



Common Market for Eastern
and Southern Africa

COMESA COMPETITION COMMISSION

REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS

SHORT TERM CONSULTANCY SERVICES TO SET UP THE HUMAN RESOURCE SYSTEMS OF THE COMESA COMPETITION COMMISSION

RFP: CCC/RFP/11/08/2023

November 2023

INTRODUCTION AND 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 commenced its operation in January 2013 and it currently has 26 staff members. The Commission is in the process of strengthening its systems. The COMESA Competition Commission Staff Rules (the Staff Rules) was approved by the COMESA Council of Ministers in 2017. The Commission reviewed its organization structure in May 2023 and implementation of the reviewed structure is in progress. The implementation of the reviewed structure includes update of job profiles, developing transitional plan and change management plan.
4. Further, the Commission intends to set up its Human Resource Unit and strengthen its Organisational human resource management, have a transitional plan and change management plan of the approved organization structure. In this regard, the Commission intends to engage a Consultant to set up the Human Resources Unit as well as assist in developing the transitional plan and change management of the reviewed organization structure.

OBJECTIVES

5. The overall objective of the consultancy for the expert to assist in setting up its Human Resource Unit and lead the transitional or change management plan of the reviewed structure of the Commission.
6. The specific objectives of assignment for the Consultant include, but are not limited to the following:

- 6.1. Assess the Human Resource needs of the Commission and assist the Commission in the recruitment of a Principal Human Resource Officers;
- 6.2. Set up the Human Resource system;
- 6.3. Review and update the staff appraisal systems;
- 6.4. Spearhead the implementation of the reviewed Organisation structure of the Commission including development of the implementation of the change management and transitional plan; validating the job profiles, revision of the job descriptions and review of staff contracts;
- 6.5. Prepare compliance plan for the Commission's Staff Rules and advise on its ongoing implementation;
- 6.6. Review the draft Recruitment Manual of the Commission; and
- 6.7. Undertake any other tasks consistent with the above terms of Reference as may be requested or delegated by the Director & Chief Executive Officer.

DELIVERABLES

7. By the end of the assignment, the deliverables expected of the Consultant shall include but not limited to the following:
 - 7.1. Recruit and train the Principal Human Resource Officer;
 - 7.2. A report of the transitional and change management plan of the Commission in line with the approved organization structure;
 - 7.3. Reviewed and approved recruitment manual
 - 7.4. Compliance plan of the Staff Rules prepared; and
 - 7.5. Performance Appraisal system reviewed and implemented.

REPORTING REQUIREMENT AND RESPONSIBILITIES

8. The Consultant will be reporting to the Director and Chief Executive Officer of the Commission. Where applicable, the Director shall assign a relevant team or individuals to assist the work of the Consultant.
9. Where applicable, the Consultant is expected to consult Management and Staff members of the Commission to carry out the deliverables. Further, the Consultant is expected to refer to experiences of regional or international organisations with similar nature and the practices of human resource management for international civil servants.
10. To deliver the tasks, the Consultant is expected to be based in the Commission's Office in Lilongwe, Malawi. For avoidance of doubt, the consultant shall be stationed at the Commission's offices in Lilongwe, Malawi and shall observe the working hours of the Commission.

REQUIRED QUALIFICATIONS, COMPETENCIES AND EXPERIENCE

11. The Consultant should satisfy the following requirements:

11.1. Education Qualifications:

- At least Master's degree in a relevant field such as Human Resource Management, Public Administration, Management or other related fields.

11.2. Professional experience:

- Minimum 10 years of proven professional experience in similar areas of human resource management, performance appraisal system, recruitment, and change management in an international or regional organization, 7 years of which should be at senior management level.
- Experience and knowledge of the COMESA recruitment and human resource management system is desirable.

11.3. Required Skills:

- Human Resource Management skills.
- Ability to work with people of diverse cultural, educational, socio-economic, and linguistic/ethnic backgrounds.
- Excellent organizational and communication skills including written and oral presentations and report writing.
- Good ability to organize and implement multi-sectoral national meetings, workshops and trainings.
- A self-driven personality with a proactive attitude and good anticipation of needs.
- Ability to work in a team environment under minimum supervision.
- Ability and experience across a broad range of programmatic and administrative functions: budget/work Programme, procurement, audit, evaluation, etc.
- Ability to multi-task and must be a quick learner who focuses on high productivity and results.
- Understanding and speaking two or more of the COMESA languages will be an added advantage.
- Computer skills in various MS Office applications (Excel, Word, PowerPoint) and use of Internet and video/tele conferencing virtual meetings.

12. Nationality:

- The applicant should be a national of any of the COMESA Member States.

DURATION OF THE CONTRACT AND WORKING SCHEDULE

13. The Consultant will be recruited for one year as a short-term expert with possibility of renewal as the Director & Chief Executive Officer may determine, and according to the needs of the work, and availability of funds.

14. The Consultancy assignment is expected to commence in the first quarter of 2024 and it will be effective from the date of signature by both parties and is expected to commence immediately within one (1) week from the date of signature of the contract by both parties. For this the applicant should confirm on in the application his/her availability to start work immediately after signing the contract.

15. During the contract period, the Consultant shall observe official working hours of the duty station and may be expected to work beyond the official working hours at no extra cost to the Commissioner.

OFFICIAL DUTY STATION AND LOCATION OF THE CONSULTANT

16. The Consultant will be based within the Commission's premises in Lilongwe, Malawi.

17. The Commission will provide an Office for the Consultant. The consultant should have his/her own laptop to undertake his/her duties.

APPLICATIONS

18. Responses to this request for technical and financial proposal shall include copies of the following:

18.1. A proposal for the consultancy service;

18.2. A brief cover letter indicating relevant experience and suitability for assignment;

18.3. Copy of the consultant's profile/ C.V;

18.4. Certification by regulatory/affiliation bodies if any;

18.5. Costs (in USD): The service providers should identify their charges which should be valid for the entire length of the assignment, i.e. one year.

PRICING, CONDITIONS AND PAYMENT OF THE CONSULTANCY SERVICE CONTRACT

19. All prices MUST be indicated in United States Dollars.

20. The Consultant will be engaged on short term basis.

21. The maximum monthly fee of will be payable as an all-inclusive lump-sum in equal monthly installments and *no additional payments will be due to the Consultant for any other requirements such as medical benefits, local transport, schooling allowances, insurance, pension funds, taxes etc.*

22. However, when travelling on duty for purposes of the contract, the Consultant will be entitled to travel related expenses such as *per diem* allowance, travel insurance at the COMESA ruling rate for missions that will be undertaken as per the Terms of References. Where an authorized travel is sponsored by another organization or institution, the ruling rate of that institution shall apply.

23. The monthly fee will be paid on satisfactory accomplishment of the expected tasks and supported by source of evidence. The Consultant is expected to submit a report on monthly basis and will be evaluated accordingly.

24. Other provisions of the Contract that include the terms and conditions of the contract, and rights and obligations of the Consultant will be further defined in the Contract to be signed.
25. There will be a no price variation contract after signing of contract except upon a mutual written agreement between the Commission and the successful consultant.
26. Fees must be exclusive of all taxes within the Common Market. However, the Consultant shall be responsible for any non-residents tax to be imposed by the Government of Malawi.

CRITERIA FOR EVALUTION OF BIDS

27. The Consultant must provide both Technical and Financial proposals. The evaluation shall be based on the following attributes:
 - a. The overall responsiveness;
 - b. Quality of the proposal clearly stating an understanding of the work to be performed.
 - c. Technical ability of the proposer to perform the required services;
 - d. The experience and reputation of the proposer as represented in the response and the quality of references; and
 - e. Cost of services. Fees and expenses will be particularly important factor when all other evaluation criteria are relatively equal.
28. The technical proposal will be assigned a weight of 80% and the financial proposal will be weighted at 20%.

SELECTION CRITERIA FOR INDIVIDUAL CONSULTANTS

29. The successful Individual Consultant will be chosen based on the following evaluation criteria.

S.N	Evaluation Criteria	Maximum Mark
1.	General qualifications: Education Qualifications	10
2.	Professional Work Experience	40
3.	Required skills for the Assignment	10
4.	Understanding of the terms of reference	10
5.	Proposed approach to work	20
6.	Experience in a regional or international organisation	5
7.	Innovations and creativity	5
	Total	100

30. 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%.

FINANCIAL PROPOSAL _ STANDARD BIDDING FORM

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

32. There will be no price variation tender.

33. Consultants are advised to disclose any other relevant information on a separate sheet of paper.

VALIDITY OF THE BID

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

AMENDMENTS OF PROPOSAL DOCUMENTS

35. 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.

BID SUBMISSION

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

- a. Bid Submission Sheet;
- b. Bidder's references;
- c. Comments and suggestions on the Scope of Work;
- d. Description of the methodology for performing the assignment;
- e. Proposed fees.

37. The proposals must be submitted with a covering letter containing confirmation and a description of how you have understood the Terms of Reference for the assignment. Consultants must submit that they have not offered any inducement to any employees of the Commission (complete confirmation form in line with Annex 1).

38. Consultants who do not submit their proposal using the Annexes 1-6 shall be disqualified.

COST OF TENDER

39. The Consultant 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.

CANCELLATION OF THE TENDER

40. In the event of cancellation of the tender, Consultants will be notified in writing of the cancellation by the Commission. Upon request, the Commission may communicate to any bidder the grounds for its rejection. However, the Commission is not obliged to justify those grounds.

OWNERSHIP OF TENDERS

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

- a. Cancellation of the tender procedure;
- b. Rejection of bids before the closing date; or
- c. Late submission of a bid.

NEGOTIATION AND FINALISATION

42. 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.

AWARD OF CONTRACT

43. Prior to expiration of the period of bid validity, the Procurement Committee will award the contract to the qualified Consultant whose bid after being evaluated is considered to be the most responsive to the needs of the organization and the activity concerned.

44. The Commission reserves the right to wholly or partially reject or award the contract to any Consultant and has no obligation to award this tender to the highest or lowest ranked bidder.

45. The Commission also reserves the right to annul the tender process and reject all Bids at any time prior to award of contract, without thereby incurring any liability to the affected Bidder(s).

PERIOD OF EXECUTION

46. 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 of the project provided under Paragraph 7.

CONFIDENTIALITY

47. Information relating to evaluation of bids and recommendations concerning awards, shall NOT be disclosed to the Consultants 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.

CORRUPT AND FRAUDULENT PRACTICES

48. The Commission requires that Consultants 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:

"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

"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.

DEADLINE AND SUBMISSION OF PROPOSALS

49. 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.
50. **The Deadline for the submission of the Request for proposals at the address and email address indicated below is 15 December 2023 at 11:00 Hours Malawi Local Time.** Consultants are invited to attend the opening of the bids scheduled to be held on Friday, 15 December 2023 at 13:00 hours Malawi Time

COMESA Competition Commission

**Procurement Unit
Kang'ombe House, Floor 5
P O Box 30742
Lilongwe
Malawi
E-mail: procurement@comesacompetition.org**

51. 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 on this.
52. 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, 15 December 2023 at 13:00 hours to the following email address: procurement@comesacompetition.org
53. 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. All technical proposals shall be placed in an envelope clearly marked "Technical Proposal," and the financial proposals in one marked "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 50 above. The envelope shall be clearly marked: "DO NOT OPEN, EXCEPT IN PRESENCE OF THE EVALUATION COMMITTEE."
54. 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.
55. The proposal shall indicate the reference number of the call and the name of the Applicant and shall bear the subject **"REFERENCE NUMBER: CCC/RFP/11/08/2023, SHORT TERM CONSULTANCY SERVICES TO SET UP THE HUMAN RESOURCE SYSTEMS OF THE COMESA COMPETITION COMMISSION"**

TECHNICAL QUERIES

56. Additional requests for information and clarifications can be made in writing until 7 working days prior to deadline to the address indicated in paragraph 50 above that is on 8 December 2023 at 15:00Hours.

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

I, the undersigned, declare that:

I have examined and have no reservations to the Bidding Document;

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

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

My 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;

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

My 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;

I 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

I 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- COVER LETTER

REFERENCE NUMBER:

REQUEST FOR SERVICES TITLE:

Country, Date

To: COMESA Competition Commission

Dear Sirs:

I, _____ the undersigned, offer to provide the consulting services for the _____ in accordance with your Request for Proposal number _____, dated [insert date] for the sum of [Insert amount(s) in words and figures]. This amount is lumpsum, inclusive of all expenses deemed necessary for the performance of the contract in accordance with the Terms of References requirements.

I hereby declare that all the information and statements made in my CV are true and accept that any misinterpretation contained in it may lead to my disqualification.

My proposal is binding upon me for the period indicated in Paragraph 9(iii) of this Request for Expression of Interest.

I undertake, if my Proposal is accepted, to initiate the consulting services related to the assignment not later than the date indicated in Paragraph _____ of the Request for Proposal, and to be available for the entire duration of the contract as specified in the Terms of Reference.

I understand you are not bound to accept any Proposal you receive.

Yours sincerely,

Signature [*In full and initials*]:

Name and Title of Signatory:

ANNEX 3- CURRICULUM VITAE

1. Family name:
2. First names:
3. Date of birth:
4. Nationality:

5. Physical address:
6. Postal address
7. Phone:
8. E-mail:
9. Education:

Institution: [Date from – Date to]	Degree(s) or Diploma(s) obtained:

10. Language skills: (Indicate competence on a scale of 1 to 5) (1 – excellent; 5 – basic)

Language	Reading	Speaking	Writing
English			
Arabic			
Hausa			

11. Membership of professional bodies:

12. Other skills:

13. Present position:

14. Years of experience:

15. Key qualifications:

16. Specific experience in the region:

Country	Date from - Date to

17. Professional experience:

Date from – Date to	Location of the assignment	Company & reference person (name & contact details)	Position	Description

18. Other relevant information:

19. Statement:

I, _____ the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any wilful misstatement described herein may lead to my disqualification or dismissal, if engaged.

I hereby declare that at any point in time, at the COMESA Competition Commission's request, I will provide certified copies of all documents to prove that I have the qualifications and the professional experience as indicated in points 8 and 14 above¹, documents which are attached to this CV as photocopies.

By signing this statement, I also authorize the COMESA Competition Commission to contact my previous or current employers indicated at point 14 above, to obtain directly reference about my professional conduct and achievements.

Date: _____

ATTACHMENTS: **1) Proof of qualifications indicated at point 9**
2) Proof of working experience indicated at point 15

¹ ***The proof of stated qualifications shall be in the form of the copies of the degrees and diploma obtained, while for the professional experience the proof shall be either acknowledgement letters from the previous employers or copies of the Purchase Order/ Contract signed with them.***

ANNEX 4- FINANCIAL PROPOSAL

REFERENCE NUMBER: _____

Please sign off to confirm your acceptance of the Total Financial Offer.

TOTAL FINANCIAL OFFER	USD
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_____USD all-inclusive fee for the consultancy.

Signature [*In full and initials*]:

Name and Title of Signatory:

ANNEX 5: 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 6: DESCRIPTION OF THE METHODOLOGY FOR PERFORMING THE ASSIGNMENT

Scope of work	Methodology for performing the Assignment