

Government of the People's Republic of Bangladesh
WTO Cell, Ministry of Commerce
Bangladesh Regional Connectivity Project-1
Level-12 (West side), Probashi Kollayan Bhaban,
Eskaton Garden Road, Dhaka-1000.



Memo No: 26.00.0000.066.07.018.19-৬৭৫

Date: 20/10/2020

RE-INVITATION FOR EXPRESSIONS OF INTEREST (CONSULTING FIRM)

Name of the Service: **Selection of Firm for Policy Review/Policy Preparation (National).**

Name of the Project: Bangladesh Regional Connectivity Project 1, Ministry of Commerce

Credit No.: 60020; Project ID No.: 154580

Reference number: BRCP/MOC/SD-26

The Government of the People's Republic of Bangladesh has received an SDR 150 million Credit from the International Development Association (IDA) – a member of the World Bank Group – for financing the cost of the Bangladesh Regional Connectivity Project 1 (BRCP-1), being jointly implemented by the Bangladesh Land Port Authority (BLPA), National Board of Revenue (NBR) and Ministry of Commerce. The second component of this umbrella project is being implemented by the Ministry of Commerce as a separate technical assistance project. This technical assistance project intends to apply a part of the IDA Credit for procuring consultancy services from qualified consultancy firm under a framework agreement to conduct policy study/review and or preparation of policy paper under this project.

These Policy Review/Policy Paper Preparation activities are proposed to provide policy feedback to the government for advancing the concept of cooperation in trade, transport and transit facilitation. These will also promote policy advocacy for issues related to women traders, and facilitate policy coherence between national development priorities and international obligations on trade facilitation.

The Project Implementation Unit BRCP-1-MOC on behalf of the Ministry of Commerce invites eligible consultants to reinstate their interest in providing the services. Interested consultants must provide information indicating that they are qualified to perform the services (brochures, general qualifications, description of similar assignments, general experience in similar conditions, financial capability, number of key staff and **so forth as per TOR**). Consultants may associate to enhance their qualifications. Details of the qualification requirements and responsibilities are available in TOR.

The attention of interested Consultants is drawn to paragraphs 3.14 to 3.18 of the World Bank Group's Procurement Regulations for IPF Borrowers, Procurement in Investment Project Financing, Goods, Works, Non-Consulting and Consulting Services, July 2016 ("Procurement Regulations"), setting forth the World Bank Group's policy on conflict of interest. A Consultant will be selected in accordance with the Fixed Budget Selection (FBS) method set out in the Procurement Regulations.

Terms of Reference (TOR) will be available in the office of the undersigned and also at www.mincom.gov.bd and <http://brcp-1.gov.bd/>. Further information can be obtained at the address below during office hours (i.e. 09.00 to 17.00 hours). Expressions of interest must be delivered in a written form 2 (two) copies (One original and one copy) and one soft copy (in MS word) in sealed envelope to the address below (in person) **by 12.30 PM on November 08, 2020.**

The authority reserves the right to accept or reject any or all EOIs without assigning any reason, whatsoever.

Handwritten signature and date: 20.10.20

Md. Mijanur Rahman
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TOR for Selection of a Consultancy Firm for Policy Study/Policy Review/Policy Paper preparation

1. Background and Project Description

Introduction

The Government of the People's Republic of Bangladesh has received an SDR 150 million Credit from the International Development Association (IDA) – a member of the World Bank Group – for financing the cost of the Bangladesh Regional Connectivity Project 1(BRCP-1), being jointly implemented by the Bangladesh Land Port Authority (BLPA), National Board of Revenue (NBR) and Ministry of Commerce. The second component of this umbrella project is being implemented by the Ministry of Commerce as a separate technical assistance project. The overall objective of this technical assistance project is to strengthen trade related institutional capacity in order to ensure active and sustainable cooperation among trade related stakeholders and economic empowerment of women traders.

This technical assistance project consists of following three (3) components:

- **Component A:** Develop (pilot) programs to support female traders and entrepreneurs. This component will pilot activities to help address barriers to women becoming more integrated into regional and global supply chains and trading opportunities.
- **Component B:** Capacity Development Support for the National Trade and Transport Facilitation Committee. The inter-ministerial National Trade and Transport Facilitation Committee (NTTFC) has been set up during the preparation of the proposed Project to coordinate all trade and transport-related policies and activities in Bangladesh, and will also serve as the Advisory Committee for the Project.
- **Component C:** Improvements to Bangladesh Trade Portal and to set up a National Enquiry Point for Trade. The Bangladesh Trade Portal (BTP) was launched in March 2016. This component will support further upgradation of the BTP to

expand its functionality to include information of relevance to potential Bangladesh exporters and to ensure that content is kept up to date. This component will also set up the National Enquiry Point for Trade, which will help Bangladesh to meet a key requirement of WTO Trade Facilitation Agreement.

This technical assistance project intends to apply a part of the IDA Credit for procuring consultancy services from qualified consultancy firm under a framework agreement to conduct policy study/review and or preparation of policy paper under this project.


2. Objectives of the Policy Review/Policy Paper Preparation:

These Policy Review/Policy Paper Preparation activities are proposed to provide policy feedback to the government for advancing the concept of cooperation in trade, transport and transit facilitation. These will also promote policy advocacy for issues related to women traders, and facilitate policy coherence between national development priorities and international obligations on trade facilitation.

3. Scope of Consultancy Services:

This Policy Review/Policy Paper Preparation will be conducted under a Framework Agreement with a Consultancy Firm to explore best output from the study/regulatory reviews. The scope of these services include approximately 60 (sixty) independent review/study/policy paper preparation. The issues for study/review/policy paper preparation will be decided time to time by the client in advice of the Ministry of Commerce and communicated to the consultancy firm.

The BRCP-1 has already selected some agendas for study/review and the scope of study/review of these identified agendas are described below. Rest of the agendas will be selected time to time and the client will communicate the scope of services of other agendas at least two months before the schedule of each of the potential studies/reviews.



A. Topics of the study/review already decided

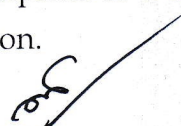
The BRCP-1 in advice of the Ministry of Commerce has initially identified the following agendas for studies/reviews. The scope of the study/review of each of these identified agendas are as follows:

a. Export Promotion Bureau Ordinance, 1977:

Export Promotion Bureau Ordinance, 1977 was passed to establish the Bureau, set up a Board of Management and determines, elaborates the roles and functions of the Vice Chairman as the Chief Executive of the Bureau, functions of the Bureau, budget and financial management of the organization. Within the passages of time, global trade scenario has changed significantly which demands for revisit the functions of the Bureau and also the composition of the Board of Management. The review will examine the role of the Bureau in the context of present global trade scenario and come up with possible recommendations for making the organization more effective. This review will also explore the inclusion of potential provisions for promoting exports of women entrepreneurs through the activities of EPB.

b. Bangladesh Tariff Commission Act, 1992:

Bangladesh Tariff Commission Act was adopted by the Parliament to set up the Commission with the mandate to protect the domestic industry, encourage competition among the industries, effective use of industrial resources, export promotion of domestic products, anti-dumping measures etc. In discharging these responsibilities, the Commission shall consider market economic situation, economic environment, bilateral and multilateral trade and tariff agreements and public opinions. It is however, worth noting that the mandates did not explicitly mention its roles in determining the custom tariffs. It is also assigned with some overlapping roles and responsibilities with Export Promotion Bureau and the Ministry of Industries. This review has therefore aimed to analyze the Commission's roles and mandates in the current global context and also considers function at the present domestic organizational set up to avoid delicacy and redundancy. This study will also examine the inclusion of potential provisions for promoting exports of women entrepreneurs through the activities of Bangladesh Tariff Commission.



c. **Foreign Private Investment Promotion and Protection Act, 1980:**

The Act was passed with the intention to attract foreign investment, particularly for the development of capital, technical and managerial resources, discovery, mobilization or better utilization of the natural resources, strengthening balance of payment, increasing employment opportunities and economic development. It ensures fair and equitable treatment to foreign investment which ensures full protection and security of FDIs. It clearly spells out that the terms and conditions shall not be changed unilaterally and guaranteed National Treatment for the foreign investment. Beside this, foreign investment shall not be expropriated or nationalized and the transfer of capital and returns are guaranteed. The Act will therefore be revisited for ensuring similar treatment and protection for the local investors. Beside this, the analysis will consider whether the Act is consistent with the WTO rules and procedures or not. This review will also examine the inclusion of potential provisions for promoting joint venture investment by the women entrepreneurs under this Act.

d. **The Competition Act 2012:**

The Act was formulated to prevent anti-competitive market behavior. It sets up Commission, determines the composition and duties and functions of the Commission, prohibited any anti-competitive agreement & abuse of dominant position and also elaborated complain, inquiry, order, review, penalty and appeal procedures. Although the Act is passed only seven years back, it has already received criticisms about the complaint procedures, appeal and review provisions which needs to be examined carefully. This policy review will analyze these issues in consultation with stakeholders and experience of other countries. The study will also examine the inclusion of potential provisions for facilitation of promoting SHE Trades through this Act.

e. **The Patent and Design Act, 1911:**

The Act was formulated more than a century ago to protect industrial innovation and design. It describes the patent application procedures, terms of patent to be granted, maintaining the register of patents, compulsory licenses and revocation, petition of revocation of patent, registration of designs and new classes, copyright in registered designs and penal provisions for violations of the law. This Act is inconsistent with the WTO TRIPS Agreement which allows at least 20 years period for patent protection

while the law allows only 16 year protection. It only covers product patents where is TRIPS allows both product and process patents. Beside this, recent amendment of Article 31(f) of the TRIPS Agreement related to granting compulsory licenses predominantly for domestic uses as well as for export under certain circumstances are also not covered by the Agreement. The Act will therefore be reviewed thoroughly before the expiry of TRIPS Exemption until 01 July 2021 to make it consistent with the WTO provisions. This review will examine whether two separate acts are to be formulated for protecting patent and designs. This review will explore inclusion of potential provisions for facilitation of business of women entrepreneurs through this Act.

f. **Export Policy 2018-21:**

Export Policy is formulated in every three years. It generally contains eight chapters and two annexes. These include title, goals, application; definitions, general principles of exports, export diversifications, export incentives, services sector and strategies. There are hardly any differences of these policies formulated in every three years. It often does not properly consider WTO rules and procedures particularly in determining export banned items or export control items. Some of the incentives provisions are also to be examined in the WTO context. There is even no action plan to be followed for implementation of the policy. So the policy often remains as wish list of the government. This review will therefore examine the updating of this policy in the context of domestic priority and WTO rules/regulations. This review will also examine the inclusion of potential provisions for promoting SHE Trades through this policy.

g. **Import Policy 2015-2018:**

Ministry of Commerce formulates Import Policy Order of Bangladesh in consultation with the stakeholders. The Import Policy is based on the Section 3(1) of the Imports and Exports Act, 1950 (Act XXXIX of 1950) and has a legal basis for enforcement. Like the Export Policy, it is generally adopted for three years. It however, remains in force until a new Import Policy Order is issued. The existing Import Policy Order, 2015-18 is still valid and the Ministry expects to publish the new Import Policy Order shortly. The Policy defines the various terms, qualifies the general provisions for imports, determines fees for import and explains rules related to industrial imports, public sector imports and commercial imports. It also listed import prohibited items and the

products to be imported under certain terms and conditions. The Policy elaborated procedures for imports by a group of importers and enlisted the names of registered trade associations. It is now important to review this policy, particularly to analyze the relevancy of the control and prohibited products under the present domestic and global conditions. Moreover, other provisions of the Order also need to be examined in ensuring ease of imports of essential and industrial goods. This study will have focus on these issues along with review of addressing gaps for promoting SHE Trades through this policy.

h. National Digital Commerce Policy, 2018:

The National Digital Commerce Policy 2018 has been placed by the ICT Ministry and approved by the cabinet in July 2018. The existing policy guidelines consist of 14 objectives and 61 targets. To make the policy guidelines user friendly a 24 member national committee has been established under the chairmanship of the Hon'ble Commerce Minister in August 2018. UNCTAD has recently carried out "Bangladesh Rapid e-Trade Readiness Assessment and identified the Key findings on i) E-commerce strategies, ii) ICT Infrastructure and services iii) Trade Logistics and Trade Facilitation iv) Payment Solution V) Legal and regulatory Framework vi) e-Commerce Skills Development. The terms of reference of the BRCP 1 project includes provisions to make liaison with the technical committee and other stakeholders and identify the reforms needed in the existing guidelines. The analysis will be based on these findings and incorporate the reforms or changes that can be made in the existing policies. This study will examine the inclusion of potential provisions for promoting SHE Trades through this policy.

i. Leather and Leather Goods Development Policy 2019:

The Ministry of Industries has drafted the Bengali version of the Leather and Leather Goods Development Policy 2019 which is expected to be published soon. The Policy includes a detail preamble and explains the goals and objectives, compliance for sustainable development of the sector, workers health and safety issue, infrastructural development, market promotion and development of backward industries, human resource development, measures to attract foreign direct investment (FDI) and public-private partnership measures. The leather sector is the second largest export earning sector. Unfortunately, export of this sector is declining. This review has therefore been planned to examine the policy constraint for increasing exports of leather and leather

goods and identify barriers for export which should be addressed on priority basis. It will also examine the inclusion of some provisions for promoting SHE Trades through this policy.

j. **National API (Active Pharmaceutical Ingredients) and Reagents Production and Export Policy:**

This is the first sectoral export policy published by the Ministry of Commerce with the objectives of promoting domestic production of API and export of pharmaceutical products. The policy was adopted to utilize benefits granted under the TRIPS exemption for the LDCs. It has specific goals and objectives, incentive mechanism, implementation strategies and an action plan. The policy will be examined in the context of WTO rules and procedures, LDC graduation and domestic Drug Law 2006 and Drug Ordinance 1982 so that Bangladesh could enjoy benefits from the TRIPS exemption for the LDCs and also prepare itself to cope up with the post-graduation era. This review will also suggest measures for promoting SHE Trades through this policy.

k. **Free Trade Agreements Policy Guidelines, 2010:**

Policy Guidelines on Free Trade Agreement, 2010 was finalized on 31 August 2010. The objectives, coverage and procedure mentioned in the Guidelines do not fit with the present international standard, therefore need to be reviewed. The guidelines only cover the trade in goods. Considering the global trade context, the service sector and the intellectual property rights issues are to be incorporated in the guidelines. Bangladesh is now seriously considering initiating FTA negotiations with China, Srilanka, Malaysia, Turkey, Indonesia etc. for expansion of its export markets and coping up with post-LDC graduation environment. This study has therefore been aimed at revising the present FTA Policy Guidelines on priority basis. The study will also examine the ways to provide incentives to women entrepreneurs so that they are prepared to explore benefits from this policy.

l. **Industrial Policy, 2016:**

The National Industrial Policy (2016) is aimed at promoting sustainable and inclusive industrial growth, through the generation of productive employment, to create new entrepreneurs; mainstreaming women in the industrialization process; and creating international market linkage. To implement this Policy, the authorities are focusing

on SME development. The key objectives of the Policy are: infrastructural transformation; diversification of the economic base; accelerated economic growth, mainly through the development of the private sector; employment generation; and an increase in income level and the development of the livelihood of the people. A time-bound Action Plan has been developed, in consultation with concerned ministries, divisions and other stakeholders, to achieve the desired industrial growth.

The Ministry of Industries continues to formulate and implement policies and strategies, as well as providing necessary facilities and assistance to establish and expand industries for growth, employment generation and improvement in living standards. It is necessary to review the manufacturing-related policies adopted in the National Industrial Policy (2016). The important and underlying objectives of the Industrial Policy 2016 include sustainable and inclusive industrial growth through the generation of productive employment to create new entrepreneurs, mainstreaming women in the industrialization process and international market linkage creation. To this end, special emphasis is being put on SME development. In this aspect the Industrial Policy 2016 need to be further reviewed with a view to sustainable industrial growth of the country as well as to face the international competitive market after graduation.

B. Agendas for study/review/policy paper preparation to be decided:

Apart from already identified agendas mentioned above the Client will have more agendas for review/study. The broad area for study/review/policy paper preparation will include domestic and international rules/regulations/policies in the area of trade, transport and transit facilitation relevant to trade facilitation in Bangladesh. These will also include women entrepreneurship development and their trade facilitation. The BRCP-1 will inform the consultancy firm about the agendas for study/review/policy paper preparation as advised by the Ministry of Commerce. The details of agendas and scope of services for each of the studies will be communicated to the consultant two months before the initiation of tasks.



4. Timeframe of the Services:

The study/policy reviews/policy paper preparation on different themes will be conducted concurrently or in phased approach depending on the decision of the client. The contract will be a framework agreement with the consultant. The duration for assignment of a single study/review/paper preparation may be on an average one to three months depending on the volume and nature of the tasks. The total studies will however be completed at least three months before the project ends.

5. Expected deliverables from the consultants:

The reports for each of the studies are independent and separate in nature have no relevance each other. The consultant will at least submit the following reports to the project authority for each of the studies/reviews/policy paper preparations:

- a) Inception Report: Within one week from the date of contract;
- b) Draft Report: Within 6 weeks from the date of contract;
- c) Final Report: Within 4 weeks from the date of acceptance of Draft Report.

The draft report will have to be presented in a validation workshop to be organized by the BRCP-1 authority and the report has to be finalized in accordance with the recommendation of that workshop and other recommendations made by the project authority.

Each of the studies will be considered a separate and single task. The payment for a single study/review/policy paper preparation will be made in accordance with the following schedule:

- 15% after acceptance of Inception Report (that will at least include the study theme, research questions, methodology of study, study plan and budget, report structure etc.) ;
- 45% after acceptance of Draft Report of the study/review;
- 40% after acceptance of Final Report prepared based on recommendations on the draft report.

6. Methodology of study/review/paper preparation:

The review/study and paper preparation will follow desktop review and field data analysis (in the case of data/information collection from the respondents, such as policy level officials or think tanks, academia and other trade related agencies). For data



collection, the consultant will use both primary and secondary sources. Focus Group Discussions (FGD) and Key Informant Interviews (KII) methods will have to be used for data collection from primary sources.

7. Miscellaneous

The firm/institution (consultant) will facilitate monitoring of study/review/policy paper preparation activities by the client and World Bank officials. The project will provide the Consulting firm all key program documents & reports such as:

- Relevant extract of Technical Assistance Project proposal (TAPP), if required;
- Relevant extract of Project Appraisal Document (PAD), if required;
- Sharing relevant up to date project information for a better understanding of the project;
- Providing timely feedback to the consulting firm on inception report, questionnaire, sampling procedure, draft reports etc.;

Any logistic supports, such as transportation as well as office space will not be provided by the client.

All relevant taxes and VAT shall be deducted at source at the applicable rates of the Government of Bangladesh.

9. Consultancy Firm's qualification and experiences:

The interested consulting/research firm/institution should provide evidence of the following in their applications:

- It shall have the legal capacity to enter into the contract with minimum 10(ten) years of general experience in providing consulting/research/study services out of which at least 05 (five) years of experience in research/study for public sector;
- The consultancy firm must have following consultants with required qualification in its pool of resources:

Position	Qualification and Experience
Team Leader/Lead Researcher	<ul style="list-style-type: none"> • Post-graduate degree in Economics, Social Sciences, Public Policy, or trade related field. Preference will be given to PhD in the area of social sciences. • Minimum of 10 years' experience in policy/legal research; • Strong experience in conceptualizing and implementing research/ studies preferably in the context of Bangladesh; • •Excellent communication and report writing skills in English.

Position	Qualification and Experience
Researcher/Trade Expert	<ul style="list-style-type: none"> • Post-graduate degree (PhD preferable) in International Trade/Public Policy/Economics/Social Sciences/Business or trade related field. • Minimum of 07 years' experience in research/studies/policy analysis in business and or trade facilitation sector.
Policy Analyst/ Legal Expert	<ul style="list-style-type: none"> • Post-graduate degree in Public Policy/Law/Social Sciences/Business Administration or related fields. Minimum of 05 years' experience in research related to government policies, rules-regulations etc.

- The Consulting firm also must have experienced study non-key and support staffs, such as statistician, data entry staffs, data collectors, and other supporting staffs as per their work plan.
- The consultant should have experience in working with development projects funded by any development partner, preferably the World Bank;
- The consultant should have successfully completed at least three study contract related to trade or trade facilitation in Bangladesh;
- The required average annual turnover of the consulting firm shall be at least of the amount of Tk. 120 (one hundred twenty) Lac for the last three years;
- A capacity statement on available logistics support, IT equipment, transport and office space;
- Undertaking that the firm has not been blacklisted or debarred by any Government Organization or by IDA;
- List of key professional staff including proposed core team for the assignment, showing qualification and experience including the projects/assignment on which they have worked, their role in the assignment/project and duration of their engagement with the assignment/project;
- **Required Documents:** The firm/company must submit the following documents:
 - a) Company Registration, Income Tax and VAT Registration Certificate;
 - b) Audited Financial statement (last 03 Years);
 - c) Evidences in respect to experiences;
 - d) Company Brochure.

10. Selection Criteria:

The selection criteria for this package will be Fixed Budget Selection (FBS) Method described in the World Bank's Procurement Regulations for IPF

Borrowers, July 2016. Main criteria for the selection will be relevant work experience and qualification.

11. Ownership of the Data, Documents, and Equipment:

- The client shall be the owner of all the data collected, data sets, reports, documents, etc. prepared by the consultant and any equipment procured under the assignment.
 - All documents collected and software procured, if any, must be handed over to the client before final payment.
 - All documents, reports and information from this assignment will be regarded as the client's property, so the mentioned outputs or part of it cannot be published, sold or used in any case without the prior permission of the client.
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A handwritten signature in black ink, consisting of a stylized 'S' followed by a checkmark-like flourish.