

Terms of Reference

Analysis of Georgian Competition Policy and its Implementation

Europe Foundation (EPF) seeks an international expert or a team of local and international experts to conduct an analysis of Georgia's competition policy and relevant regulatory framework, to assess the extent to which they are in line with the obligations taken on by Georgia under the EU-Georgia Association Agreement. The expert is expected to identify both regulatory and implementation gaps that promote or do not hinder anti-competitive behaviors of business enterprises. The analysis is commissioned in order to develop recommendations as to how the different stakeholders (public authorities, civil society, and business community) can ensure the preservation of a well-functioning market in the country. EPF would like the assessment report to be completed by August 2016.

About Europe Foundation

Europe Foundation's mission is to empower people to effect change for social justice and economic prosperity through hands-on programs, helping them to improve their communities and their own lives. To achieve its mission, EPF strives (1) to strengthen the capacity of individuals and institutions, empowering them to address pressing issues and (2) to mobilize relevant stakeholders in issue-based dialogue, through raising public awareness and creating various coalitions, platforms or working groups, so as to effect positive change.

EPF's work is guided by the following approaches: (1) creating opportunities for civic participation in public policy making, (2) engaging youth, (3) fostering culture of corporate and community philanthropy, including through formation of public-private-NGO partnerships, (4) promoting evidence-based advocacy and decision making, and (5) building confidence across religious, ethnic, and community divides. Some of EPF's flagship programs include: (1) *Engage and Monitor for Change*, (2) *European Integration*, (3) *Youth Integration*, (4) *Social Enterprise and* (5) *Open Door Grantmaking*. Together, they feed into achieving the Foundation's mission and provide opportunities for Georgians to engage in social, economic, and political developments, in order to effect substantive and sustainable positive change at the local and national level.

The Assignment

In early 2014, the Parliament of Georgia adopted a package of legislation to improve the country's regulatory framework related to competition. Toward this end, the Parliament approved the creation of an independent competition agency, charged with implementation of the new law. The legislation brought in new concepts for the Georgian reality, but it remains to be seen how the new policy and regulatory framework will succeed in curtailing anti-competitive behaviors and in preserving well-functioning market in Georgia.

The goal of the assignment is to assess the extent to which the existing regulatory framework compares to European standards and best practices and to identify both regulatory and implementation gaps that promote or do not hinder anti-competitive behaviors among the business enterprises. The analysis is commissioned with purpose to develop recommendations

as to how the different stakeholders (the government, civil society, business community, consumers) can ensure the preservation of a well-functioning market in the country. It is expected that the report will recommend the steps that could be undertaken to improve public policies and civil society participation in their elaboration and implementation.

Assessment Methodology

The Expert(s) will be responsible for developing the assessment design and methodology. Details about the approach and the data collection methods to be employed to undertake this task should be included in the bid. This section should identify sectors that the Expert(s) will be reviewing for the assessment and provide justification for the selection.

EPF expects that the Expert(s) will conduct a participatory assessment, providing for active and meaningful involvement of all stakeholders, partners, government institutions, CSOs, etc. Stakeholder participation is to be an integral part of data collection, and formulation of recommendations.

Timeframe

The Experts will produce the following deliverables (in English or Georgian):

1. Inception report (due on **May 17, 2016**), which will address the following components:
 - a. Initial situation analysis;
 - b. Assessment methodology, including identification of topics that will be reviewed as part of the exercise;
 - c. Data collection methods (derived from methodology)
 - d. Synthesis of the collected data;
 - e. Indicative timeline.
2. Draft of the assessment report (due on **June 30, 2016**)
3. Final report (due on **July 29, 2016**). The final report will include the following sections:
 - a) Executive summary (max. 2 pages);
 - b) Description of assessment goal and objectives;
 - c) Description of the methodology and data collection tools utilized in the course of the assessment;
 - d) Presentation of main findings and conclusions of the assessment;
 - e) Recommendations;
 - f) Annexes as agreed upon during the approval of the inception report.

The draft report does not have to include executive summary and annexes.

The assessment report will be the sole property of EPF, which will retain the right to use it for internal and external purposes.

Budget

The budget of the assessment should not exceed **EUR 5,000 (GROSS)** for the services, including expenses for transportation to and within Georgia, accommodation, per diem, and Georgian taxes (if applicable). Price competitiveness will be a consideration during the selection process.

Request for Bids

Applicants should submit a proposal in **English** that includes:

- Detailed description of the Experts' qualifications, with a list of previously undertaken assignments;
- Copy of a similar assessment report completed by the applicant during the past three years;
- Description and justification of proposed methodology, description of tools and techniques that will be used to collect and analyze information;
- Draft work plan.

Only complete applications will be considered.

Selection Criteria

EPF will select the winning candidate(s) among the companies or individuals submitting a complete bid by the proposal deadline. The selection criteria will include the following:

- Degree to which proposal adheres to assessment goal and objectives listed above;
- Quality of the proposed methodology;
- Qualifications of the bidding organization or individuals, including past experience in conducting assessments in the relevant field.

Review Process

Proposals are to be submitted via email to the attention of **Ms Lela Berdzuli** at **lberdzuli@epfound.ge**. Please indicate "Assessment of Competition Policy" in the subject line of your email. Interested individuals who have questions about this tender should email their inquiries to **Vakhtang Kobaladze, Senior Program Manager (vkobaladze@epfound.ge)**.

The deadline for the submission of applications is **April 20, 2016, 17:00 Tbilisi Time**.

EPF senior management, program, and evaluation staff will review the proposals. The decision on the selection will be announced **no later than April 28, 2016**.

The assessment is commissioned within the framework of EPF project funded by Swedish Development Cooperation Agency (Sida).