

**Response from Australian Embassy on
Questions from INGOs and NPAs regarding the
Basic Education Quality and Access in Lao PDR program**

6 October 2014

DEFINITIONS and TERMS

1. How has DFAT defined civil society in the design of BEQUAL?

- *For the purposes of the design document, civil society is defined narrowly to include only INGOs and NPAs. For example, it is INGOs and NPAs that engage with the ESWG and it is INGOs and NPAs that will be eligible to enter a consortium under the Access and Participation Component.*
- *Informal civil society organisations such as parent teacher groups will not be able to included in formal consortium arrangements, however can be considered project participants and stakeholders within activity designs.*
- *DFAT will further define the eligibility criteria in the capacity statement templates.*

NGO/NPA CONSORTIUM SELECTION PROCESS and TIMING

2. What is the overall BEQUAL tender process and how does the NGO/NPA Consortium fit within this?

- *The Australian Embassy will be managing separate and parallel processes for the BEQUAL managing contractor tender and the NGO/NPA Consortium selection. They will be managed as independent processes and to ensure that both selection processes are completed at approximately the same time.*
- *The process for shortlisting, submitting proposals and finalising proposals the NGO/NPA Consortium will occur in 3 stages, broadly (and ideally) designed to coincide with timing for the procurement of the BEQUAL managing contractor.*
 - o **Stage 1:** *Call for and submission of NGO/NPA Capacity Statements, with submissions due approximately six weeks after the release of the selection criteria and capacity statement template (due for release by DFAT in due course/approximately early-October). The timing for the call and submission for capacity statements is still to be determined but it is expected decisions by the panel will be determined by the end of Nov/December. The Australian Embassy website, Learning House website and INGO network will be the key channels for providing information on the selection process, dates, updates and responses to questions for the INGO/NPA Consortium.*
 - o *The selection process for the INGO/NPA consortium will be a different and less onerous process to that used for the Managing Contractor. The capacity statements will address governance of the consortium, technical capacity and experience working in Laos. The Australian Embassy*

wants strong Ministry of Education and Sports (MoES) involvement in the selection process. The final composition of the selection panel will be determined at a later date.

- **Stage 2:** the selected NGO/NPA Consortium will be required to develop a detailed Consortium Agreement (for example, Memorandum of Understanding) and undertake a preliminary activity design process. This will be an opportunity to expand on the information provided in the capacity statement, including developing the consortium governance arrangements, providing a more detailed outline of planned activities, geographic scope, and respective roles of each member. This preliminary work plan will outline the respective activities and roles of each consortium member, and which needs or activities identified in the BEQUAL Program Design they will be addressing. An AM-NEP Facilitator will be available to support this preparation process.

This second stage is intended to support the NGO/NPA Consortium to be prepared as soon as possible without anticipating all the details of final agreements between the NGO/NPA Consortium and the BEQUAL Managing Contractor. It is intended to strike a balance between developing the details of approaches, roles, work-plans, budgets etc., while retaining sufficient flexibility to respond to opportunities or changes presented during discussions with the Managing Contractor.

- **Stage 3** - Once the BEQUAL managing contractor has been selected, the details of final designs, implementation plans and work plans will be agreed as a first priority between all parties. An AM-NEP facilitator will be available to assist the NGO/NPA Consortium through this process, if required.

3. Are there examples of the Capacity Statement templates?

- The Capacity Statement Templates are currently being tailored to fit the needs of the program but will draw on recent and past Capacity Statements used in other NGO cooperation agreements across the region and more broadly.

4. Is the Australian Embassy engaging with MOFA and MoHA on the MoU process?

- Discussions are already underway for approvals at a central level but the process for provincial and district MoUs will depend on the forthcoming guidelines on INGOs from MoFA. The Australian Embassy will also commence discussions with MOHA in early October.

5. Will CSO representatives be involved in the selection of a managing contractor?

- The evaluation committee for the managing contractor may comprise of DFAT representative(s), independent specialists and representatives of the Partner Government at DFAT's sole discretion. The membership of the Evaluation Committee is confidential.

6. The Request for Tender for the BEQUAL Contractor has required that there is a staff member to provide 50 per cent of their time to assist INGOs to arrange MoUs for three to six months. From INGO perspective, as they already have their own relationships with government it would be easier to get their own agreements.

- *DFAT agrees that from previous projects and experiences, NGOs are better placed to develop these agreements. The Managing Contractor is seen as being a facilitator of the process rather than the leading entity.*
- 7. Can DFAT develop better guidelines on compensation for local staff employed through the project to prevent poaching of staff from local INGOs, NPAs and Ministries?**
- *DFAT has developed guidelines on compensation for international staff through the Adviser Remuneration Framework, which stipulates market-based rates, benchmarked against other aid agencies and Australian labour market standards. Developing guidelines on local salaries in Laos would require a comprehensive assessment of the Lao labour market, including rates provided by individual development partners, of which there is currently limited information. DFAT welcomes the provision of any information on Government or NGO salaries that can assist with our determination of appropriate market rates.*
- 8. What role will DFAT play in designing activities that are delivered by the Consortium?**
- *DFAT personnel will be involved at key points in finalising and approving annual work plans, and will participate in the annual program conference.*
- 9. Will the contract for the Managing Contractor be included under the Australian-Laos Bilateral Agreement?**
- *Yes, a Memorandum of Subsidiary Arrangement (MSA) will sit under the Development Cooperation MOU between the governments of Australia and Lao PDR. The Managing Contractor will have a MoU which sits under the MSA.*

CONSORTIUM and PARTNERSHIP

10. What is the process for identifying and selecting an NGO/NPA Consortium?

- *The Australian Embassy expects INGOs/NPAs to make their own decisions about the consortium arrangements. There will be a minimum of two NGOs for each consortium bid. The minimum number of bids for the NGO/NPA Consortium to be considered legitimate is one.*
- *As well as the usual project level information, it is expected that the capacity statement (Stage 1) will include an outline of the consortium arrangement agreed to by the consortium members. At this stage, it is expected that this would include the initial basis for a collaboration agreement:*
 - *Who is involved;*
 - *Why you have agreed to collaborate;*
 - *What attributes and skills you each bring to the consortium;*
 - *Agreed principles of operation and a broad framework that outline how you will work together. While this will not need to be at a detailed operational level at this stage, evidence of a process of mutually negotiating and agreeing the basis of your collaboration will be expected.*
- *A formal Memorandum of Understanding or other Partnership Agreement will NOT be required at the capacity statement stage. It is expected that this process will be completed with the successful*

NGO/NPA Consortium at **Stage 2**, described above. DFAT will provide additional resources to the successful NGO/NPA consortium to assist this process.

11. How will the Australian Embassy ensure NPAs will be part of the program, given the difficulties in establishing MOUs?

- *We understand that NPAs are working within a constrained environment, and are ready to engage in policy dialogue with the Government of Lao PDR to try to enable NPAs to be fully functional participants within the BEQUAL program. The Australian Embassy will engage closely with the Ministry of Home Affairs on this matter, particularly during the pre-mobilisation phase of the BEQUAL program. DFAT also encourages INGOs working with NPAs to engage with the Ministry of Home Affairs.*
- *Consortiums and partnerships provide significant opportunities for mutual learning and capacity development of all parties and as such capacity statement will include the opportunity for the consortium members to articulate the different strengths and attributes they offer to the group.*
- *The capacity statement will include the opportunity to describe plans and approaches for organisational capacity development as a part of this collaboration between INGOs and NPAs.*

12. What are the requirements of NPAs involved in a consortium?

- *The Australian Aid program in Laos encourages the support of NPAs by INGOs.. NPAs must be legally registered in order to be eligible to join a consortium.*

13. When will the INGO/NPA Consortium-delivered package of activities be confirmed?

- *An INGO/NPA Consortium will be selected based on a call for capacity statements. Following this the Australian Embassy will work with the consortium to progress further thinking on the package of activities to be delivered. Agreement on the final package of activities to be delivered will not be decided until the BEQUAL Managing Contractor has been mobilised. Joint work planning to confirm these activities can take place between the INGO/NPA Consortium, the BEQUAL Managing Contractor, Ministry of Education and Sports and the Australian Embassy.*

14. Will the BEQUAL Managing Contractor be involved in the INGO/NPA Consortium selection process?

- *No, DFAT will run this process directly in parallel with the international open tender for the BEQUAL Managing Contractor.*

15. Will all INGO involvement be through the consortium or can they also be partners/subcontracted with the Managing Contractor?

- *Procurement documents are written in way to ensure that they both prescribe what is needed and also allow flexibility for innovative approaches. There is flexibility for the NGOs to be contracted directly by the Managing Contractor.*

- *If INGOs/NPAs form part of a managing contractor bid they cannot be a recipient or form part of the Consortia, nor can they be recipients from the innovation fund.*
- *If INGOs/NPAs form part of the Consortia they are eligible to be a recipient from the innovation fund and can be contracted directly by the managing contractor for activities.*

16. Is there further information on how the EU will be involved in the Program?

- *DFAT is unable to comment on EU involvement at this stage. However BEQUAL has been designed to be scaled up or down as required. The program is designed to be open to any donors who wish to be involved.*

INNOVATION FUND

17. Who can apply to the Innovation Fund? Is the Innovation Fund open to individual INGOs? Are non-Australian NGOs able to apply?

- *The innovation fund is being managed separately from the consortium and any INGO or NPA who is not part of the Managing Contractor can bid for the Innovation fund (not just Australian NGOs). Any NGO or NPA applying for funds through the Innovation Fund will be required to satisfy a DFAT Due Diligence check in order to be eligible. Many organisations in Lao PDR may not be eligible through not satisfying all the Due Diligence criteria. However that does not limit their potential to be involved in partnerships or seek support from organisations with greater capacity if they can do innovative projects.*

PROGRAM SCOPE AND ELEMENTS

18. What is the expected scope of work to be delivered by the INGO/NPA consortium under component 2.1? Does the program include informal education?

- *An indicative scope of the activities is provided in the program design document. We are open to receiving further ideas. The actual package of activities to be delivered by the INGO/NPA Consortium should be negotiated with the BEQUAL contractor initially (described as Stage 3 above), but will need to have broader approval from DFAT and the Ministry of Education and Sport (ideally through the BEQUAL Technical Working Group). This is expected to happen during February/March 2015.*
- *The focus will be on formal education but there is space to address non-formal education through the innovation fund and the NPA/NGO consortium activities.*

19. Is there a way that Teacher Training College and curriculum materials can integrate environmental sustainability?

- *It may be included but the Australian Embassy will not dictate the content as that is the Government of Lao's responsibility*

20. Is the INGO/NPA consortium expected to cover all 65 districts? Or will the consortium be free to identify focal districts?

- *The consortium will be expected to negotiate with the other implementation partners of BEQUAL in selecting districts. We would like to see good coverage from the INGO/NPA Consortium but do not want to compromise on quality. We will be providing more advice in respect to expectations relating to geographic coverage soon as part of the selection process for the INGO/NPA Consortium.*

21. What is the process of selecting villages?

- *We are at any early stage. We have prepared some initial selection criteria for further discussion with the Ministry of Education and Sports. We intend to have a list of villages selected (but perhaps yet to be verified) before the Managing Contractor is mobilised. The selection of these villages could potentially (ideally) be a joint process, involving NGOs, the BEQUAL Managing Contractor, Australia and the Ministry of Education and Sports.*

22. Will there be challenges in gaining Lao Government support for the strong focus under the program on disadvantage? Should Australia seek additional assurances from the Government of Lao PDR of their commitment to supporting the educationally disadvantaged?

- *The Australian Government in partnership with the Government of Lao PDR has long had a focus on addressing educational disadvantage in all of its education investments in Laos over the last 10 years. The most recent program to have such a focus was the Education For All—Fast Track Initiative, as did the Laos-Australia Basic Education Program (LABEP) before it. In the design process, officials at all level of the Lao Government at the local level, right up to the Vice Ministerial level confirmed their strong support for the focus of the BEQUAL program on the most educationally disadvantages, many recalling very positively the impact of LABEP, particularly in relation to its support to ethnic teachers.*
- *The Australian Embassy however does acknowledge that there will be challenges in pursuing some issues related to education disadvantage, such as mother-tongue instruction.*

23. Can DFAT provide more information on how disability is incorporated into the design of BEQUAL for both the Consortium and Key Result Area components? How have the recommendations from the Action Plan for Learning Difficulties been considered in the design? Is it possible to apply for advocacy and awareness activities through the innovation fund?

- *The Australian Embassy has committed to working with the Inclusive Education Centre at the MoES and the Lao Disabled People's Association to promote the needs of people with disability. There are many opportunities to promote the needs of people with disabilities through BEQUAL.*
 - *Under the Consortium, activities should increase participation and learning by girls and boys with disability. Capacity statements will be assessed on inclusion of such activities,*

and will feature in annual workplans. The Consortium is expected to include health screening.

- *Under Component 1, DFAT supports the technical working group for gender and disability under the Focal Group 3 of the Education Sector Working Group structure. DFAT also pursues advocacy on disability-inclusion.*
 - *Under the Component 3, the Contractor will strengthen concepts of ‘inclusive education’ in the TTCs’ curriculum and practicum. The Contractor, in partnership with MOES, will provide professional development to in-service teachers to develop and implement strategies on creating an inclusive learning environment.*
 - *Under Component 4, there are opportunities for progressing ‘inclusive education’ through the development of teacher guides and teaching and learning resources.*
 - *Under Component 5, new latrine blocks will follow with DFAT’s guidelines on accessible design.*
- *Proposals to the Innovation Fund, and activities under the Consortium, would need to address principles of participation and access as well as advocacy as it is hard to contract for advocacy alone. The Australian Embassy is committed to supporting the rights of people with disability and promoting inclusive education but the first priority is on supporting activities which will have the maximum impact.*

24. Would the Australian Embassy consider moving away from using the term ‘disability’ and to instead use the term ‘special needs’ so as to better ensure inclusion?

- *Language/terminology is a contentious issue. The Australian Government adopts the terminology of the Convention on the Rights of People with Disability (CRPD). It uses people first terminology (ie persons with disabilities or people with disability). The term ‘children with special needs’ could be perceived as more consistent with charity/medical model perspectives. People with disability do have needs, but they are not necessarily special, or rather we are trying to make them ‘not special’. Further, people with disability have priorities and demands, not just ‘needs’ (which is more passive language).*

25. With the recruitment of 520 ethnic teachers, and broadly due to such a large investment in the sector, will Australia use this as leverage and pursue dialogue on the issue of teacher over-supply?

- *In short, the program will try to work to address all these issues. The program will work with the Ministry of Education and Sports to try to address issues highlighted by the Mid-Term Review of the Education Sector Development Plan related to teacher over supply, deployment and recruitment. Even though there is an over supply of teachers, there remains a challenge in attracting teachers to teach in remote (educationally disadvantaged areas). That is why we have included an ethnic teacher scholarship program in the BEQUAL program.*

26. Has the Ministry explicitly agreed to permit the use of multilingual/mother tongue teaching methodologies?

- *The National Policy on Inclusive Education (adopted by the Prime Minister in 2010) makes the following provision: “the use of ethnic languages and cultures to help explaining [sic] the lessons and improve learning, the development of Lao-ethnic phrase books and other teaching-learning materials for ethnic students grades 1-3, the provision of intensive basic training in relevant ethnic languages to teachers assigned to teach in ethnic communities where needed.” However, the Education Law does not explicitly permit mother-tongue, bilingual or multilingual teaching methodologies, except in relation to promoting foreign languages especially English from Grade 3.*
- *Australia intends to have this as an issue discussed both during the preparation of the program and during implementation. There may be slow progress on the pursuit of this issue in the first phase – our expectations have to be realistic on this.*

27. In-principle, would DFAT support school readiness programs (prior to grade 1)?

- *Yes, but these will be small and contained investments linked to the ethnic teachers scholarship program (more specifically to support the work of ethnic teachers once they are deployed back into their villages).*

28. How will the design respond to a possible disconnect between the ESDP and the NSEDP?

- *It is highly likely that education and human resource development will continue to be priorities under the 8th National Socio-Economic Development Plan (NSEDP), particularly given their importance in Laos’ ability to effectively participate in the ASEAN Economic Community. We note that the 8th NSEDP will be different from the 7th plan, as it will specify outcomes for each priority sector (including education). We, as development partners, should try to work through the ESWG in providing input into the plan. We also need to continue to have a strong focus in the development of the next Education Sector Development Plan, as it will be highly relevant to our programs and planning within the education sector.*

29. How does the program respond to the budget deficit that Lao PDR is currently experiencing?

- *The program was designed based on an assessment that the fiscal situation would remain tight (particularly in relation to the availability of non-wage recurrent budget) in the medium term. Although Australia take the issues of sustainability and mutual accountability very seriously, we realise that we need to have realistic expectations in regards to sustainability, and that these are issues we need to work on with the Government of Laos during the implementation of the first phase of the program.*

PROGRAM MANAGEMENT and GOVERNANCE

30. How do we ensure integration across the program, particularly at the local levels?

- *There will be an annual joint work planning process; portfolio level monitoring and evaluation; and regular meetings with the Technical Working Group. At the sub-national levels, Australia will support the Provincial Education Sector Working Group Coordination Mechanism once the Ministry of Education establishes this.*

31. What about Monitoring and Evaluation?

- *The BEQUAL design document outlined an indicative approach to M&E and learning (page 59 and Annex 12). The details of how this will be implemented will be subject to the initial planning discussions between the NGO/NPA Consortium and the BEQUAL Managing Contractor, described in Stage 3 above.*
- *It is suggested that M&E arrangements between NGO/NPA Consortium members could be outlined as part of the Consortium Agreement developed during Stage 2.*

32. Is there a sustainability plan for programs like School Meals and WASH?

- *This is still to be determined as it will depend on the future budgets and contributions from other partners and the Lao government.*