



TA Consultants United

WELCOME TO TECHNICAL ASSISTANCE CONSULTANTS UNITED

IS THIS YOU?

If you work as an independent expert on technical assistance and development cooperation assignments, you have chosen an exceptionally rewarding profession. Every project is different and the challenges stretch and satisfy us both professionally and personally, despite the many setbacks and disappointments we inevitably encounter. While we broaden and deepen our skills and experience, we also know that we are contributing, in however a modest a way, to improving the welfare of other people. That's very important.

And yet, it is not easy for us. One job doesn't instantly follow another. We are often unemployed – no income, no pension contributions, and great worry and uncertainty about when we will start earning again. It's tougher too when we have children in fulltime education and a mortgage to pay off.

It's made far, far worse when unscrupulous or incompetent contractors/consultancy firms take advantage of our need to get back to work. They get us to sign up with them for a project tender, but don't tell us they are going to propose another expert for the post until it is too late for us to join a competitor's bid. They don't pay us for travel days. They don't pay us on time. They don't pay us full and fair per diems. They don't insure us when we are on missions, although they are required to. Too many contractors are guilty of these and other abuses.

And then there are the contracting authorities (CAs), donors or their appointed agencies who fund the projects. All too often, they don't complete the evaluation of tenders when they say they will, frequently over-running their own deadlines by many months and all the time we are without any income. Frequently they lack the technical expertise to evaluate proposals properly and are obsessed with bean-counting and box-ticking when assessing CVs, instead of focusing on required competences. Or they change their minds about the experts they have approved or maybe they just cancel the project. And more.

The whole industry is suffering from crazy procedures.

And there is absolutely nothing we can do about it, as we are on our own – just individuals without the backing and resources to fight for what we are entitled to and to redress the wrongs committed against us.

Well, that's all changing now...

WHERE DID TACU COME FROM AND WHAT IS IT?

In August last year one of us, an independent consultant, Henry Leerentveld (Dutch), started a discussion on LinkedIn protesting about the use of Statements of Exclusivity and Availability (SoE&A) by the European Commission and saying he wanted to do something to change the system. The other one of us, Stephen Dewar, another independent consultant (Irish), also felt strongly about this very unfair practice, so he wrote to him offering his support.

We launched an Internet-based campaign called "Ban the SoE&A" and asked consultants around the world to show their support by signing an on-line petition. You can find out all about this and how we have been getting on by looking at all our newsletters at [this dedicated website](#). If you wish, you can also sign the petition which is at that site. So far, nearly 700 independent experts from 65 countries from every continent have signed it and we are now involved in negotiations with EuropeAid in Brussels aimed at reforming the entire tendering procedures for technical assistance projects. All these activities are fully described in the newsletters.

Over these last six months, however, many experts have said that they feel unprotected from unscrupulous contractors (consultancy firms) and incompetent contracting authorities (CAs), and listed many different areas of concern. They felt that it is essential to set up an association to protect our rights and lobby for better treatment from contractors and CAs when working on technical assistance and development cooperation consultancy assignments.



Thus, we decided to see if we can establish such an association. As we cannot obtain any grants or sponsorship, the association needs to be financially self-sustainable on the basis of membership subscriptions, so we have set a target of obtaining a minimum of 300 firm commitments to pay an annual membership subscription of euro 180. If we can get that, we think we will have enough resources to get started and delivering genuinely beneficial services to members. Below you can see the document we have written that sets out more information about the association. We have also set up a [new website](#). As we only created this a few days ago there is not a lot of material there yet, but we intend to develop it with many features (on-line discussions, blogs, surveys, news, etc). On that website you can also find out about us – who we are and what we have done. (This is in the section called “Management”).

Our primary goal is to protect and promote the interests of independent experts in their dealings with all donors, contracting authorities and contractors.

If you look at these websites, you will see that previously a major concern has been to reform the procedures used by the European Commission. This is because as well as it being one of the biggest donors in the world, so most of us have worked on their projects at some stage, it is the donor about whom there are the largest numbers of complaints. Thus, initially, TACU has focused on the Commission but is now moving to represent our interests with the other main donors in this field.

From Albania to Zambia, from America to Vietnam, from Belgium to Ukraine, we have heard dreadful stories of independent experts being abused, lied to, cheated, and much more. Well, it's time to put an end to this and we are determined – with your support – to do so. We will lobby the donors for fair standards and efficient implementation of tendering procedures. We will pressure the unscrupulous contractors to clean up their acts and will maintain a register of good and bad contractors. We will represent, for free, any member who is in dispute with his or her contractor. And we will do this in a democratic, responsive way ensuring that we focus on those priorities that our members decide upon.

We are not an old-fashioned closed-shop trade union. We are a modern, flexible, professional association that has a global membership and a global approach. And we are going to shake up our industry so that we, the independent experts who do the hard work on the ground, get proper treatment, recognition and protection, and ensure that our voices are heard where they should be.

SO WHAT SHOULD YOU DO?

If you agree with what we stand for and would like to join this new organisation, just send an email to the person who sent this document to you. All you have to do is paste this statement into the subject line:

“I am committing myself to become a paying member of TACU and will pay the annual subscription of €180 on request.”

You can see that we are not asking you for money now. If we don't get our minimum number of 300 committed supporters, you won't be asked for anything. Only when we have enough support to ensure we can start delivering real benefits to members will we ask you for your subscriptions.

Thanks for reading so far. Please have a look at the document below and, of course, visit our websites. But, most important, please show your support by committing yourself to membership. We've all been working up to now to help other people live better lives. Let's try to improve our own lives while we are at it.

Stephen Dewar and Henry Leerentveld



FOR WHOM DO WE WORK?

First... definitions:

There is often confusion about terms in our industry, in particular between 'contractors' and 'consultants/experts'.

Sometimes 'contractors' are called 'consultants' and some individual consultants like to be called 'experts'.

In our opinion a 'contractor' can't be called 'consultant' as the vast majority of contractors do not produce outputs in projects, they merely contract mostly self-employed consultants and they coordinate commercial activities to win tenders.

And the individuals working in projects are consultants, because they do more than giving their expert opinions.

A consultant is able to adapt his work and his attitude to the needs of clients and to effectively handle the various interest positions of mainly donors/funding agencies and beneficiaries.

We use the following definitions:

Funding agency / donor: a legal entity developing, financing and (sometimes) managing and (sometimes) executing projects for Technical Assistance, mostly in development cooperation.

Funding agencies / donors are for instance EuropeAid, ADB, AfDB, World Bank, UNDP, USAID, AUSAID and other national agencies.

Contractor / consultancy company: a corporate entity developing technical proposals to tender for the delivery of technical assistance and managing technical assistance in funded projects, mostly in development cooperation. Typical for these entities is that they mostly contract with two parties: with the funding agency and separately – mostly on a project-basis – with the consultant.

Consortia: project-based joint ventures of contractors / consultancy companies

Consultant: a natural person, properly qualified due to education and experience, often self-employed, personally delivering consultancy and expertise services in technical assistance projects, mostly in development cooperation financed by funding agencies, which are contracted by contractors/consultancy companies/consortia.

The consultant can act in various roles and contracts: as a Key Expert, a Short Term Expert, an Expert in Framework Contracts, as a permanent consultant with a contractor/consultancy company, contracted via a Collaboration Contract, a Special Service Agreement or a Consultant Contract or any other comparable contract form. As said, the TA Consultant can act in various roles, such as an expert, a consultant, trainer, team leader, chief of party.

TA Consultants United organises these consultants

VISION

Development cooperation is under broad criticism in society: lack of sustainability and efficiency together with non-transparency are the main issues. The criticism is very broadly directed, without distinguishing between the different components of the development cooperation sector: direct budget support, technical assistance and emergency aid. NGOs (Oxfam, Médecins Sans Frontières, etc) are in the eyes of the public and most politicians seen as part of "one team" along with contractors and consultants.

Partly as a result of this image, but also due to renewed nationalistic trends and the economic crisis, development cooperation is facing current and future budget cuts.

The Technical Assistance industry will have to prove its added value in the coming years, distinguishing itself from other elements of development cooperation.

This is a true challenge as the industry is not well organised:

- Results orientation needs strong attention
- The industry is organised in a bureaucratic and over-procedural manner, without developed partnerships or alliances
- Due to the lack of quality standards "cowboy contractors" and "body shops" have made their entrance
- The industry suffers from a general lack of professional standards and has for instance no clear definition or a professional profile of a consultant.
- Hence supporting systems, such as targeted HR policies and talent management do not exist.



In the current circumstances the position of consultants is:

- Poorly regulated
- Weak and unbalanced
- Lacking professional standards
- Pressured by concerns about employment and earnings

Partly because of the lack of professional standards and the blurred definition of the profession there are no mechanisms to (pre-) select consultants and to distinguish between a 'good' and a 'bad' consultant.

The number of consultants over the past years seems therefore to have become more 'supply' rather than 'demand' driven.

The industry probably has to deal with a surplus of consultants, putting pressure on the earnings.

To meet all these challenges, there is a need for all actors in the industry – donors, contractors and consultants – to organise themselves and to create structures to represent their different and shared interests. Consequently there is a need to create structures for bipartite and tripartite deliberation.

An association of independent consultants needs to be created to work on all the above-mentioned challenges, taking into account the general and shared interests as well as the specific interests of consultants.

MISSION

Establishing and maintaining an organization to promote and advocate for professional consultants working in technical assistance contracts for donor-funded development cooperation.

CONCERNS AND ACTIONS

There are five areas of concern and action for TA Consultants United:

1. Procedures to obtain employment
2. Employment conditions
3. Quality of performance / improving project delivery
4. Need for innovations / modernization of systems
5. "Crooks in the business", such as unscrupulous contractors and consultants

EMPLOYMENT PROCEDURES

There is a concern that the whole current process is wrong, examples are:

- The processes for project identification & ToR are input driven rather than results and outputs driven
- ToRs are often lacking quality in terms of:
 - Required outputs,
 - Prerequisite investments and/or structural changes in organizational development and capacity building are ignored, making it impossible for the project to succeed,
 - The relation between tasks to be performed and required competencies of experts
 - ToRs are frequently not aligned with actual conditions
 - Expert profiles in ToRs tend to be rigid, standardized and quantitatively focused, rather than actual competence-based
- The selection procedure does not allow for the selection and deployment of the best team
- The current processes block contractors from becoming competitive on the basis of their actual skills and experience
- Bid-evaluators lack technical competence for assessing key methodological issues
- Project design and evaluation of bids are driven by process rather than content
- Bid evaluation is not related to modern management insights, for instance in selecting teams rather than individuals

The current CV system/assessment of experts is inappropriate for assessing the quality of an expert:

- Acquired competencies are not identified
- Quantities (years of "experience") are more important than the quality of experience
- There are apparently no systems to assess and value comparable experience
- There is currently no acceptable system of performance evaluation
- Referees collection and proof of employment are arbitrary and bureaucratic rather than functional

The processes of bid development and evaluation are not transparent:

- There is no timeframe
- And no information



Apart from the SoE&A the current processes to get employment depend too much on influences that are not under control by the consultant, such as:

- Bid development
- Consortia members
- Other experts
- Other external factors

Again, apart from the SoE&A, procedures are too lengthy, without sanctions on evaluators who miss their own deadlines, with easy extension of procedures and no sanctions on delays.

EMPLOYMENT CONDITIONS

- The legal rights and the position of the consultant are unclear. Protection against unfair treatment is lacking.
- There is an insufficient number of expert levels; entry and medium levels for consultants are almost not available or unclear, but also more distinction between the different senior and management levels is missing: there is for instance no difference between consultants acting in operational and strategic roles.
- There are no standards for remuneration and no links with comparable sectors/industries.
- There are no criteria for the margins contractors / consortia take from the project budgets for their own organizations. The added value of contractors / consortia is often without relation to their take.
- Per diems are often not fully paid (in particular in FWC)
- Travel arrangements are poor and differ (in particular for FWC and STE: some contracts pay travel days, others don't)
- Insurance for consultants is not provided
- Overtime arrangements are poor or at least complicated (working on weekends)
- Appeal procedures for consultants do not exist.

QUALITY OF PERFORMANCE

There is a lack of HR systems:

- No systems for identification and selection of (candidate) consultants at industry level
- Very poor selection procedures of consultants in projects
- No systems for training, education and guidance of consultants at industry level

- No systems for performance evaluation of consultants
- No systems of career development on industry level

Furthermore:

- A professional profile of consultants is missing
- A Code of Conduct for consultants is missing
- Programmes lack cultural sensitivity, with a general tendency to “copy-paste” EU policies
- Programmes focus too much on measures and too little on (preconditional) organisational development and – (major) change, hence the sustainability is threatened
- Programmes don't start on time

There is a low quality of coordination in programmes:

- In-country coordination of EU programmes (too often programmes target the same organisations at the same time)
- There is no international coordination of programmes (similar programmes requiring a similar experts profile)
- There is competition between EU programmes and those of other donors
- Country programmes often lack definition/ determination of one coordinating / leading (overarching) programme.

NEEDS FOR INNOVATIONS

The industry needs to innovate towards:

- Output orientation (strategy, (team profile), outputs & costs)
- Modernised selection process of consultants, taking into account:
 - Team chemistry as an important asset
 - Teams will be interviewed and individually assessed
- Beneficiary references / performance evaluation / track record of results
- Performance evaluation consultants
- Code of conduct / ethics for consultants
- Dedicated HR policy for the various funding agencies; these policies should include training, guidance and development of consultants.



'CROOKS IN THE BUSINESS'

- There is fraudulent use of CVs by contractors, such as use of CVs without having a signed SoE&A before definite selection
- There are no sanctions on wayward contractors
- "Body shops" without any added value to the industry damage the market and the credibility of our industry
- Some consultants use a fraudulent CV

CORE ACTIVITIES

TA Consultants United has different roles in all the above-mentioned items and future items of interest, which will evolve in the future. Of course priority determination is a first function of the association: we can't do everything at the same time. The first core activity is therefore:

- To organise the communication with members on matters of collective interest and agree upon:
 - A Policies Programme every 4 years
 - A yearly Action Programme

The association management will prepare drafts for these programmes, which will be discussed among and decided upon by members mostly using dedicated discussion boards on the TA Consultants United website.

As soon as the policies and activities are determined, association representatives will start striving for accomplishment of these programmes. On a collective level two, possibly three areas of operation should be established and made operational:

1. Social partnership between the relevant donors/funding agencies (EU, followed by WB, UNDP, ILO, ADB, AfDB, USAID, AUSAID, other national funding agencies), the representative organisation(s) of contractors and TA Consultants United. This level will deliberate / negotiate about:
 - a. All policies affecting the whole industry, including the general image and performance of the industry and how to optimize this
 - b. Facilities for the industry, for example a training fund for consultants

- c. Standard facilities for consultants (per diems, insurance, working on weekends, travel days etc)
 - d. Professional profiles of consultants
 - e. All legal procedures and legal frameworks for the industry
 - f. The different codes of ethics and conduct
 - g. If relevant, appeal and penalty procedures
2. Bipartite deliberations/negotiations with representative organisation(s) of contractors:
 - a. Minimum rates for various consultant positions
 - b. Standard contracts
 - c. Appeal procedures for consultants
 - d. HR systems where relevant
 - e. The association representatives intend to accomplish draft negotiation agreements in accordance with the Policies Programme and/or the yearly Action Programme. A draft agreement requires the consent of members to be obtained via dedicated polls.
 3. Representations in collective provisions. Here you could think of:
 - a. Training funds for consultants
 - b. Possible social security provisions (e.g. health care, theoretically pension)

Furthermore, TA Consultants United will provide:

1. Information services: as a result of its work the association will gather and provide information about contractors and their facilities, provisions, standards for and behaviour towards consultants. Eventually this could lead to white and black lists.
2. Individual advice and conditioned assistance for members. The association will provide advice and conditioned assistance to individual members in all areas related to their contract.
3. Free member services. Using the association as a collective body could help getting good, cheaper and tailored insurances such as for health care and travel. The association could also support in providing information about hotel accommodations and apartment renting.
4. Paid members services. If relevant the association could also offer some profit-based services in for instance CV support and other career services.