

ANNEX II: TERMS OF REFERENCE

How to complete these standard Terms of Reference:

Please insert the information requested between the <> brackets, as appropriate for each tender procedure. Square brackets [] and parts shaded in grey indicate options to choose: they should be included when applicable. All other text should only need to be amended in exceptional cases, depending on the requirements of specific tender procedures. **In the final version of each set of Terms of Reference, please remember to delete this paragraph, any other text with yellow highlighting, and to suppress all brackets.**

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1. BACKGROUND INFORMATION

1.1. Partner country

< Name >

1.2. Contracting Authority

< Name >

1.3. Country background

< Provide an overview of the situation in the country as relevant to the proposed project. This should include any global or national economic and social factors that may affect the proposed project. >

1.4. Current situation in the sector

< Describe the current situation in the sector or institutional area in which the proposed project will operate. This section should be no longer than half a page. Include:

- national/local policies and strategies and/or economic data for the sector or institutional area;
- the origin and recent history of current organisational structures, institutions and operating systems in the sector or institutional area;

and, if appropriate and not covered elsewhere in these Terms of Reference:

- responsibilities and mandate of institutions;
- human resource capacity and constraints;
- infrastructure development;
- market development;
- information systems and flows;
- priority setting and decision making;
- access to identified, priority social groups;
- financial structures and flows. >

1.5. Related programmes and other donor activities

< Identify and describe the link, if any, between the proposed contract and the work and programmes carried out by other sources of external assistance in the same sector >

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The overall objective of the project of which this contract will be a part is as follows:

< objective >

2.2. Purpose

The purpose[s] of this contract [is] [are] as follows:

- < purpose 1 >
- < purpose 2, etc >

2.3. Results to be achieved by the Contractor

< These may be presented either in order of importance or in chronological order, as appropriate >

- < result 1 >
- < result 2, etc >

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project

< Insert information from the Logical Framework prepared for the project as part of the Financing Proposal >

3.2. Risks

< Insert information from the Logical Framework prepared for the project as part of the Financing Proposal >

4. SCOPE OF THE WORK

4.1. General

4.1.1. Description of the assignment

< Describe the scope of the contract as appropriate, but with a recommended maximum of 2 pages >

4.1.2. Geographical area to be covered

< As appropriate >

4.1.3. Target groups

< As appropriate >

4.2. Specific work

< A clear and detailed list of the tasks to be undertaken in order to achieve the contract results and/or Contractor's job description. The tasks should be listed either in order of importance or in chronological order. The list of tasks should make reference to any reports which the Contractor must prepare described in Section 7 of these Terms of Reference. Any tasks requiring specific expertise

should be clearly identified. If appropriate, the time schedule for completing the various tasks should be stipulated here.

This section should contain only major managerial, economic, institutional, and technical requirements (+criteria) for this project. It may address the issue of splitting the project into phases, or organising it into distinct components. It should not be too prescriptive. It is up to tenderers to prepare their own detailed organisation and methodology and technical proposals to fulfil the general requirements set out in these Terms of Reference.

In preparing this section, focus should be placed on ensuring the sustainability and dissemination of project results. The Contractor must also comply with the latest Communication and Visibility Manual for EU External Actions concerning acknowledgement of EU financing of the project. (See https://ec.europa.eu/europeaid/communication-and-visibility-manual-eu-external-actions_en. >

4.3. Project management

4.3.1. Responsible body

< Identify the specific department of the Contracting Authority / partner country (or its agent, if appropriate) which will be responsible for managing the contract / project >

4.3.2. Management structure

< Describe the management structure of the Contracting Authority / partner country administration, including all decision-making processes involved in managing this project. Include information on the basic management structure of the project (e.g., Project Management Unit, Steering Group) and project planning. Identify any decisions that may be taken by the Project Manager alone (as identified in Article 8 of the Special Conditions) and any that must be authorised by, for example, a more senior colleague or project steering committee >

4.3.3. Facilities to be provided by the Contracting Authority and/or other parties

< As appropriate >

5. LOGISTICS AND TIMING

5.1. Location

< If applicable, identify the location (i.e., city/town) of the operational base for the project >

5.2. Start date & Period of implementation of tasks

The intended start date is <date> and the period of implementation of the contract will be < number > months from this date. Please see Articles 19.1 and 19.2 of the Special Conditions for the actual start date and period of implementation.

<If the intention is to award a contract for additional services depending on the outcome of the initial contract, such as for the second phase of a study or operation, this must be stated here. If it is possible to procure additional services by negotiated procedure, this must be clearly indicated, with their estimated cost. >

6. REQUIREMENTS

6.1. Staff

Note that civil servants and other staff of the public administration of the partner country, or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

6.1.1. Key experts

The default situation is that there are no key experts defined in the Terms of Reference. However, depending on the particularities of the project, the contract may require key experts. If key experts are required they shall sign a Statement of Exclusivity and Availability. If the contract does not require any key experts the profiles of non-key experts may be more elaborated. Please note that only key-experts are approved before the contract signature. Please choose between the options below.

[Option 1 - when the mission consists in a well-defined technical output, e.g. design documents for an investment project. In that case, provided the contractor has got internal capacities, the professional responsibility should lead the contractor to select the best possible staff in order to deliver the expected results: Key experts are not required.]

[Option 2 – Useful when the mission requires soft skills and a good understanding of the local context, e.g. drafting a piece of legislation or a reform proposal, which requires talking to various stakeholders, building trust and listening to them. In such case, facilitation and communication skills should be an asset. : Key experts are defined and they must submit CVs and signed Statements of Exclusivity and Availability.]

[All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles of the key experts for this contract are as follows:

Identify the profiles sought for a minimum of 1 key expert which will typically be the team leader. The number of key experts may be extended to a maximum of 4 key experts. The skills required may include professional technical skills, team management skills, communication and facilitation skills, and/or language skills. While it is not necessary to identify all key positions in detail, it is recommended to be as clear as possible to guarantee a fair technical evaluation.

When deciding on the profiles, equal access must be guaranteed and they must not create unjustified obstacles to competitive tendering. The profiles should be clear and non-discriminatory. For example, ‘local expertise’ may be required but not a ‘local expert’ (i.e. a national/resident of a country). Remember that participation in tendering procedures must be open on equal terms to all eligible persons (see point 11 in Contract notice).

The profile of the ‘ideal expert’ should not be described as it sets a threshold for acceptance of the offer. When choosing the criteria, consider the real minimum requirements and the availability of such experts on the market. The criteria should be as broad as possible. Quantifiable criteria should be drafted with vigilance. It is good practise to - where appropriate - add expressions such as ‘a University degree in Economics or equivalent’ in order not to automatically disqualify offers with experts who have 40 years relevant experience but who lack a formal university degree; or ‘preferably 10 years’ experience but a minimum of 5 years required’. The required years of experience should be decided with due care and not be inflated. Focus instead on quality than on quantitative aspects. Please specify carefully what the minimum requirement is and what the preferred requirement is. The composition of the team of experts should be balanced to ensure that all aspects of the contract set out in these Terms of Reference, including cross-cutting issues, are covered.

Consider carefully the possible consequences of the drafting of the profiles as the more precise and challenging the profiles are the fewer experts will meet the minimum requirements and the

result is that competition will be restricted. Do not include a requirement which is not justified by the nature of activity to be carried out.

Any particular definitions used should be sufficiently clear or explained to avoid any ambiguity.

Selection criteria cannot be re-used to define the key-experts' profile.

Key expert 1: Team Leader

Qualifications and skills

< As appropriate. Please differentiate between minimum and preferred requirements if applicable.>

General professional experience

< As appropriate. Please differentiate between minimum and preferred requirements if applicable.>

Specific professional experience

< As appropriate. Please differentiate between minimum and preferred requirements if applicable.>

Key expert 2: < >

Qualifications and skills

< As appropriate. Please differentiate between minimum and preferred requirements if applicable.>

General professional experience

< As appropriate. Please differentiate between minimum and preferred requirements if applicable.>

Specific professional experience

< As appropriate. Please differentiate between minimum and preferred requirements if applicable. >

All experts must be independent and free from conflicts of interest in the responsibilities they take on.]

6.1.2. Other experts, support staff & backstopping

[As appropriate. CVs for experts other than the key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles. The Contractor shall select and hire other experts as required according to the needs. The selection procedures used by the Contractor to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience.

The costs for backstopping and support staff, as needed, are considered to be included in the tenderer's financial offer.]

6.2. Office accommodation

As appropriate: Office accommodation for each expert working on the contract is to be provided by [the Contractor] [the partner country] [the Contracting Authority].

6.3. Facilities to be provided by the Contractor

The Contractor shall ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.< State what is required in terms of supplies, services, documentation, logistical support, etc. for the success of the contract, indicating the source (i.e. Contractor / partner country / Contracting Authority / ...)>.

6.4. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / partner country as part of this service contract or transferred to the Contracting Authority / partner country at the end of this contract. Any equipment related to this contract which is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

7. REPORTS

7.1. Reporting requirements

The Contractor will submit the following reports in <language> in one original and <number (for environmental reasons, request as few paper copies as possible)> copies:

- **Inception Report** of maximum 12 pages to be produced after <one week, or other reasonable deadline> from the start of implementation. In the report the Contractor shall describe e.g. initial findings, progress in collecting data, any difficulties encountered or expected in addition to the work programme and staff travel. The Contractor should proceed with his/her work unless the Contracting Authority sends comments on the inception report.
- <Please indicate here if interim reports are required. As a reminder, article 29 of the General Conditions indicate that annual interim payments can be envisaged for global price service contracts of a duration of more than two years, on the basis of approval of interim reports proving that specific objectives have been reached>.
- **Draft final report** of maximum <number> pages (main text, excluding annexes) [in the format given in annex < ...>]. This report shall be submitted no later than one month before the end of the period of implementation of tasks.
- **Final report** with the same specifications as the draft final report, incorporating any comments received from the parties on the draft report. The deadline for sending the final report is <number> days after receipt of comments on the draft final report. The report shall contain a sufficiently detailed description of the different options to support an informed decision on <.....>. The detailed analyses underpinning the recommendations will be presented in annexes to the main report. The final report must be provided along with the corresponding invoice.

< Any other relevant information for the reports>.

7.2. Submission and approval of reports

The report referred to above must be submitted to the Project Manager identified in the contract. The Project Manager is responsible for approving the reports.

| < Please specify here any other specific requirements. In direct management, as a standard practice the Partner country needs to be involved in the comments and the approval of the reports. In the absence of comments or approval by the Partner country within the set deadline, the reports are deemed to be approved.>

Deleted: centralised procedures

8. MONITORING AND EVALUATION

8.1. Definition of indicators

< Specific performance measures chosen because they provide valid, useful, practical and comparable measures of progress towards achieving expected results. Can be quantitative: measures of quantity, including statistical statements; or qualitative: judgements and perception derived from subjective analysis. >

8.2. Special requirements

< As appropriate.>