



COMESA COMPETITION COMMISSION

CALL FOR EXPRESSION OF INTEREST

PREQUALIFICATION OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO THE COMMISSION

REFERENCE NUMBER: CCC/REOI/09/01/2024

September 2024

1. The COMESA Competition Commission (the “**Commission**”) is inviting Law Firms to submit Expressions of Interest to provide legal services to the Commission.

Only Law firms with attorneys currently licensed to practice law in one or more of the COMESA Member States and maintain an office in one or more of the COMESA Member States may respond to this EOI.

2. The Expression of Interest is open to Law Firms who satisfy the eligibility requirements as stated in the Terms of Reference (ToRs).

Purpose of this Expression of Interest

This Call for Expression of Interest targets Law Firms to offer legal services as described in this document.

Applicants fulfilling the evaluation criteria will be shortlisted and/or prequalified to render services described in this Expression of Interest document.

Description of the assignment:

3. Short descriptions of the assignments including more details on the scope of the assignment are provided in the Terms of Reference.

The Commission herewith invites Law Firms to express interest as per the Terms of Reference.

Submission of Expression of Interest

4. The Expressions of Interest shall be submitted on or before the Deadline **either** by (i) e-mail **and/or** (ii) hand delivery, registered mail, or courier service.

The Deadline for the submission of Expression of Interests at the address and email address indicated below is 27 September 2024 at 15:00 Hours Malawi Time.

COMESA Competition Commission

Procurement Unit

Kang’ombe House, Floor 5

P O Box 30742

Lilongwe

Malawi

E-mail: procurement@comesacompetition.org

5. This deadline applies to both electronic submission (e-mail) and/or hand delivered, registered mail or courier service. Expression of Interests received after the deadline will be automatically rejected, and there shall be no exception to this.
6. The Expression of Interest shall indicate the reference number of the call and the name of the Applicant and shall bear the subject:

“EXPRESSION OF INTEREST –PREQUALIFICATION OF LAW FIRMS TO PROVIDE LEGAL SERVICES TO THE COMMISSION (REF: CCC/REOI/02/01/2024)

7. All notifications concerning this prequalifying process, including modification of the results of the evaluation of the EXPRESSION OF INTEREST or cancellation notices, will be published on the COMMISSION’s website: <https://www.comesacompetition.org/>
8. Interested Law Firms may seek clarification or/and additional information concerning this call, only in writing from the following contact points:

COMESA Competition Commission
Procurement Unit
Kang’ombe House, Floor 5
P O Box 30742
Lilongwe
Malawi
E-mail: procurement@comesacompetition.org

9. The request for clarification in paragraph 8 of this Expression of Interest does not and shall not alter the deadline for submission of the Expression of Interest. For avoidance of doubt, the deadline remains in all circumstances.
10. This deadline applies to both electronic submission (e-mail) and/or hand delivered, registered mail or courier service. Expression of Interests received after the deadline will be automatically rejected, and there shall be no exception on this.
11. Your Expression of Interest must be in English language and be accompanied by copies of all the indicated supporting documents. If the supporting documents are not in English, these shall be accompanied by a certified translation into English.
12. The application for the expression of interest shall indicate the reference number of the call and the name of the Applicant and shall bear the subject:” Call for Expression of interests Prequalification of Law Firms to Provide Legal Services to The Commission”.

Validity of the Expression of Interest:

13. Your Expression of Interest should be valid for a period of 90 days from the date of deadline for submission indicated in Paragraph 4 above.

14. Eligibility Assessment

In order to participate in this prequalification exercise, Law Firms must qualify by meeting the following requirements:

- (a) possess the necessary professional and technical qualifications, experience to provide the required services;
- (b) Law firm’s registration certificate;
- (c) Law firm’s Tax registration certificate;
- (d) Professional indemnity cover;
- (e) Provide firm profile showing:

- i. names of Partners, Associates and their areas of specialization in practice;
 - ii. Certification by regulatory/affiliation bodies and/or the Registration of the Law Firm (provide copies of the Partnership Deed/Certificate of Registration of Business Name/ LLP Certificate, etc.);
 - iii. Certificates of admission to the bar association of one of the Member States in the Common Market;
 - iv. Letters from the Complaints Commission for lawyers (in the Member State of practice) the Law Society/Bar Association and the Disciplinary body ((in the Member State of practice) on the status of partners/firm in regard to complaints; and
 - v. whether the firm is a member of a national or an international consortium of lawyers or member of international legal bodies.
- (f) Certified copies of current Practicing Certificates of all Partners and Associates;
 - (g) Curriculum Vitae of Partners, Associates, Consultants (if any) and staff together with their professional/academic certificates.
 - (h) The attorneys in the Law firm should have a Bachelor of Law and qualified to practice law in a COMESA Member State. Master and / or PhD in law will be an added advantage;
 - (i) Experience of not less than 10 years in competition and consumer protection cases. International and/or regional legal experience in the practice of competition and consumer protection cases;
 - (j) Have not been barred from practicing law in a COMESA Member State;
 - (k) The Partners and Associates should not have any pending disciplinary cases;
 - (l) Fluency in English is mandatory, French and Arabic languages will be added advantage.
 - (m) Have the legal capacity to enter into the contract;
 - (n) Should not be insolvent, in receivership, bankrupt or being wound up, and not the subject of legal proceedings;
 - (o) Have fulfilled their obligations to pay taxes and social security contributions, and for that purpose, documentary evidence to be provided by a foreign candidate to demonstrate that it meets the criterion in this paragraph may consist of a written declaration to that effect by the candidate; (provide copy of valid and current tax compliance certificate); and
 - (p) Proof that the firm's employee, or agents have not offered any inducement to any employees of the Commission. (Provide written declaration).
 - (q) Provide five letters of recommendation from your corporate clients;
 - (r) Proof of evidence of physical address and premises through e.g. copy of utility bills i.e. electricity, water, telephone; copy of title deed; lease or tenancy agreement etc.

ANNEXES:

ANNEX 1: Terms of Reference

1.0. INTRODUCTION AND BACKGROUND

- 1.1.** The COMESA Competition Commission (the “**Commission**”) is a regional competition authority established under Article 6 of the COMESA Competition Regulations (the “**Regulations**”). The Regulations were adopted under Article 55 of the Treaty establishing the Common Market for Eastern and Southern Africa (“COMESA”). The Commission enjoys an independent legal personality. It may acquire, hold and dispose of property and assets. It may sue and be sued in its corporate name.
- 1.2.** The Commission is mandated to promote and encourage competition by preventing restrictive business practices that deter the efficient operation of markets, thereby enhancing the welfare of consumers in the Common Market for Eastern and Southern Africa (the “**Common Market**”) and to protect consumers against offensive conduct by market actors.
- 1.3.** The Commission is hereby seeking to prequalify the services of a suitably qualified and competent Law Firm to provide legal services to the Commission as it may be required.
- 1.4.** The Law Firm shall work under the supervision of the Director and Chief Executive Officer of the Commission.

The Terms of Reference (“**TORs**”) for the Consultancy Services are set out in the sections below:

2.0. SCOPE OF SERVICES REQUIRED

The Law Firm shall provide the following services as and when required by the Commission:

- a. representing the Commission before the National Courts of the Member States in the Common Market and the COMESA Court of Justice;
- b. preparing advisory opinions;
- c. assisting in drafting contracts, agreements or any other legal document; and
- d. providing any legal services as required by the Commission.

3.0. AWARD OF CONTRACT

If requested to do so, the Legal Firm will provide legal service to the Commission as it may be required on case-by-case basis.

4.0. REPORTING

The Law Firm shall submit reports and documents from time to time during the subsistence of the Service and as may be required by the Commission.

5.0. REQUIRED PROFESSIONAL EXPERIENCE OF THE LAW FIRM

- a) possess the necessary professional and technical qualifications, experience to be prequalified;

- b) The attorneys in the Law firm should have a Bachelor of Law and qualified to practice law in at least one of the COMESA Member State;
- c) Master and / or PhD in law will be an added advantage;
- d) Has experience of not less than 10 years in competition and consumer protection cases;
- e) Has international and/or regional legal experience in the practice of competition and consumer protection cases; and
- f) has the legal capacity to enter into contracts to provide legal service; (provide copy of certificate of admission of the bar association of one of the Member States in the Common Market and/or the Registration of the Law Firm).
