



Common Market for Eastern
and Southern Africa

COMESA COMPETITION COMMISSION

REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS

**CONSULTANCY SERVICES TO CONDUCT TRAINING OF MEMBERS
OF STAFF RESPONSIBLE FOR COMPETITION AND CONSUMER
PROTECTION IN THE MINISTRY OF TRADE AND REGIONAL
INTEGRATION IN ETHIOPIA, DEVELOPMENT OF A STRATEGIC PLAN
ON THE ENFORCEMENT OF COMPETITION AND CONSUMER
PROTECTION LAWS AND THE REVIEW AND AMENDMENT OF
NATIONAL COMPETITION AND CONSUMER PROTECTION LAWS**

RFP : CCC/RFP/1/1/2023

JANUARY 2023

I. 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 ("COMESA"). 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'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 Regulations apply to all economic activities whether conducted by private or public persons within or having an effect within the Common Market. Such conduct includes anti-competitive business practices, agreements, mergers & acquisitions, and consumer protection violations which have an appreciable effect on trade between Member States and which restrict competition in the Common Market. The Regulations also specifically prohibit all agreements between undertakings, decisions by associations of undertakings and concerted practices as incompatible with the Common Market in so far as they may affect trade between Member States and have as their object or effect the prevention, restriction and distortion of competition within the Common Market.
3. The Commission's mandate as provided under Article 7 of the Regulations amongst others include:
 - 3.1. Help Member States promote national competition laws and institutions, with the objective of the harmonisation of those national laws with the regional Regulations to achieve uniformity of interpretation and application of competition law and policy within the Common Market;
 - 3.2. Co-operate with competition authorities in Member States;
 - 3.3. Co-operate and assist Member States in the implementation of its decisions; and
 - 3.4. Provide support to Member States in promoting and protecting consumer welfare.
4. Ethiopia is one of the 21 COMESA Member States which enacted the Trade Competition and Consumer Protection Proclamation No.813/2013 in 2014 (TCCPP No.813.2013) for the purpose of protecting markets from anti-competitive and unfair market practices as well as consumers from unfair trading conditions. An institution namely the Trade Competition and Consumer Protection Authority (TCCPA) was also set up to enforce the law. Other laws enforced by the institution included the Trade Practice and Consumer Protection Proclamation No 685/2010. However, in March 2022, Proclamation No.1263/2021 was enacted which transferred the powers and liabilities of the TCCPA to the Ministry of Trade and Regional Integration (MoTRI). Under section 22 of Proclamation No.1263/2021, MoTRI has powers and duties to:
 - i. Perform trade competition and consumer protection functions; (Section 22(o))

- ii. “Implement powers and duties, other than adjudication, entrusted to Trade Competition and Consumer Protection Authority under the Trade Competition and Consumer Protection Authority Proclamation No.813/2013”; (Section 22(q)).
5. Further, under Section 105 (4) of Proclamation No.1263/2021, the provisions of the laws relating to the establishment of the TCCPA under the TCCPP No.813.2013 became inapplicable while their rights and obligations were transferred to MoTRI as stipulated under Section 106 of the same Proclamation.
6. Following the changes in the institutional set up relating to the enforcement of competition and consumer protection laws and the changes in officers to enforce the law, there is need to conduct intensive training for members of staff on the enforcement of competition and consumer protection law. To support the effective enforcement of competition and consumer protection laws under MoTRI, there is need to develop a Strategic Plan that will guide the enforcement of the law.
7. There is further need to review and propose amendments to the national competition and consumer protection laws. Ethiopia as a COMESA Member State appreciates that the main objective for the regulation of competition and consumer protection by public authorities is to promote and ensure competitive markets at national level and protect consumers in the Common Market in accordance with Article 55 of the COMESA Treaty. Member States have the obligation to take necessary measures to establish a Common Market based on the four fundamental principles namely: the free movement of goods, the free movement of persons, the free movement of services and the free movement of capital. However, to achieve sustained and effective economic integration, there should be a movement towards the harmonisation of legal rules. It is within this framework that the national competition and consumer protection laws in Ethiopia need to be reviewed and amended.
8. Premised on the foregoing, the Commission and Ethiopia Ministry of Trade and Regional Integration, (hereafter referred as MoTRI) is seeking to engage a Consultant to assist Ethiopia in training members of staff undertaking work on competition and consumer protection matters in MoTRI, Assist MoTRI in the development of the Strategic Plan and Review and amend the national competition and consumer protection laws.

II. OBJECTIVES OF CONSULTANCY SERVICES

9. The main objectives of the Consultancy services are as follows:
 - i. To provide training to members of staff of MoTRI responsible for enforcing the competition and consumer protection laws. The training is expected to build the capacity of the members of staff in effectively enforcing the laws.
 - ii. To develop a five year strategic plan which will guide MoTRI on the implementation of the competition and consumer protection laws.
 - iii. To analyse all the legal provisions of the competition and consumer protection laws and the competition and consumer protection policy that currently exist at national level and propose amendments to the laws that ensure that the laws meet the standards of international best practice, are consistent with other

Ethiopian laws on the subject and that they take into account Government policy. The amendments are also expected to harmonise the Ethiopian competition and consumer protection laws with the Regulations in order to achieve uniformity of interpretation of the two laws.

III. SCOPE OF THE CONSULTANCY SERVICES

10. To fulfil the purpose and objectives of the Consultancy Services, the Consultant is expected to perform the following non-exhaustive undertakings:

REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS

- 10.1. Review the current competition and consumer protection legislation and recommend the necessary amendments.
- 10.2. Harmonise and modernise the legal provisions on competition and consumer protection at national and regional level;
- 10.3. Recognise and expressly give legal effect to the COMESA Competition Regulations in Ethiopia;
- 10.4. Hold consultative meeting(s) (whether in-person or virtually) with the stakeholders and, where deemed relevant, with the Commission and MoTRI and specified stakeholders in order to gather their preliminary views on the national competition and consumer protection policy, law review process and amendment;
- 10.5. Hold a validation workshop for the adoption of the recommended amendments of the review of the law.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 10.6. Review the current enforcement of the competition and consumer protection laws in Ethiopia and develop a logical framework in line with outputs of programmes by specific units.
- 10.7. Conduct interviews with staff and any other relevant stakeholders to ascertain the challenges faced in implementing the competition and consumer protection laws and what actions have been taken to address these challenges.
- 10.8. Develop a Strategic Plan that will ensure the effective enforcement of the national and regional competition and consumer protection laws in Ethiopia.

TRAINING FOR MEMBERS OF STAFF

- 10.9. Be attached to MoTRI for at least 3 months to provide hands on training to the members of staff of MoTRI responsible for enforcing competition and consumer protection law, the training will include the following:
 - i. Investigations and assessment of national and regional merger transactions in line with the national and regional competition laws.

- ii. Investigations and assessment of anti-competitive business practices in line with the national and regional competition laws.
- iii. Investigations and assessment of consumer protection violations in line with the national and regional consumer protection laws.
- iv. Undertaking market inquiries and studies within Ethiopia.
- v. Anything incidental or connected to the foregoing.

IV. EXPECTED RESULTS

11. To attain the objectives, the Consultant, under the supervision of the Commission and MoTRI are expected to come up with the following results:

REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS

- 11.1. The national legislation on competition and consumer protection reviewed, necessary amendments drafted;
- 11.2. The relevant stakeholders consulted for their views and input into the amendments to the law;
- 11.3. The national competition and consumer protection legislation updated and harmonised with the COMESA Competition Regulations to ensure consistency;
- 11.4. The COMESA Competition law recognised and given legal effect in Ethiopia;
- 11.5. The necessary draft amendments to the national competition and consumer protection law prepared.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 11.6. The current enforcement of the competition and consumer protection laws in Ethiopia reviewed and a logical framework developed.
- 11.7. Interviews with staff and any other relevant stakeholders to ascertain the challenges faced in implementing the competition and consumer protection laws and what actions have been taken to address these challenges undertaken.
- 11.8. Strategic Plan to ensure the effective enforcement of the competition and consumer protection law in Ethiopia developed.

TRAINING FOR MEMBERS OF STAFF

- 11.9. Member of staff responsible for enforcing the competition and consumer protection laws under MoTRI trained in:
 - i. Investigations and assessment of national and regional merger transactions in line with the national and regional competition laws.
 - ii. Investigations and assessment of anti-competitive business practices in line with the national and regional competition laws.
 - iii. Investigations and assessment of consumer protection violations in line with the national and regional consumer protection laws.
 - iv. Undertaking market inquiries and studies within Ethiopia.
 - v. Attending to matters that are incidental or connected to the foregoing.

V. DELIVERABLES

12. The following are the expected deliverables on the Consultant:

REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS

- 12.1. Submit an Inception Report to the Commission and MoTRI including the conclusions of the consultative meetings, inventory of the areas in the national competition and consumer law identified for review, the justifications for the review and the proposed draft amendments to the national competition and consumer protection law.
- 12.2. Prepare the Second draft Report highlighting the comprehensive draft amendments of the national competition and consumer protection law, in line with the objectives, scope of work and expected results, following the consultative meetings and submit this Second draft Report to the Commission and MoTRI for their comments, ensuring that the comments and the views of the Commission and the MoTRI well addressed in the report.
- 12.3. Present the draft amendments to the national competition and consumer protection laws to the key stakeholders for validation.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 12.4. Submit an inception report to the Commission and MoTRI on the review of the enforcement of the competition and consumer protection laws including the conclusions on the consultative meetings undertaken.
- 12.5. Prepare and submit the draft Strategic Plan to the Commission and MoTRI for input.
- 12.6. Prepare and submit the final Strategic Plan to the Commission and MoTRI taking into account their input.

TRAINING FOR MEMBERS OF STAFF

- 12.7. Submit to the Commission and MoTRI a report every two weeks on the training provided to the members of staff on conducting investigations and assessments of mergers and acquisitions, anti-competitive business practices, consumer protection and market inquiries and studies.

13. The reporting requirements and time schedule for the deliverables are projected to follow the ensuing timeline:

Deliverables	Time of submission to The Commission and MoTRI	Review Period by The Commission and MoTRI
<i>REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS</i>		
Submitting an Inception Report to the Commission and	No later than 6 weeks starting from the date of signing the	2 weeks from date of receipt from the

<p>MoTRI including the conclusions of the consultative meetings, inventory of the areas in the national competition and consumer law identified for review, the justifications for the review and the proposed draft amendments to the national competition and consumer protection law.</p> <ol style="list-style-type: none"> 1) The conclusions of the consultative meetings; 2) Inventory of the areas in the national competition and consumer protection law identified for review; 3) The justifications for the review and the proposed draft amendments to the national competition and consumer protection law. 	<p>Contract.</p>	<p>Consultant.</p>
<p>Submitting the Second draft of the report including:</p> <ol style="list-style-type: none"> 1) The proposed draft amendments to the national competition and consumer protection law. 2) Ensuring that the comments and the views of the Commission and MoTRI are well addressed in the report. 	<p>10 weeks starting from the date of submitting the inception Report</p>	<p>2 weeks</p>
<p>Submitting the final draft Report including;</p> <ol style="list-style-type: none"> 1) The proposed draft amendments to the national competition and consumer protection law; and 2) Holding the validation workshop. 	<p>8 weeks starting from the date of submitting the second draft of the Report</p>	<p>4 weeks</p>
<p><i>DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN</i></p>		

<p>Submit an inception report to the Commission and MoTRI on the review of the enforcement of the competition and consumer protection laws including the conclusions on the consultative meetings undertaken.</p> <p>1) The conclusions of the consultative meetings;</p> <p>2) Draft Strategic Plan incorporating the findings from the interviews ;</p>	<p>No later than 8 weeks starting from the date of signing the Contract.</p>	<p>2 weeks from date of receipt from the Consultant.</p>
<p>Prepare and submit the draft Strategic Plan to the Commission and MoTRI for input.</p>	<p>12 weeks starting from the date of submitting the inception Report</p>	<p>2 weeks</p>
<p>Prepare and submit the final Strategic Plan to the Commission and MoTRI taking into account their input.</p>	<p>10 weeks starting from the date of submitting the second draft of the Report</p>	<p>3 weeks</p>
<p><i>TRAINING FOR MEMBERS OF STAFF</i></p>		
<p>Submit to the Commission and MoTRI a report every two weeks on the training provided to the members of staff on conducting investigations and assessments of mergers and acquisitions, anti-competitive business practices, consumer protection and market inquiries and studies.</p>	<p>Every two weeks from the date of starting the training</p>	<p>5 days</p>

VI. SUPERVISION

14. The Consultant shall report to the Commission and from MoTRI.

VII. EXPERIENCE AND QUALIFICATIONS

15. The Commission wishes to obtain the services of an international firm or individual Consultant with the requisite legal and economics experience in competition and consumer protection laws to assist with the review and amendment of the national

competition and consumer protection laws in Ethiopia, development of a five (5) year Strategic Plan and to conduct training for members of staff responsible for enforcing competition and consumer protection laws in Ethiopia. Proof of having undertaken similar assignments is critical. Further, the Consultant is expected to have the following qualifications and experience:

- 15.1. The Consultant should have a minimum Master's degree in relevant social sciences such as Law, Economics, Business/Public Administration/Management/. Qualifications in competition law shall be an added advantage;
- 15.2. The Consultant should have at least 15 years practical experience in competition and consumer protection law; and
- 15.3. The Consultant should be fluent in English.

VIII. APPLICATIONS

16. Responses to this request for technical and financial proposal shall include copies of the following:
 - 16.1. A proposal for the consultancy services;
 - 16.2. A brief cover letter indicating relevant experience and suitability for assignment;
 - 16.3. Copy of the firm's profile/ for individual consultants, the C.V suffices;
 - 16.4. Valid and current tax compliance certificate for firms; and
 - 16.5. Costs (in USD): The service providers should identify their rates which should be valid for the entire length of the assignment.

IX. PAYMENT PERIOD

17. The period for payment shall be 30 days from certification of invoices, payment phases shall be in accordance with Paragraph 20 of the TORs.

X. PRICING

18. All prices MUST be indicated in United States Dollars.
19. There will be a no price variation contract after signing of contract except upon a mutual written agreement between the Commission and the successful bidder.
20. The price quoted shall be considered to be for all the services required by the Commission as contained in this Request for Proposal.
21. Prices must be exclusive of all taxes within the Common Market, with particular emphasis to Malawi and Ethiopia.

XI. CRITERIA FOR EVALUTION OF BIDS

22. Bidders must provide both Technical and Financial proposals. The evaluation shall be based on the following attributes:

- 22.1. The overall responsiveness (including completion of bid submission requirements outlined in Paragraph 30 and 31 below);
- 22.2. Technical ability of the proposer to perform the required services;
- 22.3. The experience and reputation of the proposer as represented in the response and the quality of references; and
- 22.4. Cost of services. Fees and expenses will be particularly important factors when all other evaluation criteria are relatively equal.

23. The technical proposal will be assigned a weight of 80% and the financial proposal will be weighted at 20%.

Evaluation Attribute	Percentage Points
Consultant’s understanding of the Commission’s requirements	15
Approach and methodology	30
Specific Experience in carrying out similar assignments. Evidence in the form of for example reference letters, offer letters, orders or copies of contracts, or any other evidence of working in competition and consumer law matters in a very influential position should be presented	30
Qualifications and Experience of proposed Consultant(s) :	25
Total	100

24. 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%.

XII. FINANCIAL PROPOSAL _ STANDARD BIDDING FORM

25. Bidders are advised to use the standard tender Form below as a sample format and modify it to cover all relevant costs or charges.

26. There will be no price variation tender.

27. Bidders are advised to disclose any other relevant information on a separate sheet of paper.

XIII. VALIDITY OF THE BID

28. The Bid shall be valid for a period of six months after the closing date of this tender.

XIV. AMENDMENTS OF PROPOSAL DOCUMENTS

29. 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.

XV. BID SUBMISSION

30. Bidders are advised to include in their bids the following standard tender Forms attached to this tender document and marked Annexes 1-6:

- 30.1. Bid Submission Sheet;
- 30.2. Bidder's references;
- 30.3. Comments and suggestions on the Scope of Work;
- 30.4. Description of the methodology for performing the assignment;
- 30.5. Team Composition and Tasks assignment. (This does not apply to individual consultants); and
- 30.6. Proposed fees;

31. The proposals must be submitted with a covering letter containing a confirmation and a description of how you have understood the Terms of Reference for the assignment. Bidders should provide copies of documentation, evidence and confirmation, as applicable that:

- 31.1. They have the legal capacity to enter into the contract; (provide a copy of certificate of incorporation or registration of the company as per the applicable laws of their country)
- 31.2. For firms, that 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 the last three (3) preceding years financial audited accounts);
- 31.3. For firms, that 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);
- 31.4. They have not offered any inducement to any employees of the Commission (complete confirmation form in line with Annex 1).

32. Bidders who do not submit their proposal using the Annexes 1-6 and respond to the required documents under paragraph 30 and 31, shall be disqualified.

XVI. COST OF TENDER

33. 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.

XVII. CANCELLATION OF THE TENDER

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

XVIII. OWNERSHIP OF TENDERS

35. 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.

XIX. COMMUNICATION OF THE OUTCOME OF THE BID

36. 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.

XX. NEGOTIATION AND FINALISATION

37. 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.

XXI. AWARD OF CONTRACT

38. Prior to expiration of the period of bid validity, the Procurement Committee will award the contract to the qualified Bidder whose Bid after being evaluated is considered to be the most responsive to the needs of the organization and activity concerned.
39. 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.
40. 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).

XXII. SIGNING OF CONTRACT

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

XXIII. PERIOD OF EXECUTION

42. The period of execution of the contract starts from the date of the signing of the contract and is dependent on accomplishment of the deliverables provided under Section V, Paragraph 11.

XXIV. CONFIDENTIALITY

43. Information relating to evaluation of bids and recommendations concerning awards, shall NOT be disclosed to the Bidders who submitted the bids or to other persons not officially concerned with the process, until the winning consultant has been notified that it has been awarded the contract.

XXV. CORRUPT AND FRAUDULENT PRACTICES

44. The Commission requires that Bidders observe the highest standard of ethics during the procurement and executions of contracts. For the purposes of this provision, COMESA defines the terms set forth below as follows:
 - 44.1. "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
 - 44.2. "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 COMESA 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 COMESA of the benefits of free and open competition.

XXVI. FORMAT AND SEALING OF BIDS

45. The bidder shall submit the proposal 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
Tel : +265 1 772466
Email address : compcom@comesa.int
Attention: Procurement Unit

46. Electronic submission of proposals shall be submitted by the closing date, in a PDF password protected format which you will have to provide the password during the tender opening scheduled for Friday, 17 February 2023 at 13:00 hours Malawi Time to the following email address: compcom@comesa.int.
47. The outer envelope should be clearly marked at the top right-hand corner [TENDER REFERENCE AND TITLE].
48. 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.

XXVII. DEADLINE FOR SUBMISSION OF PROPOSALS

49. The deadline for the submission of proposals is 11:00 hours Malawi Time on Friday, 17 February 2023. Bidders are invited to attend either physically or virtually the opening of bids scheduled to be held at the Commissions office at the address provided in "45" above on Friday, 17 February 2023 at 13:00 Hours Malawi Time.
50. 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.
51. Any proposal received by the Commission after the deadline for submission of proposals shall be rejected. There shall be no exception to this requirement.

XXVIII. TECHNICAL QUERIES

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

ANNEX 1: 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 Chairperson of the Procurement Committee

- a) I/We, the undersigned, declare that:
- b) I/We have examined and have no reservations to the Bidding Document;
- c) I/We offer to provide the services in conformity with the Bidding Document for the [insert a brief description of the Services];
- d) I/We hereby submit our bid which includes the following (to state the documents included);
- e) The 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;
- f) I/We are not participating, as Bidders, in more than one bid in this bidding process;
- g) I/We did not offer any inducement to any employees of the Commission;
- h) I/We do not have any conflict of interest and have not participated in the preparation of the project document for the COMESA Competition Commission;
- i) My/Our Proposal is binding upon us, subject to modifications agreed during any contract negotiations, and we undertake to negotiate on the basis of the staff proposed in our Bid;
- j) I/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
- k) I/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 2: 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 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 Date (Month/Year):	Completion Date (Month/Year):	Approx. Value of Services (in Current US\$):
Name of Associated Consultants, If Any:		Nº of Months of Professional Staff Provided by Associated Consultants:
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 3: 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 4: DESCRIPTION OF THE METHODOLOGY FOR PERFORMING THE ASSIGNMENT

Scope of work	Methodology for performing the Assignment

ANNEX 5: 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)

ANNEX 6: PROPOSED FEES

The bidder is required to state his proposed fees for the various financial statements to be audited as follows:

Level of Service	Rate Per hour	Estimated Hours	Amount
Expert 1			
Expert 2			
Expert 3 etc			

ANNEX 7

TERMS OF REFERENCE FOR THE ENGAGEMENT OF A CONSULTANT TO CONDUCT TRAINING OF MEMBERS OF STAFF RESPONSIBLE FOR COMPETITION AND CONSUMER PROTECTION IN THE MINISTRY OF TRADE AND REGIONAL INTEGRATION IN ETHIOPIA, DEVELOPMENT OF A STRATEGIC PLAN ON THE ENFORCEMENT OF COMPETITION AND CONSUMER PROTECTION LAWS AND THE REVIEW AND AMENDMENT OF NATIONAL COMPETITION AND CONSUMER PROTECTION LAWS.

I. Background and Rationale

1. Ethiopia is one of the 21 COMESA Member States which enacted the Trade Competition and Consumer Protection Proclamation No.813/2013 in 2014 (TCCPP No.813.2013) for the purpose of protecting markets from anti-competitive and unfair market practices as well as consumers from unfair trading conditions. An institution namely the Trade Competition and Consumer Protection Authority (TCCPA) was also set up to enforce the law. Other laws enforced by the institution included the Trade Practice and Consumer Protection Proclamation No 685/2010. However, in March 2022, Proclamation No.1263/2021 was enacted which transferred the powers and liabilities of the TCCPA to the Ministry of Trade and Regional Integration (MoTRI). Under section 22 of Proclamation No.1263/2021, MoTRI has powers and duties to:
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2. under Section 105 (4) of Proclamation No.1263/2021, the provisions of the laws relating to the establishment of the TCCPA under the TCCPP No.813.2013 became inapplicable while their rights and obligations were transferred to MoTRI as stipulated under Section 106 of the same Proclamation.
3. Following the changes in the institutional set up relating to the enforcement of competition and consumer protection laws and the changes in officer to enforce the law, there is need to conduct intensive training for members of staff on the enforcement of competition and consumer protection law. To support the effective enforcement of competition and consumer protection laws under MoTRI, there is need to develop a strategic plan that will guide the enforcement of the law.
4. There is also need to review and propose amendments to the national competition and consumer protection laws. Ethiopia as a COMESA Member State appreciates that the main objective for the regulation of competition and consumer protection by public authorities is to promote and ensure competitive markets at national level and protect consumers in the Common Market in accordance with Article 55 of the COMESA Treaty. Member States have the obligation to take necessary measures to establish a Common Market based on the four fundamental principles namely: the free movement of goods, the free movement of persons, the free movement of services and the free movement of capital. However, to achieve sustained and effective economic integration, there should be a movement towards the harmonisation of legal rules. It is within this framework that

the national competition and consumer protection laws in Ethiopia need to be reviewed and amended.

5. It is important to note that Ethiopia has the largest population in the Common Market currently estimated at 121, 306, 396¹ and it is the second largest economy with GDP of more than USD 111 billion. It is therefore important that capacity is built and systems put in place to support the enforcement of both national and regional competition and consumer protection laws.

II. Objectives of the Consultancy Services

6. The main objectives of the Consultancy services are as follows:
 - i. To provide training to members of staff of MoTRI responsible for enforcing the competition and consumer protection laws. The training is expected to build the capacity of the members of staff in effectively enforcing the laws.
 - ii. To develop a five year strategic plan which will guide the operations and implementation of the competition and consumer protection laws by MoTRI.
 - iii. To analyse all the legal provisions of the competition and consumer protection laws and the competition and consumer protection policy that currently exist at national level and propose amendments to the laws that ensure that the laws are harmonized with the COMESA Competition Regulations 2004 ('the Regulations') and in line with the international best practices. This will also ensure that firms operating in various sectors of the economy comply with and adhere to the Competition and consumer protection Policy and regulatory requirements.

III. Scope of the Consultancy

7. To fulfil the purpose and objectives of the Consultancy Services, the Consultant is expected to perform the following non-exhaustive undertaking:
REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS
 - 7.1. Review the current competition and consumer Protection legislation and recommend the necessary amendments.
 - 7.2. Harmonise and modernise the legal provisions on competition and consumer protection at national and regional level;
 - 7.3. Recognise and expressly give legal effect to the COMESA Competition Regulations in Ethiopia;

¹ <https://www.worldometers.info/world-population/ethiopia-population/#:~:text=The%20current%20population%20of%20Ethiopia,the%20latest%20United%20Nations%20data.>

- 7.4. Hold consultative meeting(s) (whether in-person or virtually) with the stakeholders and, where deemed relevant, with the Commission, MoTRI and specified stakeholders in order to gather their preliminary views on the law review process and amendment;
- 7.5. Hold a validation workshop for the adoption of the recommended amendments of the review of the law.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 7.6. Review the current enforcement of the competition and consumer protection laws in Ethiopia and develop a logical framework in line with outputs of programmes by specific units.
- 7.7. Conduct interviews with staff and any other relevant stakeholders to ascertain the challenges faced in implementing the competition and consumer protection laws and what actions have been taken to address these challenges.
- 7.8. Develop a Strategic Plan that will ensure the effective enforcement of the national and regional competition and consumer protection laws in Ethiopia.

TRAINING FOR MEMBERS OF STAFF

- 7.9. Be attached to MoTRI for at least 3 months to provide hands on training to the members of staff of MoTRI responsible for enforcing competition and consumer protection law, the training will include the following:
 - i. Investigations and assessment of national and regional merger transactions in line with the national and regional competition laws.
 - ii. Investigations and assessment of anti-competitive business practices in line with the national and regional competition laws.
 - iii. Investigations and assessment of consumer protection violations in line with the national and regional consumer protection laws.
 - iv. Undertaking market inquiries and studies within Ethiopia.
 - v. Anything incidental or connected to the foregoing

IV. Experience and Qualifications of the International Consultant

8. The Commission wishes to obtain the services of an international firm or individual Consultant with the requisite legal and economics experience in competition and consumer protection laws to assist with the review and amendment of the national competition and consumer protection laws in Ethiopia, development of a five (5) year Strategic Plan and to conduct training for members of staff responsible for enforcing competition and consumer protection laws in Ethiopia. Proof of having undertaken similar assignments is critical. Further, the Consultant is expected to have the following qualifications and experience:
 - 8.1. The Consultant should have a minimum Master's degree in relevant social sciences such as Law, Economics, Business/Public Administration/Management/. Qualifications in competition law shall be an added advantage;

- 8.2. The Consultant should have at least 15 years practical experience in competition and consumer protection law; and
- 8.3. The Consultant should be fluent in English.

V. Expected Results

9. To attain the objectives, the Consultant, under the supervision of the Commission and MoTRI are expected to come up with the following results:

REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS

- 9.1. The national legislation on competition and consumer protection reviewed, necessary amendments drafted and recommended;
- 9.2. The relevant stakeholders consulted for their views and input into the amendments to the law;
- 9.3. The national competition and consumer protection legislation updated and harmonised with the COMESA Competition Regulations to ensure consistency;
- 9.4. The COMESA Competition law recognised and given legal effect in Ethiopia;
- 9.5. The necessary draft amendments to the national competition and consumer protection law prepared.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 9.6. The current enforcement of the competition and consumer protection laws in Ethiopia reviewed and a logical framework developed.
- 9.7. Interviews with staff and any other relevant stakeholders to ascertain the challenges faced in implementing the competition and consumer protection laws and what actions have been taken to address these challenges undertaken.
- 9.8. Strategic Plan to ensure the effective enforcement of the competition and consumer protection law in Ethiopia developed.

TRAINING FOR MEMBERS OF STAFF

- 9.9. Member of staff responsible for enforcing the competition and consumer protection laws under MoTRI trained in:
 - i. Investigations and assessment of national and regional merger transactions in line with the national and regional competition laws.
 - ii. Investigations and assessment of anti-competitive business practices in line with the national and regional competition laws.
 - iii. Investigations and assessment of consumer protection violations in line with the national and regional consumer protection laws.
 - iv. Undertaking market inquiries and studies within Ethiopia.

- v. Attending to matters that are incidental or connected to the foregoing.

VI. Deliverables

10. The following are the expected deliverables on the Consultant:

REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION LAWS

- 10.1. Submit an Inception Report to the Commission and MoTRI including the conclusions of the consultative meetings, inventory of the areas in the national competition and consumer law identified for review, the justifications for the review and the proposed draft amendments to the national competition and consumer protection law.
- 10.2. Prepare the Second draft Report highlighting the comprehensive draft amendments of the national competition and consumer protection law, in line with the objectives, scope of work and expected results, following the consultative meetings and submit this Second draft Report to the Commission and MoTRI for their comments, ensuring that the comments and the views of the Commission and the MoTRI are well addressed in the report.
- 10.3. Present the draft amendments to the national competition and consumer protection laws to the key stakeholders for validation.

DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN

- 10.4. Submit an inception report to the Commission and MoTRI on the review of the enforcement of the competition and consumer protection laws including the conclusions on the consultative meetings undertaken.
- 10.5. Prepare and submit the draft Strategic Plan to the Commission and MoTRI for input.
- 10.6. Prepare and submit the final Strategic Plan to the Commission and MoTRI taking into account their input.

TRAINING FOR MEMBERS OF STAFF

- 10.7. Submit to the Commission and MoTRI a report every two weeks on the training provided to the members of staff on conducting investigations and assessments of mergers and acquisitions, anti-competitive business practices, consumer protection and market inquiries and studies.

11. The Consultancy is expected to commence on the date of signing the Consultancy Contract and the deliverables time schedule is as outlined below:

Deliverables	Time of submission to The Commission and MoTRI	Review Period by The Commission and MoTRI
<i>REVIEW AND AMENDMENT OF THE COMPETITION AND CONSUMER PROTECTION</i>		

LAWS		
<p>Submitting an Inception Report to the Commission and MoTRI including the conclusions of the consultative meetings, inventory of the areas in the national competition and consumer law identified for review, the justifications for the review and the proposed draft amendments to the national competition and consumer protection law.</p> <p>4) The conclusions of the consultative meetings;</p> <p>5) Inventory of the areas in the national competition and consumer protection law identified for review;</p> <p>6) The justifications for the review and the proposed draft amendments to the national competition and consumer protection law.</p>	<p>No later than 6 weeks starting from the date of signing the Contract.</p>	<p>2 weeks from date of receipt from the Consultant.</p>
<p>Submitting the Second draft of the report including:</p> <p>3) The proposed draft amendments to the national competition and consumer protection law.</p> <p>4) Ensuring that the comments and the views of the Commission and MoTRI are well addressed in the report.</p>	<p>10 weeks starting from the date of submitting the inception Report</p>	<p>2 weeks</p>
<p>Submitting the final draft Report including;</p> <p>3) The proposed draft amendments to the national competition and consumer protection law; and</p> <p>4) Holding the validation</p>	<p>8 weeks starting from the date of submitting the second draft of the Report</p>	<p>4 weeks</p>

workshop.		
<i>DEVELOPMENT OF THE FIVE (5) YEAR STRATEGIC PLAN</i>		
Submit an inception report to the Commission and MoTRI on the review of the enforcement of the competition and consumer protection laws including the conclusions on the consultative meetings undertaken. 3) The conclusions of the consultative meetings; 4) Draft Strategic Plan incorporating the findings from the interviews ;	No later than 8 weeks starting from the date of signing the Contract.	2 weeks from date of receipt from the Consultant.
Prepare and submit the draft Strategic Plan to the Commission and MoTRI for input.	12 weeks starting from the date of submitting the inception Report	2 weeks
Prepare and submit the final Strategic Plan to the Commission and MoTRI taking into account their input.	10 weeks starting from the date of submitting the second draft of the Report	3 weeks
<i>TRAINING FOR MEMBERS OF STAFF</i>		
Submit to the Commission and MoTRI a report every two weeks on the training provided to the members of staff on conducting investigations and assessments of mergers and acquisitions, anti-competitive business practices, consumer protection and market inquiries and studies.	Every two weeks from the date of starting the training	5 days

VII. Supervision

12. The Consultant shall report to the Commission and MoTRI

VIII. Duration of the Consultancy

13. The duration of the project is 6 Months (180 days), after completion of the works, the Consultant will produce a report that will be approved by the Commission and MoTRI.

IX. Conditions of Project

16. The remuneration of the appointed Consultant under the present Consultancy shall consist of:
 - i. Consultancy fees for providing training to the members of staff
 - ii. Consultancy fees for the review and amendments to the national competition and consumer protection laws
 - iii. Consultancy fees for the development of the Strategic Plan
17. The Consultant shall make himself/herself available for meeting(s) with the Commission and MoTRI by way of telephone, e-mail and/or via the Internet and/or via video conferences and he/she shall periodically update the Authorities on progress made on the Project.

X. Payments/Entry into Force of the Contract

18. The duration of the contract could be reviewed in case of changes to the scope of the assignment. Any modifications to this timeframe must be agreed in writing with the Director.
19. Payment of the fees will be made against deliverables to be submitted by the Consultant and approved by the Director, taking into consideration whether the specific deliverables have been met satisfactorily:

a.	Inception Reports	10%
b.	Report on Second Draft	30%
c.	Report on Final Draft	60%

XI. Confidentiality Statement

20. 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.

XII. Entry into Force

21. The Contract is effective upon signing.