



**Common Market for Eastern  
and Southern Africa**

## **COMESA COMPETITION COMMISSION**

### **REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS**

#### **ASSESSMENT OF THE IMPLEMENTATION OF THE 2021-2025 STRATEGIC PLAN OF THE COMESA COMPETITION COMMISSION AND PREPARATION OF THE 2026-2030 STRATEGIC PLAN**

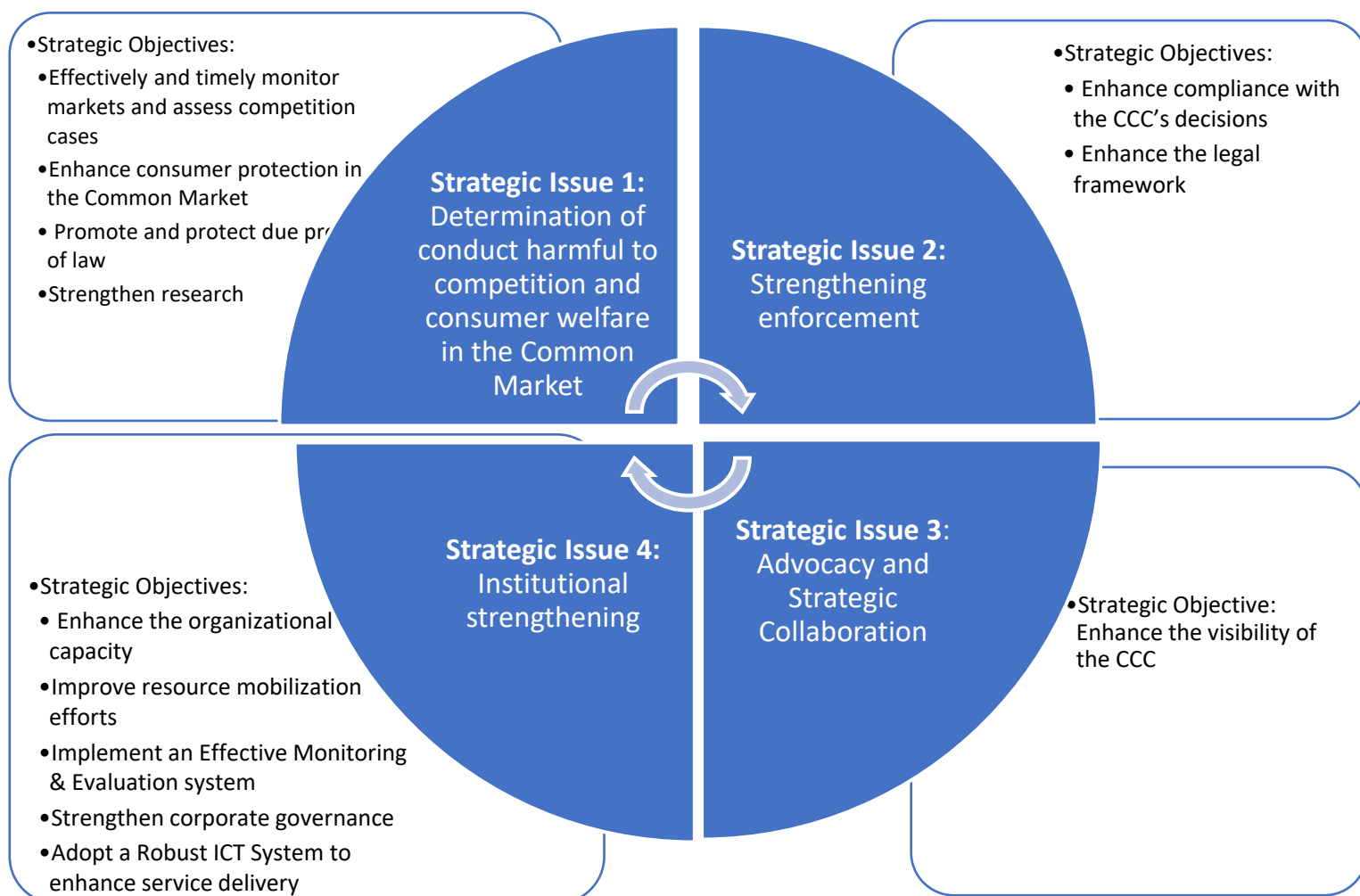
**RFP : CCC/RFP/02/01/2025**

**FEBRUARY 2025**

## **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 is composed of the Board of Commissioners and the Secretariat. The Board of Commissioners are responsible for the overall policy directive of the institution. The Board of Commissioners are established and appointed under Articles 12 and 13 of the Regulations respectively and are mandated with issuing determinations, performing adjudicative functions on any matter considered by it, hear appeals and recommending Rules for approval by the COMESA Council of Ministers (the Council) among others.
4. The Secretariat on the other hand is responsible for undertaking the day-to-day activities of the institution. The Secretariat is headed by a Chief Executive Officer appointed under Article 9 of the Regulations. The Secretariat is also composed of staff members appointed by the Chief Executive Officer with the approval of the Board. The Secretariat is responsible for carrying out investigations, research and advocacy work of the Commission among other things. The Commission's Secretariat commenced its operations on the 14<sup>th</sup> of January 2013 and is in Lilongwe, Malawi.
5. The Commission's mandate as provided under Article 7 of the Regulations include:
  - 5.1. Monitoring and investigating anti-competitive practices of undertakings within the Common Market, and mediate disputes between Member States concerning anti-competitive conduct;
  - 5.2. Regularly reviewing regional competition policy so as to advise and make representations to the Council with a view to improving on the effectiveness of the Regulations;
  - 5.3. Helping 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;
  - 5.4. Co-operating with competition authorities in Member States;
  - 5.5. Co-operating and assisting Member States in the implementation of its decisions;

- 5.6. Providing support to Member States in promoting and protecting consumer welfare;
  - 5.7. Facilitating the exchange of relevant information and expertise;
  - 5.8. Entering into such arrangements as will enhance its ability to monitor and investigate the impact of conduct outside the Common Market but which nevertheless has, or may have, an impact on trade between Member States;
  - 5.9. Be responsible for developing and disseminating information about competition policy and consumer protection policy; and
  - 5.10. Co-operating with other agencies that may be established or recognised by COMESA to monitor and regulate any specific sector.
6. To assist with the effective implementation of its mandate, the Commission has been developing Strategic Plans with the first one running from 2016 to 2020 and the second one running from 2021-2025. The 2021-2025 Strategic Plan composed of 4 strategic issues and 16 objectives which are illustrated below.



7. Furthermore, a matrix of strategic objectives, initiatives, targets, indicators and source of verification were developed as part of the Strategic Plan of 2021-2025 and the Commission monitored the implementation of the Strategic plan and conducted a mid-term review of this Strategic Plan.
8. As implementation of the Strategic Plan reaches its final year, the Commission has found it necessary to undertake an assessment of its implementation. The purpose of the assessment is to review the effectiveness of the 2021-2025 Strategic plan in terms of its design and implementation. The assessment result will enable the Commission have a baseline to the development of the Strategic Plan for the year 2026-2030.

## **II. OBJECTIVES OF CONSULTANCY SERVICES**

9. The objectives of the consultancy are to:
  - i. Assess the effectiveness of the 2021-2025 Strategic Plan in assisting the Commission execute its mandate, vision, mission and values;
  - ii. Assess how effectively the Strategic Plan for 2021-2025 has been implemented in terms of:
    - a. Design, Implementation and Outcomes (Impact)
    - b. Relevance, efficiency, effectiveness and sustainability; and
  - iii. Draft the 2026-2030 Strategic Plan for the Commission.

## **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:
  - 10.1. Review the relevance of the 2021-2025 Strategic Plan (Objectives and other implementation requirements).
  - 10.2. Assess the delivery of the 2021-2025 Strategic Plan outcomes and propose areas for improvement.
  - 10.3. Assess the relevance of the indicators and targets in measuring the outcomes in the 2021-2025 Strategic Plan.
  - 10.4. Provide recommendations on how the Strategic Plan could be improved effectively to ensure the Commission execute its mandate.
  - 10.5. Draft the 2026-2030 Strategic Plan.

#### **IV. EXPECTED RESULTS**

11. To attain the objectives, the Consultant, under the supervision of the Commission is expected to achieve the following results:

- 11.1. Consult relevant stakeholders of the Commission on the implementation of the current Strategic Plan.
- 11.2. A draft report on the results of the review.
- 11.3. A presentation to the Commission that will outline the main findings of the review of the Strategic Plan.
- 11.4. Recommendations for the development of the subsequent Strategic plan of the Commission.
- 11.5. Facilitation of the consultation of the Commission's management and Board regarding the draft 2026-2030 Strategic Plan as and when required.
- 11.6. Develop the draft 2026-2030 Strategic Plan.

#### **V. DELIVERABLES**

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

- 12.1. Submit an Inception Report to the Commission including the conclusions of the consultative meetings, the delivery of the 2021-2025 Strategic Plan objectives and the relevance of the indicators and targets in measuring the outcomes.
- 12.2. Prepare and submit the final report with recommendations on how the 2026-2030 Strategic Plan could be improved.
- 12.3. Submit the draft 2026-2030 Strategic Plan

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

<b>Deliverables</b>	<b>Time of submission to The Commission</b>	<b>Review Period by The Commission</b>
Submitting an Inception Report to the Commission including the: <ul style="list-style-type: none"><li>• conclusions of the consultative meetings;</li><li>• the delivery of the 2021-2025 Strategic Plan objectives;</li></ul>	No later than 4 weeks starting from the date of signing the Contract.	2 weeks from date of receipt from the Consultant.

<ul style="list-style-type: none"> <li>the relevance of the indicators and targets in measuring the outcomes.</li> </ul>		
Submitting the final report with recommendations on how the 2026-2030 Strategic Plan could be developed to better address the shortfalls of the 2021-2025 Strategic Plan:	8 weeks starting from the date of submitting the inception Report	3 weeks
Submitting the Draft 2026-2030 Strategic Plan	10 weeks starting from the date of submitting the final Report of the assessment	2 weeks

**NB: The total project time is 4 months.**

#### **i. SUPERVISION**

14. The Consultant shall report to the Commission.

#### **ii. EXPERIENCE AND QUALIFICATIONS**

15. The Commission wishes to obtain the services of an international firm or individual Consultant with the requisite experience in developing Strategic Plans. The Consultant or Consultancy firm must demonstrate a proven track record of developing work of this nature at national or regional level. Further, the Consultant/s individual or part of a firm must demonstrate the following:

- 15.1. Hold at least a master's degree in the relevant field from a recognized University;
- 15.2. Have at least ten (10) years' relevant experience.
- 15.3. Clearly demonstrate proof of similar work done at national or regional or international level; and
- 15.4. Clearly demonstrate their capacity to meet the specified deadlines.
- 15.5. Experience in developing the strategic plans for competition and/or consumer protection authorities will be an added advantage.

#### **iii. 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.

**iv. PAYMENT PERIOD**

17. The period for payment shall be 30 days from certification of invoices, payment phases shall be in accordance with Paragraph 12 and 13 of the deliverables.

**v. 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.

**vi. 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 bidder to perform the required services;
- 22.3. The experience and reputation of the bidder 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%.

<b>Evaluation Attribute</b>	<b>Percentage Points</b>
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	35
Qualifications of proposed Consultant(s) :	20
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 objectives, scope of services and expected results and fails to achieve a minimum technical score of 70%.

**vii. 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.

**viii. VALIDITY OF THE BID**

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

**ix. 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.

**x. 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 objectives, scope of services and expected results for the assignment. Consultants should not be bankrupt, insolvent, in receivership or being wound up as the case maybe and should not be subject to any criminal or legal proceedings. Bidders should provide copies of documentation, evidence and confirmation, as applicable that:

- 31.1. They have the legal capacity to enter into the contract; (for firms, provide a copy of certificate of incorporation or registration of the company as per the applicable laws of their country)



- 31.2. 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 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.

**xi. 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.

**xii. 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.

**xiii. 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.

**xiv. 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.

**xv. 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.

**xvi. AWARD OF CONTRACT**

38. Prior to expiration of the period of bid validity, the Commission 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).

**xvii. 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.

**xviii. 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.

**xix. 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.

**xx. 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.

**xxi. DEADLINE AND SUBMISSION OF BIDS**

45. The proposal shall be submitted on or before the Deadline either by (i) e-mail and/or (ii) hand delivery, registered mail or courier service.
46. The Deadline for the submission of the Request for proposals at the address and email address indicated below is 25 February 2025 at 13:00 hours Malawi Local Time. Consultants are invited to attend the opening of the bids scheduled to be held on 25 February 2025 at 15:00 hours Malawi Local Time.

COMESA Competition Commission  
Procurement Unit  
Kang'ombe House, Floor 5  
P O Box 30742  
Lilongwe

Malawi

E-mail: [procurement@comesacompetition.org](mailto:procurement@comesacompetition.org)

47. This deadline applies to both electronic submission (e-mail) and/or hand delivered, registered mail or courier service. Any of the two modes of submission i.e. hand delivered or electronic submission that is made first shall be considered to be the submission date. Proposals received after the deadline shall automatically be rejected, and there shall be no exception to this.
48. Electronic submission of proposals shall be submitted by the closing date, in a PDF password protected format to which you will have to provide the password during the tender opening scheduled for 25 February 2025 at 15:00 hours Malawi Local Time to the following email address: [procurement@comesacompetition.org](mailto:procurement@comesacompetition.org).
49. Bidders shall submit one original technical proposal and one original financial proposal. Each proposal shall be in a separate envelope indicating original or copy, as appropriate. The envelopes shall be clearly marked "Technical Proposal," and "Financial Proposal." The envelope containing the financial proposal shall also bear a warning **"DO NOT OPEN WITH THE TECHNICAL PROPOSAL"**. These two envelopes, in turn, shall be sealed in an outer envelope bearing the address and information indicated in paragraph 46 above. The envelope shall be clearly marked: **"DO NOT OPEN, EXCEPT IN PRESENCE OF THE EVALUATION COMMITTEE."**
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.

#### **xxii. TECHNICAL QUERIES**

52. Additional requests for information and clarifications can be made in writing until 7 working days prior to deadline to the address indicated in paragraph 46 above that is on 14 February 2025 at 15:00 Hours Malawi Local Time. Contacting any staff member of the Commission in any manner whatsoever on the subject of this tender other than the stated channel shall be considered inappropriate and 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)**

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



**ANNEX 6: PROPOSED FEES (TO BE SUBMITTED SEPARATELY FROM THE TECHNICAL PROPOSAL).**

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

<b>Level of Service</b>	<b>Rate Per hour</b>	<b>Estimated Hours</b>	<b>Amount</b>
<b>Expert 1</b>			
Expert 2			
Expert 3 etc			