

B. The **Financial component** should specify:

- 1) Professional fees of expert(s);
- 2) Management and/or operational fees (if any), which include all costs incurred by the person/entity/company for internal coordination, communication, travels and any other associated project management cost;
- 3) Applicable taxes such as VAT, GST, PPN. See Section IX point 3 for an additional note on tax liability.

Activity costs for experts and participants such as reimbursable expenses for airfare, other travel costs and daily subsistence allowance for workshops, meetings, and all other agreed activities do not need to be included in the Financial Component. These items will be discussed with the preferred contractor during the finalisation of the scope of services. Costs will be based on prevailing ASEC rates.

X. SUBMISSION OF APPLICATION

Applicants should send their application with a cover letter, materials specified in Section IX above and other supporting documents with "**Development of Two Training Modules to Apply Good Consumer Protection Practices**" as the subject via email to tender@aadcp2.org, no later than **9 December 2020 at 05:00pm Jakarta time (GMT +7)**.

For Frequently Asked Questions (FAQ), please visit <http://aadcp2.org/aadcp-ii-tender-frequently-asked-questions/>.

Any queries on the TOR should be sent to contact@aadcp2.org with the subject line: "**Query 'Development of Two Training Modules to Apply Good Consumer Protection Practices'**".

XI. ADDITIONAL NOTES ON TERMS AND CONDITIONS OF THE PROJECT

1. Any form of intellectual property rights (including but not limited to patents, copyright and any related rights) in any future studies/reports/analysis submitted by the Contractor to ASEAN arising out of or in connection to the services performed by the Consultant to ASEAN shall belong to ASEC under the name of **ASEAN** only.

2. Successful bidder shall execute the Special Services Agreement (SSA) and be bound by the terms and conditions therein; and shall comply with all its requirements, including but not limited with the AADCP II Guidelines for the Contractors, attached to the SSA.
3. As an intergovernmental organisation, ASEAN shall not be responsible for any tax(es), levy, tax claim or any tax liability which may be imposed by any law in relation to any amount payable by the ASEAN Secretariat.