*V3, 2022*

**GUIDANCE NOTE: DRAFTING TERMS OF REFERENCE FOR APEC PROJECTS**

1. **What are Terms of Reference?**

**Terms of Reference** (ToR) provide an agreed basis for a **contractor** (such as an individual consultant, expert, or a specialist consulting firm) to undertake a task or assignment to deliver outputs or activities under an **APEC-funded Project** approved by BMC. The work that a contractor performs is generally described as the **services** under the contract. ToR are used for APEC Project contracts with a value less than US$20,001. Above this value, service requirements are outlined within Request for Proposal (RFP) documentation. Please refer to Contracting Forms & Resources on [www.apec.org](http://www.apec.org) for more information.

We use contractors in Projects where specialist services are required to ensure the outcomes of the Project are delivered. Contractors provide their services under the supervision of the **Project Overseer** (PO) but the contract itself is a legal agreement between the APEC Secretariat and the contractor. All contracting must be consistent with the project scope as defined in the BMC-approved **Project Proposal** and any proposed changes must be submitted to the APEC Secretariat.

The purpose of a ToR is to:

* Set the scene by providing a background of the Project and a rationale for the services.
* Define the specific tasks to be performed and describe a service delivery timeline. These should be consistent with the BMC-approved Project Proposal.
* Identify verifiable milestones that will trigger contract payments.
* Specify all outputs the Contractor will be responsible for producing, including services or products like Project Reports. The outputs should be consistent with the BMC-approved Project Proposal.
* Set out the professional requirements (skill sets, experiences) of the individual or firm.

In APEC, the PO is tasked with the job of developing the draft ToR and identifying the preferred contractor. Every ToR must be submitted for approval by the Secretariat well in advance of when work is expected to start. This gives the Secretariat the opportunity to review the ToR and if required, make changes to enhance the ToR. The APEC Project Letter of Acceptance will identify the lead-time recommended, but 6-8 weeks is the general guideline and POs should ensure that the overall project Work Plan accommodates the time required to get contracts in place. The APEC Secretariat will not pay contractors for work that commences before the contract starts.

Once approved, the content contained in the ToR will usually be transposed (with edits as necessary) into the draft contract under *Special Conditions*, under ‘Scope of Services’ and associated sub-clauses. The *Expected Milestones Schedule* table in the ToR also forms part of the *Special Conditions* in the contract. The value of individual milestone payments should reflect the scale of work undertaken to deliver the milestone. If in doubt, milestone payments can be evenly spread. Payments should not be triggered merely by signing the contract. Contracts under $20,001 will generally have between one and three milestone payments.

1. **What should my Terms of Reference look like?**

A good ToR will be clearly written, and contain the detail necessary to leave no doubt regarding the exact expectations of the Contractor. Ask yourself – would it provide a clear understanding to someone unfamiliar with the Project? For the avoidance of doubt, specific terms for outputs must be capitalised (*Final* *Project Report*, not *final* *project report*) and used consistently if they describe the same thing throughout the ToR (don’t switch from writing *Final Project Report* to *Project Report* for example). All acronyms should be spelled out the first time. Following these basic rules will help eliminate confusion for the reader.

To assist those looking for a basic structure, the information and example provided below provide a suggested ToR framework. However, a ToR can still be effective based on a different framework.

***Suggested ToR framework:***

1. *Background and Objectives*

This section should set the scene. It should provide some background on the objectives of the Project; describe the form the Project will take (e.g. a workshop/policy dialogue/research paper); and overview the desired outcomes of the Project, including what kinds of services and activities will be expected of the Contractor. This section will vary in length but is usually around half a page.

1. *Scope of Work*

The purpose of this section is to provide a clear and specific description of the tasks and services required of the Contractor, and the outputs the Contractor is expected to deliver. This has to be sufficiently detailed to provide a basis for a contract and to ensure expectations on all sides (the PO, Contractor and Secretariat) are the same. Please note that Contractors respond better to a detailed definition of their tasks or assignments. Careful and detailed specification in this part of the ToR will help to reduce possible disputes or misunderstandings during project implementation.

When drafting the Scope of Work, please consider the following:

* Ensure the scope is aligned to the Project Proposal.
* List activities/tasks in chronological order, especially if the task is complicated or multi-faceted. This could be separated into different stages of the activity e.g. ‘Preparation’, ‘Implementation’ and ‘Reporting’.
* Capitalise key outputs so they are easily identified e.g. Final Project Report; Workshop etc
* Specify the actual outputs to be delivered. For outputs that involve information products, such as reports, the scope should refer to the size, layout and content of the report e.g. *No more than 20 pages, including a 2-page Executive Summary and 2-page list of policy recommendations*. See Reporting Requirements below for further information.
* Ideally, the Scope of Work should also refer to the identification of risks which are included in the Project Proposal.
* Identify the specific tasks to be undertaken and disclose the breakdown of the proposed remuneration in the Milestone Schedule.
* For research-based work (including case-studies, surveys and reviews) the ToR must set out the purpose and scope of the proposed work; the methodology to be used; and the level of experience and qualifications expected of the researcher. Work should be original, high quality, and be produced for the specific purpose of the APEC-funded project.
* For website development and databases, identify objectives, clear timelines and methodology. Specify Contractor tasks required such as design, supporting analysis, development, testing, training, roll-out, and the production of associated documents like user manuals. Funding for websites and databases must be compliant with the APEC with the Guidebook on APEC Projects.
1. *Duration and phasing*

The purpose of this section is to clearly specify the time frame for the assignment with a clear statement of the proposed deadlines. The proposed activities, Contractor deliverables/outputs and delivery timeframes can be identified here. The ToR should specify the start date and end date and approximate dates for stages of the activity if needed.

1. *Specifications of the skills and expertise required*

The purpose of this section is to specify the skills, qualifications and expertise required from the Contractor. If the tasks involve a team of Contractors please ensure that the details about who does what are detailed and clarified. In the case of individuals, the skills, qualifications and experiences that are required for the task should be very detailed to ensure that the right person or team is selected for the task.

1. *Reporting requirements.*

Practically all ToR will specify that a Contractor deliver/coordinate project reporting, or other information products such as best practice compendia, policy guidelines, case-study reports, and so on. It is critical that ToR are very specific about the form and content of these products, especially since these products are often a key deliverable for the Project and trigger contractual payments. The ToR should identify the purpose of the report and stipulate the terms of reference or methodology that may apply to the report, especially if the report or information product is based on research, surveyed information, or is a technical report. The ToR should state: when reports are due; the length of the document in question (number of pages); the expectations regarding layout; the format (the number of copies required if printed); and who is responsible for delivering the report or product if it involves more than one person. For more specific information in relation to the preparation of *Project Final Reports* specifically, please visit the Projects pages of the APEC website ([www.apec.org](http://www.apec.org)).

It is important that any product that is intended for publication as an APEC publication is identified as such within the ToR. The ToR must state that these be prepared in accordance with the Guidebook on APEC Projects, the APEC Publication Guidelines and the APEC Logo Guidelines; and state the requirement that all such products must first be accepted by the APEC Secretariat for publication, then endorsed by the APEC forum in question. Material submitted to the APEC Secretariat for circulation to the forum and for publication must not require any further copy-editing and be written to a good standard of English.

**An example ToR is provided below.**

*V3, 2022*

**TERMS OF REFERENCE (ToR)**

**Project Number & Title:** SCCP 01 2022 – ‘Gender Mainstreaming in Customs Administrations in APEC Economies’

**Project Overseer’s**

**Contact Details:** Name

Organisation

Email

**Contract Value:** US$20,000 for Contractor fee

 Travel expenses (return flight to USA, accommodation and per diem)

1. **BACKGROUND AND OBJECTIVES**

Gender equality and women’s empowerment have been longstanding priorities across the Asia Pacific Economic Cooperation (APEC). However, we recognize that there are a number of disparities to meet gender equality in APEC customs agencies. Customs is still a male dominated sector, with women averaging around 38% of the workforce worldwide. The number of women is even lower in senior and middle management positions with an average of 28% in senior management positions and 34% in middle management positions. Male-dominated leadership structures can result in non-inclusive decision-making practices and limited leadership opportunities for women. Organizational cultures and processes are often not designed to advance gender equality and women’s empowerment. Customs officials are rarely trained to understand biases and their potential impact on customs work, and sexism in the workplace can be a common occurrence. Sexual harassment and abuse of power are a real risk, and reporting systems are often insufficient.

A key challenge this project seeks to address is the current lack of standard metrics across APEC customs agencies, to gather and evaluate data on these gaps, and respond to them in an informed manner. Data gaps, especially the dearth of sex-disaggregated data, need to be addressed to allow effective and well-targeted policy interventions.

The objective of this project is to lay the foundation for future gender related work in APEC’s Sub Committee on Customs Procedures (SCCP) by creating a common set of gender-focused metrics that will enhance data already available and can be used by APEC customs agencies, to:

(1) Understand and articulate the gaps and barriers to gender equality;

(2) Inform evidence-based policy decisions; and

(3) Monitor progress on closing gender gaps and addressing challenges faced by women.

1. **SCOPE OF WORK**

The selected Contractor will be responsible for delivering the following services and outputs:

1. **Prepare a set of gender Metrics, a Survey, and Survey Report**
2. The selected Contractor shall prepare a set of between 10-20 gender-focused metrics for customs administrations, and design a survey to collect information from APEC economies about these metrics.
	1. The metrics should be based on existing tools, such as the OECD and WOC gender equality metrics, and be able to be measured using information that is easily accessible, in order to encourage responses and future use by APEC economies.
3. The Contractor must work with the SCCP Secretariat to distribute the Survey to the Customs administrations of the twenty-one APEC economies for responses.
4. Evaluate and present the results of the survey into the Survey Report, which shall be around 10-20 pages and include Background and Key Findings sections (see Reporting Requirements below).
5. The Survey Report will be circulated to the SCCP and used to guide discussions in the two-day workshop at SOM1 2023.

**2. Attend a two-day Workshop, present on the Survey findings**

1. Attend the Workshop (USA, February/March 2023 (date and location TBC)).
2. Take notes to be used for the Final Report, including summaries of the presentations and discussions, outcomes/recommendations for each economy, best practices, recommendations and key findings. The Workshop will also be recorded to assist with note taking.
3. Run a 45-minute session at the Workshop, to present the Survey findings and facilitate discussion on next steps and recommendations.
4. The Contractor may also be asked to participate in another session as a panellist (TBC).
5. **Develop a Final Report, to be published on the APEC website**
6. Prepare a Final Report incorporating the Survey, Survey Report and notes from the Workshop (including discussions and findings).
7. The Final Report shall be between 25-35 pages and include a literature review, key findings, the survey/metrics, and a set of recommendations for future SCCP work in the gender mainstreaming space, as well as policies to advance gender mainstreaming domestically in the 21 APEC economies. Relevant annexes should also be included in the report.

In addition, the selected Contractor shall keep the PO informed on the progress of the work and timelines on a regular basis. The frequency of meetings and communication shall be agreed upon acceptance of this ToR between the contractor and the PO. The work itself can be completed remotely and in flexible hours.

1. **DURATION AND PHASING**

Work shall commence no earlier than November 2022 and is expected to be completed by 30 September 2023.

| **Project Activities** | **Contractor Deliverable** | **Due Date** |
| --- | --- | --- |
| * Research and draft the metrics according to the specifications in the Scope of Work.
* Design Survey format, questions and metrics (around 10-20 different metrics) and distribute the Survey via the SCCP Secretariat.
 | * Set of metrics
* Survey questionnaire
 | 14 December 2022 |
| * Analyze Survey responses and prepare the Draft Survey Report (10-20 pages).
 | * Survey Report
 | 1 February 2023 |
| * Prepare and present a 45 minute Workshop session on the Survey findings, to include a discussion on next steps and recommendations.
 | * Attendance at Workshop and delivery of presentation
 | 1 March 2023 (TBC) |
| * Analyze notes from the Workshop to incorporate them into the final report.
* Draft the Final Report (25-35 pages) according to APEC publication requirements, and submit to the APEC Secretariat.
 | * Final Report
 | 30 July 2023 |

***PROPOSED MILESTONE SCHEDULE***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **#** | **Services** | **Format** | **Quantity** | **Means of Verification** | **Services Delivery Date** | **Fee (in US$, inclusive of taxes)\*** |
| 1 | Delivery of Survey Report | English; Electronic (MS Word, and/or Excel), between 10-20 pages  | One copy  | Written acceptance and certification by the PO | 1 February 2023 | $10,000 |
| 2 | Final Report | English; Electronic (MS Word), between 25-35 pages  | One copy | 1. Acceptance by the APEC Secretariat
2. Endorsement by SCCP
3. Written acceptance and certification by the PO
 | 1 August 2023 | $10,000 |
| **Total value (including Tax): US$** | $20,000 |

\*Payment will be issued within 20 (Singapore business) days following the fulfilment of the identified Means of Verification, the receipt of contractor invoices and other documentation as identified by the Secretariat.

1. **SPECIFICATIONS OF SKILLS SETS AND EXPERIENCE**

The skills and experiences required of the Contractor are:

1. Minimum of relevant Masters degree, preferably in Human Resources and/or International Trade.
2. Proven research, analytical and report writing skills, presentation skills and participation in international forums or academic conferences.
3. Ability to engage and consult diverse stakeholders, of diverse cultural backgrounds, effectively.
4. Engaging presentation style.
5. Strong command of English (written and spoken).
6. **REPORTING REQUIREMENTS**
7. **Survey Report**

The Survey Report shall be between 10-20 pages and contain:

1. Executive Summary
2. Research and analysis on the area of gender mainstreaming in Customs administrations
3. Background on the metrics, how they were developed, and how they can continue to be used
4. Report on the Survey findings, divided by chapters and using written (e.g. quotes) and visual (e.g. graphs) aspects.
5. (TBC) At least one case study on economies experience in gender mainstreaming in their customs administration.
6. **Final Report**

The Final Report shall be between 25-35 pages in total length and contain:

1. Title Page
2. Table of Contents, Glossary and acronym list
3. Executive Summary
4. Introduction
5. Background and overview of common gender mainstreaming challenges and needs in the APEC (literature review) region (drawing on Survey Report)
6. Overview of the Workshop (dates, speakers, agenda), as well as:
	1. Summary of presentations
	2. Summary of discussions
	3. Summary of policy interventions developed in the Workshops.
7. List of policy recommendations
8. Conclusions
9. Annex of the customized policy interventions resulting from each of the Workshop.

The Final Report will be an APEC Publication. Items for publication must be prepared in accordance with the Guidebook on APEC Projects, APEC Publication Guidelines and APEC Logo Guidelines. The Roadmap must first be accepted by the APEC Secretariat as being suitable as an APEC publication. When submitted to the APEC Secretariat it must not require any further copy-editing and reflect a level of English fit for publication.