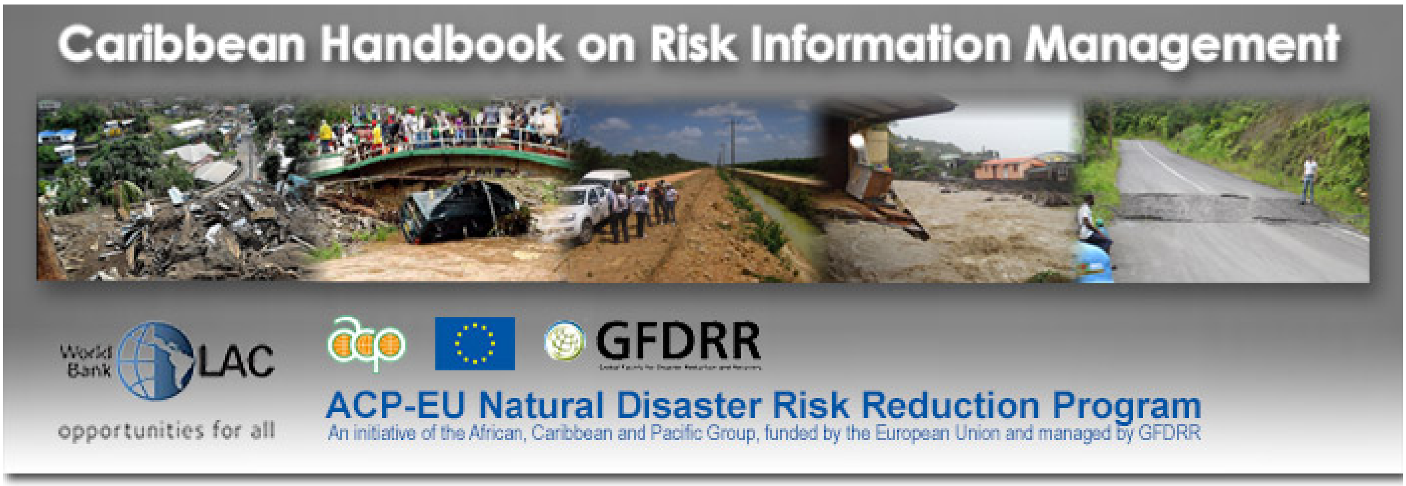

10.2 Composition of a TOR

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Introduction

A TOR is a document prepared when an institution or entity requires work to be undertaken by external or in-house individuals or teams. It details the requirements so that it can be used as a Request for Proposal to attract multiple qualified organisations/consultants/contractors to express an interest in performing the work. TORs are composed to set out the background or problem statement justifying the project to be implemented. They provide a clear, definitive statement on what is the aim of the project, what are the objectives that will achieve the aim, what are the specific deliverables and how they will be assessed to determine completion, and what input resources are available to support completion. TOR should be as concise as possible, no more than 5 – 10 pages, although appendices containing background or essential data and information can be attached or provided elsewhere. The language and content of the TOR can vary depending on whether the work to be performed is a feasibility study, a plan, acquisition of data, or a construction.

Composition of a TOR

The TOR usually comprises sections that address the following items (Mahony and Dearden. 2012; Roberts, Khattri, and Wessal 2011):

1. Why the project is being undertaken
2. For whom the project is being undertaken and the beneficiaries of the results
3. What are the specific objectives
4. What are the scope, approach, and methodology
5. Who will be responsible for what aspects
6. Specifications of the qualifications and experience required of the contractor
7. Clear milestones when deliverables are expected and when and how they will be assessed
8. What resources are available.
9. Budgets

1) Why the project is being undertaken

In this section of the TOR, the proposed project is described along with a descriptive background of how it fits in with existing programmes and projects towards some clear goal. This puts the project in context and should be taken into consideration in any proposal for implementation to be conceived by the consultant or project team. For example, a project for preparing national physical plans may describe in the background the policy or land issues that obtain in the area under study. Any past issues and whether they were addressed together with links to documents that detail the history more precisely also form part of the background in case the potential consultant/contractor requires more information. This aspect of the TOR can be a few paragraphs or one or two pages. Since this section of the TOR synopsises the whole document, all the other sections of the TOR can be mentioned briefly and then elaborated on in the relevant section. Stakeholders in the project and their roles and responsibilities, the history, reason for embarking on the project and the timing of the project, and any related studies and evaluations, should all be mentioned. Complementary projects being undertaken by other institutions, or development partners should also be mentioned as these should be monitored to ensure that duplication of effort and waste of resources do not occur.

2) For whom the project is being undertaken and the beneficiaries of the results

The project may be requisitioned by one party for self-benefit or for the benefit of other parties, stakeholders or beneficiaries. This is stated so that the consultant is aware of authorities and reporting hierarchies as well as whose interest is being sought. More detail can be provided in this section than was given in the background.

3) What are the specific objectives

The objectives should be clearly stated so that if any unforeseen variations are required, the criteria will guide the changes. While objectives and specifications should be clear, some flexibility is sometimes beneficial so that consultants or contractors can propose innovative methods that they have developed that will improve the efficiency and/or effectiveness of the product or process. The list of objectives should not be lengthy and should be limited to 3 to 5 ideally that can be addressed in one project. They should also be stated as action oriented, outcome based, activities to avoid ambiguity. There should be a clear logical link between the specific objectives and the overall aim of the project.

4) What are the scope, approach, and methodology

These are the parameters of the activities in the project. The scope may be given in terms of timeframe, geographic coverage, or beneficiaries depending on the type of project. The details may be more specific for tangible construction projects or more flexible for evaluation or feasibility studies. Methodologies can also vary based on the type of project or the flexibility being afforded the consultant or contractor. Details of the proposed methodology can also be requested in the response to the RFP or as the first deliverable in the contract.

5) Who will be responsible for what aspects

Responsibilities must be clear and unambiguous at the outset to avoid conflicts in the middle of the project. The project may require a group consultant or contractor or an individual. In either case, the responsibility of reporting will fall to an individual such as the team leader or project manager. The person should be told who to report to on the client side for resolving issues, submission of deliverables and achieving acceptance for submissions. This may be a project manager or steering committee or advisory group. Beneficiary representatives may also be responsible for validating the outcomes of the project and accepting the deliverables.

6) Specifications of the qualifications and experience required of the contractor

The anticipated level of professional qualifications and experience should be specified. However, the minimum level of qualifications and experience should also be given in case the desired levels are not attained. Details of the specific expertise, skills and areas of practice, including any in country or regional experience desired, should be given. In the case of a group or team, the differentiation of expertise and skills and the distribution of responsibilities expected should be detailed.

7) Clear milestones when deliverables are expected and when and how they will be assessed

The deliverables, timeline and workplan should be given or this can be given in brief and the consultant/contractor requested to propose these more specifically in the submission. The type of project deliverables should be specified. For example, if land use plans are the deliverables, the formats and components required such as digital and printed copies of graphics or reports, presentation to stakeholders and other outputs desired should be listed. If a building is the deliverable, then as-built plans in hardcopy and digital formats of specific types and commissioning reports may be required. The language, length, format, style of reports should be specified. Any requirements for confidentiality, transparency, or ethical content should also be addressed.

8) What resources are available.

Previous studies, data sets, reports, and plans will be listed and made available for the consultants to utilise for the delivery of the product. It is important to provide all resources that are available so that duplication of previous effort does not occur as this is quite wasteful.

9) Budgets

Budgets should be specifically defined or approximately defined so that the consultant/contractor can more precisely specify the costs or design the process based on the available budget. Alternatively, the specifications can be defined and the budget can be requested to be placed in the proposal so that negotiations with the shortlisted consultants/contractors can be held to specify the final budget.

Other aspects

Templates for TOR can be developed for attracting consultants for different types of project so that less work is required to produce them when called upon and so that the quality of the TOR and thus the project outputs can be higher.

The responsible entity who will be in charge of implementing the project will also be responsible for drafting the TOR. Through a process of in-house discussion a draft of the TOR can be arrived at. This can also benefit from outsourcing to consultants. Stakeholders and beneficiaries should be consulted so that their inputs can ensure that the aims and the objectives match what is anticipated by the beneficiaries. The stakeholders may be ministries, departments, and professionals but may also include civil society.

The TOR must adhere to tendering legislation and regulations so the relevant authorities must be able to sign off on the specific details in the TOR that reflects this. These rules can be internal to the institution or country or may also include those of the funding agency. There may also be rules of practice, or ethical principles and values to which it expected that the consultant/ contractor should adhere.

After the TOR is put out for a competitive process as an RFP, there should be opportunity for potential bidders to ask salient questions that can feed into the TOR and clarify its content. There should also be opportunity within the framework of the TOR for bidders to present ideas and innovations that can improve on the project implementation. Even after a consultant or contractor is engaged there should be opportunity for modifications to the TOR that can again improve the implementation.

Determining Realistic Objectives

The target countries are aware of the significant resource constraints they face so realistic objectives are required in order to achieve successful outcomes. Projects should therefore be small and able to be completed within a short time frame. Projects should also seek to build capacities in the planning and engineering institutions while drawing on external expertise in these areas. In providing for development planning that takes information on landslides and floods into consideration, projects can be identified that will:

- Provide hazard maps for use in planning and assessing applications for development
- Provide risk maps for use in planning and assessing applications for development
- Provide national physical land use plans that take information on landslides and floods into consideration
- Provide local area physical land use plans that take information on landslides and floods into consideration

In providing for engineering of infrastructure that takes information on landslides and floods into consideration, projects can be identified that will:

- Provide precise data on locations of hazards, types of soil including properties
- Provide precise data on rainfall including duration and intensity, flood depths,
- Develop specifications for construction

Given the lack of capacity and experience within the institutions in preparation of TORs, this task can be the subject of a project. Each project can be broken into sub-projects for feasibility studies, implementation, and evaluation. This will ensure that each project can be completed quickly and efficiently.

References

Mahony, Des and Philip N. Dearden. 2012. A Seven Step Format for the Preparation of Development ToRs. Centre for International Development & Training (CIDT), University of Wolverhampton

Roberts, Dawn, Nidhi Khattri, and Arianne Wessal. 2011. Writing Terms of Reference for an Evaluation: A How-to Guide. The World Bank. Washington, D.C.
