

Terms of reference (ToRs) for the procurement of services below the EU threshold

**Consultancy on the Assessment of Suitable BRT Management
Entity in Semarang**

**Project number/
12.9097.2-135.02**

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0. List of abbreviations

APBN	National budget
AVB	General Terms and Conditions of Contract (AVB) for supplying services and work 2018
BEIS	Department for Business, Energy, and Industrial Strategy of the United Kingdom
BMWK	German Federal Ministry for Economic Affairs and Climate Action
BRT	Bus Rapid Transit
GHG	Greenhouse gas
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
Gol	Government of Indonesia
INDOBUS	Indonesian Bus Rapid Transit Corridor Development Project
MOT	Ministry of Transportation
NAMA	National Appropriate Mitigation Action
SECO	The State Secretariat of Economic Affairs of Switzerland
SUTRI	Sustainable Urban Transport Programme Indonesia
TOR	Terms of Reference
UNFCCC	The United Nations Framework Convention on Climate Change

1. Context

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is an international cooperation enterprise for sustainable development with worldwide operations. Its corporate objective is to improve people's living conditions on a sustainable basis.

The Sustainable Urban Transport Programme Indonesia (SUTRI), a Nationally Appropriate Mitigation Action (NAMA) registered with the UNFCCC, aims to transform urban transport in Indonesia into a sustainable low-carbon sector. It is funded by the Federal Ministry for Economic Affairs and Climate Action of Germany (BMWK) and the Department for Business, Energy, and Industrial Strategy of the United Kingdom (BEIS) through the Mitigation Action Facility (formerly known as NAMA Facility) with GIZ as the implementing agency. The project commenced in December 2017 and concluded in December 2022.

To augment the impact of the programme, a technical assistance component funded by the State Secretariat for Economic Affairs of Switzerland (SECO) formulated as the Indonesian Bus Rapid Transit Corridor Development Project (INDOBUS) has been added to the line-up of SUTRI NAMA. INDOBUS aims to provide technical advisory related to the development and implementation of the Bus Rapid Transit (BRT) system in Indonesian cities that adheres to international standards. The project is scheduled to be completed in December 2024.

Metropolitan Semarang has been prioritized by the Government of Indonesia (GoI) as a priority city for urban public transport system enhancements, outlined in the RPJMN 2020-2024. Since 2020, the GoI has actively supported Semarang's urban transport sector through collaborative efforts involving various stakeholders, including development agencies and financial institutions. Among the pioneering stakeholders, SUTRI NAMA & INDOBUS played a crucial role by formulating a Pre-Feasibility Study in 2020, continued by the subsequent Feasibility Study (FS) in collaboration with PT Sarana Multi Infrastruktur (PT SMI) in 2021.

In 2022, the Ministry of Transportation (MoT) moved the BRT project to the next stage of implementation, envisioning the financing of capital expenditure through foreign loans while encouraging local governments to collaborate on operational expenditure. To ensure the project's readiness for foreign loans, completing an updated FS for BRT Semarang financed by KfW in 2023, which expanded the coverage area of BRT operations into three corridors. Parallel to the FS, an Environmental and Social Impact Assessment and a Traffic Impact Assessment are currently being formulated, with expected completion by mid-2024. As the RPJMN 2020-2024 approaches its end, the MoT is preparing to secure the project's inclusion in the next RPJMN 2025-2029 and the Bluebook 2025-2029.

At the same time, the GoI is also strongly urging local governments to enhance their operational readiness for the BRT systems. This concerted effort involves establishing a comprehensive institutional framework designed to support and sustain BRT operations effectively. The institutional framework should be equipped with a clear delineation of roles and responsibilities to facilitate efficient coordination among all parties. A key component of this framework is the creation of a dedicated BRT management entity. The entity will play a crucial role in overseeing the entire spectrum of BRT operations, from planning and implementation to daily management and long-term sustainability.

However, there are notable gaps in the current institutional framework that need to be addressed. These include unclear lines of authority, fragmented responsibilities among various agencies, and a lack of coordination mechanisms to ensure cohesive and unified project management. The absence of a professional BRT management entity also exacerbates these challenges. Therefore, a formulation of BRT management entity is imperative to ensure

seamless implementation and operation of the BRT, fostering a reliable and efficient public transport system that meets both local and national objectives.

2. Tasks to be performed by the contractor

Within this contract, GIZ SUTRI NAMA & INDOBUS will need a consultancy service to support the INDOBUS team in assessing the formulation of a BRT management entity appropriate for the institutional arrangement of the Semarang BRT project. This involves examining the existing structures, identifying challenges and opportunities, and developing a comprehensive strategy and roadmap for the establishment of the BRT management entity.

The contractor is responsible for providing the following services:

Task 1 Assessment on The Existing and Proposed Institutional Arrangement

The contractor is required to assess the available institutional arrangement, both the existing and proposed concepts in relation to BRT Semarang Project. The assessment includes but not limited to:

- a. Review the existing and the proposed concept recommended in the FS and other studies.
- b. Conduct a review of local and international established institutional arrangements serves as reference/benchmark including examining structure, roles and responsibility, identifying key success factors, and/or assessing the applicability to Semarang context
- c. Identifying gaps of the existing and proposed concept, and further defining or enhancing the institutional arrangements for BRT planning, implementation and management including defining a mandate for a regulator and BRT management entity.

Task 2 Formulation of Business Model and Assignment Scheme for BRT Management Entity

Following the completion of the preceding task, the contractor shall develop strategies to address the gaps, including the formulation of business model and assignment scheme for the BRT management entity. The task includes but not limited to:

- a. Development of a business model and assignment scheme for BRT management entity. The study will cover the management of BRT by the BRT operator including the assessment of a suitable business model, assignment scheme for operators (e.g. pre-qualification, bid evaluation, contract award, etc), the procurement process, and so on.
- b. If necessary, define the procurement process and contracting modalities for operators including outline the recommended contract type (e.g. gross or net cost, other), the duration, the major inclusions covering incentives/penalties, ownership of operating assets, contract default process, etc.
- c. The business model should be subject to stakeholder consultation to ensure flow of information.

Task 3 Development of Strategy and Roadmap for BRT Management Entity's Formulation

Upon the completion of the aforementioned task, the contractor is tasked with developing a strategy and/or a roadmap should be developed to define processes, milestones and the timeline to facilitate the transformations of the institution including the BRT management entity.

Task 4 Support for Related Regulation

The contractor should assess the compliance of the recommended institutional structure with current regulations. The assessment includes but not limited to:

1. Advice should be given on the compliance of the recommended institutional structure with current regulations and the need, if any, for regulatory changes. Outline the risks and challenges in achieving the institutional and regulatory changes.
2. Prepare draft of necessary regulations based on the r including but not limited to:
 - a) Transportation management
 - b) Institutional set-up
 - c) Setting of fares
 - d) Provision of subsidy
 - e) Procurement and appointment of BRT operators.

Milestone	Deadline	Payment
Kick-off	Week 1	Advance payment against preliminary report (40%)
Inception Report (Timeline, implementation, strategies)	Week 4	
Interim report (final draft of parameters and methods, and first draft of calculation)	Week 8	
Final Report (final draft of calculation, excel for calculation, and handbook)	Week 13	Final payment against final report (60%)

Period of assignment: From 12 September 2024 until 29 November 2024

Deliverables shall be in electronic format, following the procedures and format defined by GIZ, and shall be submitted in English with the executive summary in Bahasa Indonesia and English.

3. Concept

In the bid, the bidder is required to show how the objectives defined in Chapter 2 are to be achieved, if applicable under consideration of further specific method-related requirements (technical-methodological concept). In addition, the bidder must describe the project management system for service provision.

Technical-methodological concept

Strategy (1.1): The bidder is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1)(1.1.1). Following this, the bidder presents and justifies the strategy with which it intends to provide the services for which it is responsible (see Chapter 2) (1.1.2).

The bidder is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The bidder is required to present and explain its approach to **steering** the measures with the project partners (1.3.1) and its contribution to the results-based monitoring system (1.3.2).

The bidder is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided. In particular, the bidder is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

Project management of the contractor (1.6)

The bidder is required to explain its approach for coordination with the GIZ project. In particular, the project management requirements specified in Chapter 2 (Tasks to be performed by the contractor) must be explained in detail.

- The contractor is responsible for selecting, preparing, and steering the experts assigned to perform the advisory tasks.
- The contractor makes available equipment and supplies (consumables) and assumes the associated operating and administrative costs.
- The contractor manages costs and expenditures, accounting processes and invoicing in line with the requirements of GIZ.

The bidder is required to draw up a **personnel assignment** plan with explanatory notes that lists all the experts proposed in the tender; the plan includes information on assignment dates (duration and expert months) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

The bidder is required to describe its backstopping concept. The following services are part of the standard backstopping package, which (like ancillary personnel costs) must be factored into the fee schedules of the staff listed in the tender in accordance with Section 3.3.1 of the GIZ AVB:

- Service-delivery control
- Managing adaptations to changing conditions
- Ensuring the flow of information between the bidder and GIZ
- Assuming personnel responsibility for the contractor's experts
- Process-oriented steering for implementation of the commission
- Securing the administrative conclusion of the project

Further requirements (1.7)

The bidder needs to have the following experience:

- a. Consulting firm with legal entity and licensed to operate in Indonesia
- b. Consulting firm with official duty station in Jakarta
- c. At least 8 years of consultancy experience in government and public sector projects
- d. Strong knowledge of GoI's regulation on institutional aspect preferably on public transport sector both national (ministries and institutions) and/or sub-national (agencies and technical units) government.
- e. Project management experience and expertise suitable to a project of this scale and complexity to ensure superior coordination and consultation and high quality and timely deliverables

- f. Experience in a similar role on development of public transport, especially in agglomeration area and/or local area in an engagement with International Donor Agency

4. Personnel concept

The bidder is required to provide personnel who are suited to filling the positions described, based on their CVs the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points.

Team Leader

Tasks of Team Leader

- Overall responsibility for the advisory packages of the contractor, including developing the most appropriate strategy, ensuring the quality of the outputs, and delivering the task according to deadlines
- Coordinating and ensuring communication with GIZ, partners, and others involved in the project
- Managing personnel, in particular identifying the need for short-term assignments within the available budget, as well as planning and steering assignments as well as technical backstopping of all activities
- Regular reporting in accordance with deadlines

Qualifications of Team Leader

- Education/training (2.1.1): University qualification (master's degree) in Infrastructure Planning, Transport Planning, Transport Engineering, Public Policy, Finance, Economics, Urban Planning or other related fields
- Language (2.1.2): B2-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.1.3): 10 years of professional experience in government and infrastructure sector
- Specific professional experience (2.1.4): 5 years of professional experience in urban public transport projects
- Leadership/management experience (2.1.5): 3 years of management/leadership experience as a project team leader or manager in a company
- Regional experience (2.1.6): 3 projects experience in government and public sector in Semarang or Semarang Metropolitan Area

Expert 1: Institutional Expert

Tasks of Expert 1

- Contribute to developing a plan for effective implementation
- Assist on project management, scheduling and monitoring
- Provides advisory on institutional development assessment
- Provides advisory on the development of strategy and/or roadmap for transformation

Qualifications of Expert 1

- Education/training (2.2.1): University qualification (master's degree) in Infrastructure Planning, Transport Planning, Transport Engineering, Public Policy, Finance, Economics, Urban Planning or other related fields
- Language (2.2.2): B1-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.2.3): 6 years of professional experience in government and infrastructure sector
- Specific professional experience (2.2.4): 3 years of professional experience related to transport-related institutional sector

Expert 2: Public Transport Development Expert

Tasks of Expert 2

- Contribute to developing a plan for effective implementation
- Assist on project management, scheduling and monitoring
- Provides advisory on business model and assignment scheme
- Provides advisory on the development of strategy and/or roadmap for transformation

Qualifications of Expert 2

- Education/training (2.3.1): University qualification (postgraduate degree) in Economics, Business Management/Administration, Logistics, Urban Planning or Transport Engineering or any other related fields
- Language (2.3.2): B1-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.3.3): 7 years of professional experience in infrastructure or public financed business development
- Specific professional experience (2.3.4): 5 years of experience in urban public transport development projects

Expert 3: Senior Legal Expert

Tasks of Expert 3

- Contribute to developing a plan for effective implementation
- Assist on project management, scheduling and monitoring
- Provides advisory on regulatory framework aspect
- Provides advisory on the development of strategy and/or roadmap for transformation

Qualifications of Expert 3

- Education/training (2.4.1): University qualification (postgraduate degree) in Law, Political Science, Public Policy, or any other related fields
- Language (2.4.2): B1-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.4.3): 7 years of professional experience in law and/or legal advisory services in Indonesia
- Specific professional experience (2.4.4): 3 years of experience in regulatory frameworks (governing policies, processes, etc) related to infrastructure (ideally transport) projects.

Expert 4: Junior Legal Expert

Tasks of Expert 4

- Contribute to developing a plan for effective implementation
- Assist Senior Legal Expert in providing advisory on regulatory framework aspect
- Assist Senior Legal Expert in providing advisory on the development of strategy and/or roadmap for transformation

Qualifications of Expert 4

- Education/training (2.5.1): University qualification (bachelor's degree) in Law, Political Science, Public Policy, or any other related fields
- Language (2.5.2): B1-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.5.3): 5 years of professional experience in law and/or legal advisory services in Indonesia
- Specific professional experience (2.5.4): 2 years of experience in regulatory frameworks (governing policies, processes, etc) related to infrastructure (ideally transport) projects.

Expert 5: Research Assistant

Tasks of Expert 5

- Support data collection, secondary data research and analytical work as required by the team of experts
- Support drafting of reports, presentations, etc

Qualifications of Expert 5

- Education/training (2.6.1): University qualification (undergraduate) in Civil Engineering, Urban Planning, Public Policy, Economics, or other related fields
- Language (2.6.2): B1-level language proficiency in English, and Native speaker of Bahasa Indonesia
- General professional experience (2.6.3): 3 years of professional experience in government and infrastructure aspect
- Specific professional experience (2.6.4): 1 years of experience in transport projects in Indonesia

5. Costing requirements

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Team Leader	1	50	50	against timesheet
Expert 1 - Institutional Expert	1	50	50	against timesheet
Expert 2 - Public Transport Development Expert	1	50	50	against timesheet

Expert 3 - Senior Legal Expert	1	30	30	against timesheet
Expert 4 - Junior Legal Expert	1	30	30	against timesheet
Expert 5 - Research assistant	1	15	15	against timesheet
Travel expenses	Quantity	Price	Total	Comments
Per-diem allowance in country of assignment				
Per diem in Semarang	72 (6 people x 12 days)	400.000	28.800.000	Following GIZ regulation
Overnight allowance in country of assignment				
Accommodation in Semarang	72 (6 people x 12 days)	1.200.000	86.400.000	Maximum cost, reimbursement based on actual cost, against proof of evidence
Transport	Quantity	Price	Total	Comments
• Train Jakarta – Semarang (return)	18 (6 people x 3 trips)	1.000.000	18.000.000	Maximum cost, reimbursement based on actual cost, against proof of evidence
• Train station transfer, residence/office to train stations within Jabodetabek area (return)	18 (6 people x 3 trips)	300.000	5.400.000	Maximum cost, reimbursement based on actual cost, against proof of evidence
• Car rental in Semarang	12 (3 trips x 4 days)	1.000.000	12.000.000	Maximum cost, reimbursement based on actual cost, against proof of evidence
Other costs	Number	Price	Total	Comments
Flexible remuneration	1	40.000.000	40.000.000	A budget of IDR 40,000,000 is foreseen for flexible remuneration. Please incorporate this budget into the price schedule. Use of the flexible remuneration item requires prior written approval from GIZ.
Other costs				The budget contains the following costs .

6. Requirements on the format of the bid

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English.

The complete tender must not exceed 12 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English.

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule.

7. Organisational Matters

Place of Assignment: Jakarta and Semarang

Payment modalities: Payment of the assignment will be made in two (2) terms. The final payment will be made after the completion of the assignment, considering a satisfactory result, evidence and timesheet provided by the contractor.

Failure to complete work: GIZ reserves the right to cancel the remainder of the contract if the deliverable output does not meet ToR requirements and standards of quality e.g. if Task 1 is completed unsatisfactorily, GIZ is only liable to pay for Task 1 and can cancel the contract for the remaining Tasks.