



COMESA COMPETITION COMMISSION

**REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS FOR
PROVISION OF QUALITY ASSURANCE CONSULTANCY
SERVICES FOR PLANNING, SELECTION, AND
IMPLEMENTATION OF THE DEVELOPMENT OF THE
ELECTRONIC FILING AND CASE MANAGEMENT SYSTEM
(EFCMS)**

RFP: CCC/RFP/07/06/2022

AUGUST 2022

A. BACKGROUND

1. The COMESA Competition Commission ("the Commission") is a regional body corporate established under Article 6 of the COMESA Competition Regulations 2004 ("the Regulations") promulgated under Article 55 of the Treaty Establishing the Common Market for Eastern and Southern Africa. The Commission has the legal capacity required for the performance of its functions under the Regulations in the territory of each COMESA Member State.
2. The Commission commenced its operations on 14 January 2013 and is located in Lilongwe, Malawi. The Commission's core mandate is to promote and encourage competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market, and to protect consumers against offensive conduct by market actors. The main functions of the Commission are to monitor markets and investigate anti-competitive business practices, control mergers and other forms of acquisitions in the Common Market and mediate disputes between the Member States concerning anti-competitive conduct.
3. The Commission wishes to develop an Electronic Filing and Case Management System (EFCMS) that provide a comprehensive system which facilitates the coordination, communication, and collaboration with the Commission's clients and stakeholders through enhancing the efficiency and effectiveness of the operations of the Commission in the case filing organization, preservation, retrieval, use, disposition, and access to public. This document is issued by the Commission, as a call for proposals to assist the organization engage the services of a consulting firm to provide consultancy services related to selection of appropriate IT business applications and hardware solutions, as well as corresponding IT service providers

B. SCOPE OF WORK

4. The Commission would like to adopt a structured approach towards the implementation of the EFCMS by leveraging the services of a specialist consulting firm with regard to the planning, selection, and implementation phases of the project.
5. The envisioned scope of work to be undertaken by the specialist consulting firm during the selection phase of the project includes, but not limited to the following domains.

5.1. Pre – feasibility study

- 5.1.1. Conduct a high-level review of all aspects of the Commission's current IT infrastructure and service delivery environment (including back up and disaster recovery elements), and benchmark against generally accepted industry best practice. This will enable the Commission to develop a high level architecture of the Commission's future state IT infrastructure and service delivery environment (including back up and disaster recovery elements). This architecture will also inform the Commission's planning, as well as guide the process of generating relevant detailed requirements and capabilities
Validate current operations and processes

5.2. System and infrastructure requirements

5.2.1 Work with IT unit to better understand the Commission's strategy, with a view to developing an appropriate IT application and data/information architecture, as well as an implementation roadmap that considers organizational priorities, technological imperatives, and availability of resources.

5.2.2 Work with business units and users to develop high level current/future processes, based on available best practice models, that will inform detailed system requirements and functionality that should be delivered by the EFCMS.

5.3. Procurement and evaluation of proposal responses

5.3.1 Assist the Commission in preparing relevant documentation and manage the bidding/procurement process for both software and hardware elements, based on detailed requirements and applicable laws/regulations.

5.3.2 Engage with bidding IT solution providers to refine the future state IT infrastructure and service delivery environment (including back up and disaster recovery elements), and where necessary, account for the impact of refinements on submitted bid.

5.3.3 Assist the Commission in the negotiation and contracting process with selected IT solution providers, taking into account implementation roadmap.

5.4. Quality Assurance over system implementation phase

5.4.1 Review of pre-implementation design blueprints, to ensure alignment with envisioned processes.

5.4.2 Technical review of the implementation work (methodology, documentation etc.) to ensure appropriateness and alignment with prescribed methodologies.

5.4.3 Technical review of the system during the build phase (configurations, set-ups, customizations etc.).

5.4.4 Support the Commission undertake User Acceptance Testing (UAT), which will include training of users (based on best practice methodologies) and use of recognized tools to better manage the testing process.

5.4.5 Ensure quality of deployment of IT infrastructure and service delivery environment; and

5.4.6 Provide general project management oversight over all solution providers, across all project milestones

5.5. Other related matters

5.5.1 Work with the Commission on other project related matters such as establishing an appropriate structure, deploying a robust and responsive system and integrating the implemented system with the Commission website with ECMS portal page.

C. OBJECTIVES

6. The specific objective of the consultancy service is to supervise and assure quality in the development of the EFCMS which is expected to provide the following
 - 6.1. Replace the Commission's current manual internal Case Management systems to a single, open automated architecture system that will provide improved communication across the Commission
 - 6.2. Develop electronic filing portal which can connect with the case Management System
 - 6.3. Ensure that the electronic filing portal connects to the Commission's Website
 - 6.4. Provide easy access to information and an intuitive end-user reporting system
 - 6.5. Enhance the ability to support management decision making based upon access to accurately and timely information
 - 6.6. Have a robust workflow engine that will allow business process configuration unique to the needs of each Divisions of the Commission
 - 6.7. Reduce redundant data entry, reduce paper flow, and streamline best practices
 - 6.8. Robust document management and storing within the Case Management System
 - 6.9. Ability to integrate with other current/future systems, as appropriate
 - 6.10. Deploy a robust, and scalable IT infrastructure and service delivery environment enabling the EFCMS
 - 6.11. Train and equip System Users and Administrators as appropriate

D. CONTENT AND FORMAT OF PROPOSAL

7. The bidder's proposal format should emphasize clarity and brevity in describing an understanding of the project, approach to each task, schedule, budget, and personnel experience.
8. The submission must include the following information:
 - 8.1. Letter of introduction

- 8.2. Description of the approach, methodology and work plan for performing the work required to complete the scope of work (such as in the format of a Gantt chart) indicating the timing proposed for each activity that will be part of this assignment
- 8.3. Company background including how long the company has been in business, brief description of the company's size and organization
- 8.4. An outline of the roles of the principal, key support, and technical staff, including a description of relevant experience of the key personnel who will work on the Commission's project
- 8.5. List of detailed information of at least three (3) and a maximum of five previous engagements undertaken within the last five years are of a similar to this assignment. The detail information of references and clients should include organization name, contact name, phone and email,

E. PRICING

9. All prices MUST be indicated in Unites States Dollars.
10. There will be no price variation contract after signing of the contract except upon mutual written agreement between the Commission and the successful bidders.
11. Financial Proposal: The bidder should identify rates which should be valid for the entire length of the assignment in United States Dollars (USD). The financial proposal should have:
 - 11.1. Description and costs
 - 11.2. Additional optional information about consulting firm products and services not covered in other sections of the proposal such as awards, newsletters, documentation, etc
 - 11.3. The financial proposal to be provided should be exclusive of any form of taxes or charges to be imposed by the Government of Malawi or the local government of the bidder in COMESA Member States.

F. CRITERIA FOR EVALUATION OF PROPOSALS

12. Bidders must provide both Technical and Financial proposals. The evaluation shall be based on the following attributes:
 - 12.1 Quality of the proposed approach to the project
 - 12.2 Specific experience of the consulting firm related to the project
 - 12.2.1 Experience in Quality Assurance for the system implementation.
 - 12.2.2 Provide evidence through recommendation letters, contracts or Local Purchase Order from at least two client references on quality assurance assignments and IT project management.

- 12.3 Qualifications and competence of the key staff at least Bachelor's Degree in Business Management or Information Systems or related field (attach copy of certificate)
- 12.4 At least 10 years of experience in Database Management, Database and Network Security.
- 12.5 At least 10 years of experience of the key staff in managing System implementation projects, supervision and quality assurance. Must provide evidence through recommendation letters of assignment of a similar nature.
- 12.6 Experience in designing, planning and implementing knowledge-related initiatives and executing/facilitating programs involving knowledge management or learning. Must provide evidence through recommendation letters (at least four (4) referees).
- 12.7 Experience in Process flow management system
- 12.8 Methodology of implementing the assignment to achieve the desired objectives.
- 12.9 Interpretation of consulting firm understanding of the scope of work
- 12.10 Technical ability to perform the required services with demonstrated experience of successful delivery of task of similar nature with regional or international organization.
- 12.11 The experience and reputation of the proposer as represented in the response and the quality of the references.
- 12.12 Composition of the proposed team with CVs of team members.
- 12.13 Cost of services. Fees and expenses will be a particularly important factor when all other evaluation criteria are relatively equal; and
- 12.14 Knowledge and experience in provision of Quality Assurance consultancy services to Competition Authorities.
13. The Technical proposal will be assigned a weight of 80% and the financial proposal will be weighted at 20%
- 13.1. The evaluation criteria shall be as follows

Evaluation Criteria	Max Point
A) Technical Proposal	
1. Capacity and consulting firm Profile <ul style="list-style-type: none"> • Experience in Similar assignments at least five projects - (Proof of assignments by attachments of contracts, letter recommendation) • Qualification and experience of key staff 	35

2. Understanding of the scope of work	15
3. Methodology & Approach	20
4. Work plan & work schedule	10
B) Financial Proposal	20
Total	100

14. The proposal shall be considered unsuitable and shall be rejected at the technical stage if it does not respond to important aspects of the Terms of Reference and/or fails to achieve a minimum technical score of 70%.

G. FINANCIAL PROPOSAL – STANDARD BIDDING FORM

15. Bidders are advised to use the standard tender form below as a sample format and modify it to cover all relevant costs or charges.
16. There will be no price variation tender.
17. Bidders are advised to disclose any other relevant information on a separate sheet of paper.

H. AMENDMENT OF PROPOSAL DOCUMENTS

18. At any time prior to the deadline for submission of Bids, the Commission may, for any reason, modify the Proposal documents by issuing an addendum.

I. BID SUBMISSION

19. Bidders are advised to include in their bids the following standard tender forms attached to this tender document and marked Annexes 1 – 6:
- 19.1. Financial Proposal Form (Annexes 1)
- 19.2. Bid submission sheet. (Annexes 2)
- 19.3. Bidder’s reference. (Annexes 3)
- 19.4. Comments and suggestion on the Scope of Work. (Annexes 4)
- 19.5. Description of the approach and methodology for performing the project; and (Annexes 5)
- 19.6. Team Composition and Task Assignments (Annexes 6)
20. The proposals must be submitted with a covering letter containing a confirmation and a description of how you have understood the scope of work. The bidders should also confirm and/or provide copies of documents evidencing that:

- 20.1.** they have the legal capacity to enter the contract **(provide copy of certificate of incorporation).**
- 20.2.** they are not insolvent, in receivership, bankrupt or being wound up. Their business activities have not been suspended, and they are not the subject of legal proceedings for any of the foregoing **(provide copies of six months bank statement or 3 months audited accounts).**
- 20.3.** they have fulfilled their obligations to pay taxes and social security contributions, and for that purpose, documentary evidence to be provided by the relevant authorities to demonstrate that the bidders have met their obligations **(provide copy of valid and current tax compliance certificate).**
- 20.4. That their servants, or agents have not offered any inducement to any employees of the Commission **(complete confirmation form in line with Annex 1).**
21. Bidders who do not submit their proposal using the Annexes 1- 6 and respond to the required documents under paragraph 20 above shall be disqualified.

J. COST OF TENDER

22. The bidder shall bear all costs associated with the preparation and submission of the bid. The Commission will in no case be responsible or liable for those costs, regardless of the conduct and outcome of the tender.

K. CANCELLATION OF THE TENDER

23. In the event of cancellation of the tender, bidders will be notified in writing of the cancellation by the Commission.

L. COMMUNICATION OF THE OUTCOME OF THE BID

24. The Commission shall communicate to all the bidders the outcome of their submitted bid. However, the Commission is not obliged to provide and justify grounds for rejection.

M. OWNERSHIP OF TENDERS

25. The Commission retains ownership of all tenders received under this Request for Proposals. Consequently, bidders have no right to have their tenders returned to them except in the case of any of the following circumstances:

25.1. Cancellation of the tender procedure

25.2. Rejection of tenders before the closing date or

25.3. Late submission of a bid.

N. NEGOTIATION AND FINALIZATION

26. After the selection of the best bid and notification to the selected party, the Commission will commence negotiations with that party for purposes of concluding an agreement.

O. AWARD OF CONTRACT

27. Prior to expiration of the period of bid validity, the Procurement Committee will award the contract to the qualified consulting firm whose proposal after being evaluated is the most responsive to the needs of the Commission and activity concerned.
28. The Commission reserves the right to wholly or partially reject or award the contract to any bidder and has no obligation to award this tender to the highest ranked bidder.
29. The Commission also reserves the right to annul the Bid process and reject all Bids at any time prior to award of contract, without thereby incurring any liability to the affected Bidder(s).

P. SIGNING OF CONTRACT

30. Within 14 days of receipt of the contract the successful Bidder shall sign and date the contract and return it to the Commission.

Q. CONFIDENTIALITY

31. All data and information received from the Commission for the purpose of this assignment are to be treated confidentially and are only to be used in connection with the execution of these Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference are assigned to Commission. The contents of written materials obtained and used in this assignment may not be disclosed to any third parties without the expressed advance written authorization of the Commission

R. CORRUPT AND FRAUDULENT PRACTICES

32. The Commission requires that Bidders observe the highest standard of ethics during the procurement and executions of contracts.
33. For the purposes of this provision, COMESA defines the terms set forth below as follows:
 - 33.1. "**corrupt practice**" means the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution: and
 - 33.2. "**fraudulent practice**" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Commission and includes collusive practice among Bidders (prior to or after bid submission) designed to establish bid prices at artificial non-competitive levels and to deprive the Commission of the benefits of free and open competition.

S. FORMAT AND SEALING OF BIDS

34. Bidders shall submit their proposals in **one envelope containing two sealed envelopes** by the closing date set forth below through courier services or hand delivery to the following address:

**The Chairperson – Procurement Committee,
COMESA Competition Commission,
5th Floor- Kang'ombe House
P.O. Box 30742
Lilongwe 3, Malawi
Attention: Procurement Unit**

35. The outer envelope should be clearly marked at the top right-hand corner [TENDER REFERENCE AND TITLE].
36. The first internal sealed envelope shall be clearly marked "Technical Proposal" and must contain two (2) hard copies of the technical proposal with one marked 'original' and the other marked 'copy'. The second internal envelope shall be marked "Financial Proposal" and must contain two hard copies of the financial proposal with one marked 'original' and the other marked 'copy'. In the event of any discrepancy between the original and the copy, the original shall govern.

NOTE: If the envelopes are not sealed and marked as per the instructions in this clause, the Commission will not assume responsibility for the proposal's misplacement or premature opening and may – at its discretion – reject the proposal.

T. CLOSING DATE FOR SUBMISSION OF PROPOSALS AND OPENING OF BIDS

37. The closing date for submission of proposals is 26 September 2022 at 12:00 hours MALAWI time. Proposals received by the Commission after the deadline for submission of proposals shall be rejected. There shall be no exception of this requirement.
38. Bidders or their authorized representatives are invited to attend the bid opening ceremony either physically or virtually on 26 September 2022 at 15:00 hours Malawi Time at the Commission Offices, 5th Floor Kang'ombe House, Lilongwe.
39. Bidders who wish to attend the opening of the tender virtually may register in the link provided below
https://us06web.zoom.us/meeting/register/tZwucOyoqz0tE9QYFSJyyMZqm3fWmq_q5g_bL
40. The Commission does not bind itself to accept any bid and reserves the right to accept the whole or part of any of the submitted bids.

U. QUERIES

For any queries, kindly contact Ms. Agnes Mkandawire, on the following email address: agmkandawire@comesa.int. Contacting any staff member of the Commission in any manner whatsoever about this tender other than Ms. Agnes Mkandawire shall be considered inappropriate and may result in the disqualification of the bidder.

ANNEXES

Annex 1: Financial proposal form

	AMOUNT IN USD
TOTAL PROFESSIONAL FEE	
OTHER RELEVANT EXPENSES	
VAT AND ALL OTHER TAXES	EXCLUSIVE

Amount in words: _____

Submitted by:

Name : _____

Signature: _____

Date: _____

ANNEX 2: BID SUBMISSION SHEET

[This Bid Submission Sheet should be on the letterhead of the Bidder and should be signed by a person with the proper authority to sign documents that are binding on the Bidder.]

Date: [insert date (as day, month, and year) of bid submission]

Reference No: [insert Reference number]

To: The Chairman of the Procurement Committee

We, the undersigned, declare that:

We have examined and have no reservations to the Bidding Document.

We offer to provide the services in conformity with the Bidding Document for the [insert a brief description of the Services];

We hereby submit our bid which includes the following (to state the documents included);

Our bid shall be valid for a period of six months from the date fixed for the bid submission deadline in accordance with the Bidding Document, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

We are not participating, as Bidders, in more than one bid in this bidding process.

We do not have any conflict of interest and have not participated in the preparation of the project document for the COMESA Competition Commission.

We, our servants, or agents have not offered any inducement to any employees or the employer.

Our Proposal is binding upon us, subject to modifications agreed during any contract negotiations, and we undertake to negotiate based on the staff proposed in our Bid.

We understand that this Bid, together with your written acceptance thereof included in your Letter of Bid Acceptance, shall NOT constitute a binding contract between us, until a formal letter of engagement is prepared and executed; and

We understand that you are not bound to accept the lowest bid or any other bid that you may receive.

Name: [insert complete name of person signing the Bid]

In the capacity of [insert legal capacity of person signing the bid]

Signed: [signature of person whose name and capacity are shown above]

Duly authorized to sign the bid for and on behalf of: [insert complete name of Bidder]

Dated on _____ **day of** _____, _____ **[insert date of signing]**

ANNEX 3: BIDDER'S REFERENCES

Relevant Services Carried Out that Best Illustrate Experience

Using the format below, provide information on each assignment for which the Bidder, either individually or as a corporate entity or as one of the major consulting firms within an association, was legally contracted.

Bidder's Name:

Assignment Name:		Country:	
Location within Country:		Professional Staff Provided by Bidder (profiles):	
Name of Client:		Nº of Staff:	
Address:		Nº of Staff-Months; Duration of Assignment:	
Start (Month/Year):	Date	Completion (Month/Year):	Date
		Approx. Value of Services (in Current US\$):	
Name of Associated consulting firm, If Any:		Nº of Months of Professional Staff Provided by Associated consulting firm:	
Name of Senior Staff (Project Director/Coordinator, Team Leader) Involved and Functions Performed:			
Narrative Description of Project:			
Description of Actual Services Provided by the Staff:			

ANNEX 4: COMMENTS AND SUGGESTIONS ON THE SCOPE OF WORK

The bidder is required to give his comments and suggestions on the scope of work as follows:

Scope of work	Comments and Suggestions

ANNEX 5: DESCRIPTION OF THE METHODOLOGY FOR PERFORMING THE ASSIGNMENT

Scope of work	Methodology for performing the Assignment

ANNEX 6: TEAM COMPOSITION AND TASK ASSIGNMENTS (Applicable only where the worked will be undertaken by a group of people and not an individual)

1. Technical/Managerial Staff		
Name	Position	Task(s)