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**Government Technology (GovTech) Agency**  
Royal Government of Bhutan



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GovTech/DDT/DST/2024-2025/229

August 26, 2024

**GOVTECH AGENCY**  
**ACCELERATING TRANSPORT AND TRADE CONNECTIVITY IN EASTERN**  
**SOUTH ASIA (ACCESS) – BHUTAN PROJECT**

**TERMS OF REFERENCE (ToR) for**  
**Hiring of a National Legal Expert Consultants (individual) for the development of a**  
**blueprint for the National Single Window to facilitate Trade.**

**1. Background**

The GovTech Agency in collaboration with the Ministry of Industry, Commerce and Employment and the Department of Revenue and Customs, Royal Government of Bhutan plans to implement the Bhutan National Single Window (BNSW) with financing support from the World Bank Group (WBG) under the Accelerating Transport and Trade Connectivity for Trade (ACCESS) project for Bhutan. The implementation of the BNSW is seen as a key objective to promote transformation through digitization to facilitate paperless and borderless trade, ultimately to improve transparency and integrity, lower trade transaction costs, foster inter-agency coordination and reduce the time taken to clear goods.

The RGOB has appointed the **Government Technology Agency (GovTech)** to be the **Implementing Agency** for the Blueprint project, as part of its mandate to promote transformation through digitization of all public sector services. GovTech has formed **the BNSW working group reporting to the BNSW Steering committee.**

The implementation of the BNSW will take place in two phases: *Phase 1 – Preparation and Program Design*; and *Phase 2 – Implementation*. This REOI concerns Phase 1 which involves the preparation of a “Blueprint”, a program design document that will deliver an actionable **Implementation Plan** for the BNSW. For this particular activity, the GovTech intends to engage **an Individual Business Analyst (IT)** (the “Consultant”) to support the development of a **Blueprint** covering the preparatory aspects of the implementation of the National Single Window for the Kingdom of Bhutan (“Bhutan”).

GovTech has hired two **International Consultants** to be included in the BNSW Project Team, with specific expertise and international experience of developing a Blueprint for National Single Window. The two international Consultants are: (a) Lead Consultant; and (b) IT Consultant. While the BNSW Project Team Leader is responsible for matters related to contract execution, on a day-to-day basis, the international Lead Consultant, from time to time deputized by the IT Consultant, will guide and direct the work of the BNSW Project Team.

A Visioning Workshop, facilitated by the WBG, was held in Thimphu on 6 and 7 February 2024, during which the stakeholders laid down the foundations of the BNSW program by elaborating suggestions for an overall **Vision Statement** and options for the key strategic decisions, to be adopted by the RGOB.



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Based on the Vision and strategic options, once the mandate has been obtained by RGOB, the program is moving to Phase 1 with the development of the Blueprint.

## 2. Concept

The Blueprint preparatory phase will seek to design and develop the necessary enabling environment for the establishment and operation of the BNSW. This will include finalizing the key strategic decisions and developing the Terms of Reference for implementing the following core elements of the BNSW:

- 2.1. Functional Model
- 2.2. Governance Model
- 2.3. Operational Model

In order to implement the above models, underpinning these key elements of the BNSW, will be the design and plans for the implementation of:

- 2.4. Legal and Regulatory framework
- 2.5. Revenue model and Fee Structure for the operation of the BNSW
- 2.6. Technical and Functional Architecture and specification for the BNSW System
- 2.7. Service Level Agreements between the Operator and the BNSW users
- 2.8. Change Management and Communications strategy and plan
- 2.9. Design of a Risk Management Strategy and model for Agencies participating in the BNSW
- 2.10. Design of an Implementation and Capacity Building strategy and plan for the BNSW, the BNSW Operating entity, participating Agencies and Traders

The duration of this preparatory phase is expected to be **six (6) months** from the date of award of contract. The BNSW implementation project itself (being financed separately from this preparation assignment) will focus on the actual implementation of the BNSW including the establishment of the operational entity, the development, implementation and rollout of the BNSW system, training and capacity building in the affected Government Agencies (GAs) as well as Traders.

## 3. Objectives

The objective of this assignment is to work as part and under the direction of the GovTech BNSW Project Team and its two International Consultants, by:

- 3.1. Facilitating, as directed, fact finding from, and discussions amongst, the relevant GAs with a view to finalizing the key decisions concerning technical, functional, BPR, business, financial, operational, legal and service delivery models for the BNSW;
- 3.2. Contributing, as directed, to the development of the functional, technical and operational requirements for the BNSW such that the implementation and operational services may be established, implemented and procured expeditiously;
- 3.3. Conducting a review of the legislation in Bhutan pertinent to the implementation of the BNSW
- 3.4. Contributing to the formulation of Change Management and Communications plan



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- 3.5. Supporting the development of an Implementation Plan for the development and roll-out of the BNSW nationally, including a plan for Capacity Building.

#### **4. Scope of Services**

The scope of work of the consultants are as follows:

##### **4.1. Analytical support.**

Under the guidance of the International Consultants, the legal expert consultant will support the analytical work undertaken for the Blueprint. Selected tasks include:

- 4.1.1. As instructed, conducting of interviews, distributing and analyzing responses to questionnaires with a range of stakeholders; summarizing key points; and analyzing the findings as input to stakeholder engagement as part of the Blueprint development process.
- 4.1.2. Supporting the two International Consultants by undertaking information system investigation and review at key agencies involved in the BNSW. This work will include gathering related documentation and describing to the fullest extent possible the current IT systems and networks including their physical and logical architecture, analyzing those systems and working with the expert in determining an optimal future architecture and specifications for NSW operation.
- 4.1.3. Supporting the International Consultants by undertaking Business Process Analysis (BPA) at the key agencies involved in the NSW. This work will include undertaking an exercise of investigation and business process mapping to the standards established by the International Consultants, assist with analyzing those processes and working with the International Consultants in determining an optimal future model for the BNSW operation.
- 4.1.4. Supporting the International Consultants as part of the BPA exercise, in gathering all related agency application forms/letters and building a catalogue of all data elements to contribute towards a later exercise of data harmonization.
- 4.1.5. Analysis of legislation and regulation in participating government agencies for compatibility with B2G and G2G operation, plus specific enabling legislation for BNSW governance, BNSW operation and for e-transactions for BNSW and recommending modernization where necessary.
- 4.1.6. Analysis of existing pertinent national ICT infrastructure and ICT infrastructure in participating GAs as input to the formulation of Enterprise Architecture (EA) for BNSW and implementation plans for the ICT components of the EA. This work will involve undertaking an exercise of investigation and documenting findings and observations to the standards established by the International Consultants. The BAs are expected to work closely with the GovTech EA team and will carry out the EA work in collaboration with the GovTech EA team.

##### **4.2. Contacts and liaison**



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The legal expert consultant will draw on existing contacts on trade-related issues in Bhutan, the private sector, development community, and other sectors, to identify key contacts and facilitate meetings for themselves and the BNSW Project Team.

#### **4.3. Formulation of Change Management, Communications, Capacity Building**

The legal expert consultant will contribute a national context for change management and communications methods based on previous experience in formulating and delivery programs. The Consultancy legal expert consultant shall also assist with gathering and presenting information for Skills Capacity Analysis and Training Needs Analysis for public and private sector users for BNSW participants.

#### **4.4. Participation in workshops and events**

The Consultancy legal expert consultant will be expected to work closely with the BNSW Project Team to assist in the organization and participate in workshops and other outreach events relating to the BNSW Blueprint. This will include, but not be limited to, the development of proposed invitation lists and issuing of invitations; and supporting the delivery of presentations.

#### **4.5. Translation support**

The official language of the project and for all deliverables will be English. However, the key personnel of the legal expert consultant may be required, from time to time, to provide an unofficial translation into Dzongkha of some materials. For the purpose of bidding, assume that this would amount to 100 pages and can be charged on pro-rate for additional pages requiring translation.

### **5. Selection Criteria and Requirements**

The legal expert consultant shall have substantive experience working on public sector reform projects in Bhutan involving information technology change, ideally in the area of trade. The legal expert consultant will have experience working on international development projects, including with international consultants. Nominated key experts will require a good standard of written and spoken English and also be proficient in communicating (read, write and speak) in the national language of Bhutan “Dzongkha”. The legal expert consultant shall propose a team of three key experts that consist of two business analysts and one legal expert. One of the business analysts shall be nominated as a team lead/focal person to coordinate the work and liaise with international consultants and GovTech BNSW team to ensure timely delivery of outputs.

#### **5.1. Key experts and qualifications**

##### **5.1.1. Job responsibilities**

The Consultant with a background in trade-related law gained preferably by working in or with the public sector. The legal expert will:



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- i. Scan legislation and regulation, prioritized for phase 1 Government Agencies, and outline work needed subsequently for legal drafting/legal enactment for any legislative/regulatory impediments to BNSW; and
- ii. Carry out regulatory review, conduct gap analysis, investigation, and report drafting and finalization in consultation with international consultants, BNSW working group.

**5.1.2. Qualifications & Experience:**

- i. Degree in Law, preferably, majoring in international trade Law, administrative law or regulatory compliance would be beneficial.
- ii. 6+ years of practicing law in Bhutan, preferably in the trade-related sector or in public administration.
- iii. Familiarity with the Bhutanese legal systems with a proven track record in review and analysis of governing frameworks.
- iv. Demonstrated experience and knowledge of the legal frameworks (policies, laws, regulations, and rules) and its implications, especially in the trade and custom-related sector, public service delivery, and governance will be a strong plus;
- v. Demonstrated knowledge of international conventions in relation to cross-border trade (e.g. WCO/RKC1, WTO/ GATT and TFA2, CITES3, etc.) is highly desirable.
- vi. Demonstrated knowledge of international good practice standards and issues in legislation concerning electronic exchange of data, for example, UNCITRAL's4 model electronic transaction law, data protection and privacy law, and data sharing, is highly desirable
- vii. Proficiency in drafting legal documents, regulations, and policy frameworks to ensure compliance and facilitate efficient trade operations.
- viii. Fluency in written and spoken English and Dzongkha.
- ix. Ability and willingness to work under the technical direction of the International Consultants

**6. Deliverables and Timeline**

The consultants will be required to deliver inputs for the following reports, as directed and agreed with the International Lead Consultant, aligned with the overall BNSW Blueprint work plan that will be determined during the inception phase of the project.

- 6.1. "As-Is"/BPR Report for the 15 in-scope Government Agencies and their international trade related business processes incorporating business process maps and descriptions
- 6.2. "As-Is" Infrastructure Report for 15 in-scope Government Agencies (including their regional offices) incorporating diagrams and descriptions

<sup>1</sup> WTO/RKS: World Customs Organization's Revised Kyoto Convention

<sup>2</sup> WTO/GATT and TFA: World Trade Organization's General Agreement on Tariffs and Trade, Trade Facilitation Agreement

<sup>3</sup> CITES: Convention on International Trade of Endangered Species

<sup>4</sup> UNCITRAL: United Nations Commission for International Trade Law



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- 6.3. Data element catalog and library of all input and output forms for international trade LPCOs (licenses, permits, certificates, and other documents)
- 6.4. Legal Analysis report
- 6.5. Skills Capacity Analysis and TNA Survey and Report

The target dates in the high-level plans for the finalization (after reviews) of the main BNSW Blueprint products, relative to the actual start date are:

- |   |                       |
|---|-----------------------|
| i. Inception Report                               | by the end of Week 3  |
| ii. Governance and Operational Model              | by the end of Week 14 |
| iii. Functional and Technical Architecture        | by the end of Week 11 |
| iv. Functional and Technical Specifications       | by the end of Week 16 |
| v. Harmonized Data model                          | by the end of Week 16 |
| vi. Bidding documents for BNSW ICT product        | by the end of Week 21 |
| vii. Revenue Model and Fee Structure              | by the end of week 15 |
| viii. Legal and Regulatory Framework              | by the end of Week 20 |
| ix. Change Management and Communications Strategy | by the end of Week 21 |
| x. Risk Management Strategy and Model             | by the end of Week 21 |
| xi. Implementation Plan                           | by the end of Week 24 |
| xii. Blueprint Finalization                       | by the end of week 24 |

## 7. Duration and Estimate of Services

The Consultants will be engaged for **two (2) months** over a period of **six (6) months** from the date of award of the contract. Specific to this, engagement of the Local Legal Expert (LLE) will be engaged approximately 60 days from Week 12 as may be deemed necessary by the client.

The consultant shall report to the Project Director/Component Manager. He/she shall prepare reports, maintain timesheets and slide presentations on the assigned tasks.

## 8. Facilities and Support Services

The majority of the consultants' services are expected to be performed in Thimphu. However, some travel to other parts of Bhutan, especially to the regional cross-border areas (Phuntsholing, Gelephu, Samdrup-Jongkhar) may be required.

The consultants are expected to budget for the following:

- 8.1. A travel and per diem allowance, on a reimbursable basis, in respect of personnel of the Consultant for every day in which they shall be performing their duties at a location outside Thimphu, travelling to and from the above list of cross-border areas – allow for 2 working days per site plus two travel days to and from each site;
- 8.2. Cost of in-country transportation of the personnel by the most appropriate means of transport and the most direct practicable route travelling to and from the above list of cross-border areas; [the consultant will absorb costs for shorter journeys to sites within Thimphu and to sites within one hour of Thimphu];



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- 8.3. Applicable international or local communications such as the use of telephone, teleconferencing and internet required for the purpose of the assignment;
- 8.4. Printing and dispatching of the reports to be produced;
- 8.5. Laptops, PCs, etc. as appropriate for Consultant's personnel;
- 8.6. Tax responsibilities;
- 8.7. Insurance Responsibilities; and,
- 8.8. Any other inputs necessary to complete the assignment.

RGOB will provide the following inputs and facilities:

- 8.9. Relevant Reports, studies and information pertaining to Trade Facilitation in Bhutan;
- 8.10. Existing laws and Regulations related to import/export activities; and
- 8.11. Initial coordination and liaison with all appropriate GAs, the community, and other stakeholder of the BNSW
- 8.12. Furnished in-country office space;
- 8.13. Administrative support;
- 8.14. Workshops and other Participatory fora including refreshments as appropriate.

## **9. Working Arrangement**

GovTech is seeking to hire national individual consultants which is expected to provide, as a minimum, the following resources, who during periods of engagement will be expected to work onsite: The consultants will report to the GovTech BNSW lead, and will be guided technically by the two International Consultants, namely the Lead Consultant and the IT consultant. The international consultants will provide basic training in the task skills specific to NSW (e.g. business process analysis for NSW), and oversee the legal expert consultant's work to assure quality outputs. The key experts of the National Consultant shall work onsite for the duration of the assignment (GovTech Premise).

## **10. Remuneration and Compensation**

The Consultant shall be provided with the remuneration and benefits as per the contract. The contract will mention a daily input per month, which shall include all his overhead, taxes, other associated costs and insurance premiums. The Consultant shall be responsible to clear all taxes including the income tax as applicable in Bhutan. The Consultant shall be stationed at the GovTech office, with possible visits for consultation. In case of travel outside Thimphu on project-related assignments, the Consultant shall be paid a daily subsistence allowance as per contract to cover all expenses (food, lodging and travel).

## **11. Reporting**

The legal expert consultant will report to GovTech's BNSW's Project Team Leader for all contractual matters. For technical roles, the legal expert consultant will be directed, and take guidance from and report progress and output to the international Lead Consultant, or the IT Consultant when deputizing on behalf of the Lead Consultant. The consultants will also liaise closely with the members of the



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WBG Task Team, the country's government Counterparts and other stakeholders. There will be at a minimum scheduled bi-weekly progress status meetings and monthly progress reports.

## **12. Selection Procedures**

The GovTech Agency, Thimphu now invites eligible national individual consultant(s) to submit Expressions of Interest (EoI) along with detailed financial proposals for providing the services. Selection of the consultant will be carried out in accordance with the approved selection methods for Individual Consultants as stated in the "World Bank's Procurement Regulations for IPF Borrowers, September 2023.