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**DRAFT TERMS OF REFERENCE FOR DEVELOPMENT OF POLICY AND REGULATORY FRAMEWORK FOR ICT AUTHORIZATION AND E-WASTE MANAGEMENT**

**for**

**Enhancement of Governance and Enabling Environment in the ICT sector (EGEE-ICT) Programme in the**

**EA-SA-IO Region**

**Tender Ref: CS/ EGEE/09/11/23\_01/SS**

**Closing Date: 10th OCTOBER 2023**

# INTRODUCTION

## Background of EGEE – ICT Programme

The ‘Enhancement of Governance and Enabling Environment in the ICT sector (EGEE-ICT) for the Eastern Africa, Southern Africa and Indian Ocean (EA-SA-IO) Region’ is a programme that supports the development of the ICT sector and the deepening of regional integration in the EA-SA-IO Region (‘the Region’). The programme is funded by the European Union and implemented through a cooperation framework of five Regional Economic Communities: namely Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Intergovernmental Authority for Development (IGAD), Indian Ocean Commission (IOC), and Southern African Development Community (SADC). In accordance with the programme’s Contribution Agreement, COMESA is the Lead REC with overall responsibility for the implementation of programme activities.

The beneficiaries of the Programme are the 29 countries in the EA-SA-IO Region. The countries are Angola, Botswana, Burundi, Comoros, the Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Lesotho, Libya, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia, South Africa, South Sudan, Sudan, United Republic of Tanzania, Tunisia, Uganda, Zambia, and Zimbabwe.

## Programme Objectives

The overall objective of the programme is to deepen regional integration and growth of the ICT sector in the Region; it has three specific objectives (Result Areas), namely: -

1. Regionally coordinated public and private sector ICT policy development
2. Enhanced policy and regulatory environment for competitive markets and gender sensitive ICT markets; and
3. Improved infrastructure connectivity and access to ICT.

## Result Areas

Each of the programme’s three Result Areas will be implemented through the following sub result areas, and each sub-result area will produce a corresponding output, as follows:

1. Result Area 1: Regionally coordinated public and private sector ICT policy development.
2. Sub Result 1.1: Mechanism for consensus building in policy development among public and private sectors development.
3. Sub Result 1.2: Capacity of existing regional ICT associations enhanced; and
4. Sub Result 1.3: Accountability systems in policy formulation and implementation strengthened between public and private ICT sector actors.
5. Result Area 2: Enhanced policy and regulatory environment for competitive markets and gender sensitive ICT markets.
6. Sub result 2.1: Regional model policy and regulatory frameworks for e-commerce developed.
7. Sub result 2.2: Gender responsive rights-based policy and regulatory frameworks for universal access and licensing strengthened; and
8. Sub result 2.3: Policy and regulatory frameworks to harmonise mobile roaming and termination tariffs and transit internet charges developed.
9. Result Area 3: Improved Policies, infrastructure connectivity and access to ICT,
10. Sub result 3.1: Policies to promote private sector investment in ICT infrastructure developed; and
11. Sub result 3.2: Policies and regulatory frameworks for open access and infrastructure sharing developed.

## Assignment Background

In accordance with the Programme Document, Sub-Result 2.2 seeks to develop and or strengthen gender responsive and rights- based policies and regulatory frameworks for licensing and universal access. In this regard, six related activities are envisaged:

1. Activity 2.2.1: Develop or review policies and regulations that support licensing related to Mobile Virtual Network Operators (MVNOs) and downstream service providers.
2. Activity 2.2.2: Develop policies and regulations to promote open competitive market entry on a non-discriminatory basis, including unified licenses, licenses to new alternative operators, and reasonable licensing fees.
3. Activity 2.2.3: Carry out a study on existing national and regional policy and regulation on authorization and universal access and compare with best international practices and identify needs and gaps.
4. Activity 2.2.4: Develop or strengthen policy and regulation incentive mechanisms that promote and encourage access to and use of ICT by disadvantaged groups such as women, people with disabilities (PWDs) and youth.
5. Activity 2.2.5: Develop or incorporate e-waste management regulations in the authorization regime.
6. Activity 2.2.6: Support country level reforms to domesticate the developed regional policies and regulations.

The Terms of Reference (ToR) apply to the assignment for Activities 2.2.1, 2.2.2 and 2.2.5. It is worth noting that all three activities concern the development of policies and regulations for authorization and licensing. The output of Activity 2.2.1 should be an authorization and licensing framework for MVNOs and downstream providers while that of Activity 2.2.2 should be a licensing framework that, among other things, promotes an open and competitive market entry and the licensing of alternative (i.e., non-incumbent) providers. On its part, Activity 2.2.5 seeks to realize an authorization regime that incorporates provisions for e-waste management, or generally green ICT. In view of the foregoing, and to facilitate coherency in the substance of the three outputs, it is advisable to merge the three activities into one activity whose output is a single, comprehensive, and coherent policy and regulatory framework for authorization and licensing.

Activity 2.2.3 is a study and precedes all activities in the series; its scope encompasses baseline assessments and analyses necessary for undertaking activities in the series.

Activity 2.2.6 refers to national transposition of the outputs (i.e., regional frameworks) realized from the preceding activities, and will therefore, be undertaken through a subsequent assignment.

# RATIONALE OF THE ASSIGNMENT

## Introduction

Over the last decades, the world has witnessed steady and dramatic development in digital technologies and services (digital development). The salient characteristics of this development include widespread digitization of communications content, the ever-increasing dominance of the Internet Protocol (IP) in communications networks, the emergence of broadband technologies, the deployment of convergent networks, Internet of Things (IoT), artificial intelligence (AI), cloud computing, and Big Data. Leveraging on these technological advances, an array of applications and services have diffused in all segments of the society.

ICT development is a crucial component of contemporary living: it connects people, governments, and businesses; enables access to jobs and services; provides innovative solutions to development challenges; and helps deliver a broad and expanding range of services.

Yet in all this glossy picture, serious challenges remain; nearly 3 billion people are offline, the vast majority of whom are to be found in developing countries; affordability and digital literacy challenges restrict usage of digital services; and constraints to competition persist in national and transnational digital markets.

*Figure 1: Broadband subscriptions by World Regions, 2022 (Source: ITU)*

*Figure 2: Broadband penetration rates, EA-SA-IO Countries, 2021 (Source: ITU, 2021 broadband penetration; World Bank, 2021 population)*

Policies and regulations for ICT development can facilitate the process of digital transformation and the realization of benefits while simultaneously addressing the attendant challenges. For example, appropriate authorization and licensing regimes enhance market access and attract investments, thereby increasing the availability of ICT infrastructure and services. Authorization and licensing frameworks also incorporate requirements and obligations with respect to access and interconnection, universal access, competition, and consumer protection.

## Authorization frameworks

Authorization is the process by which governments grant investors the authority to produce and sell products and services. In this regard, authorization frameworks facilitate the realization of stated public policy objectives such as regulating the market structure, aiding competition management, managing scarce resources, and generating government revenue.

As the tool for regulating the structure, behaviour and performance of markets, an authorization framework is arguably the single most important framework for ICT regulation. By controlling market entry, it determines the number and capabilities of market players; and by imposing and enforcing obligations, it influences their conduct and performance. The obligations span a vast array of regulatory mandates, as illustrated in the table below.

|  |  |  |
| --- | --- | --- |
| **#** | **Authorization obligation** | **Related regulatory mandate** |
| 1 | Guarantee access and interconnection to competing providers | Access and interconnection |
| 2 | Control market entry and exit | Competition and economic regulation |
| 3 | Facilitate affordable services | Tariff regulation |
| 4 | Foster management of scare resources | Spectrum policy and regulations; management of numbering, naming, and addressing |
| 5 | Ensure effective protection of consumers | Consumer protection |
| 6 | Facilitate universal access | Universal access |
| 7 | Promote economic growth, innovation, and consumer choice. | Economic regulation |
| 8 | Impose obligations for environmental sustainability | Environmental management |
| 9 | Impose obligations on standards and interoperability | ICT standardization |

Other aspects for the authorization framework include the licensing fees, licensing procedures and the institutional framework for licensing.

## Authorization and competitive markets for MVNOs and downstream services

A fundamental principle in ICT authorization is the separation of infrastructure provision from the provision of communication services. This separation facilitates effective service-based competition among service providers and facilities-based competition among infrastructure providers.

MVNOs are downstream service providers that utilize the facilities of infrastructure providers to provide mobile communications services. Other downstream service providers include content providers (e.g., Netflix), application providers (e.g., mobile money), digital platforms and providers of OTT services.

Authorization and unified licensing frameworks should impose obligations on authorities and network facilities providers to facilitate competitive access to resources that downstream providers require for viable commercial operations. These resources include radio spectrum, numbers, naming and addresses, interconnection, interoperability, and standardized interfaces.

## Policies and regulations for E-waste management

Electronic waste or e-waste is waste created when an electronic product is discarded after the end of its economic life.  E-waste includes used electronics which are destined for reuse, resale, salvage, recycling, or disposal as well as reusables (i.e., repairable electronics) and secondary raw materials (copper, steel, plastic, or similar). The rapid expansion of digital technology over the last decades, compounded by consumerism, has resulted in the creation of a huge amount of e-waste.

E-waste contributes to environmental pollution, posing adverse effects to human, animal, and plant life. According to a report by the Global E-waste Monitor[[1]](#footnote-1), a collaborative effort between the International Telecommunication Union (ITU) and other UN programmes, a record 53.6 million metric tonnes (Mt) of e-waste from computers and mobile phones were generated worldwide in 2019, up 9.2 Mt​ from 2014. The report also predicted that global e-waste would reach 74.7 Mt by 2030, almost double the 2014 figure, fuelled by higher electric and electronic consumption rates, shorter lifecycles, and limited repair options.

Concerned about the hazards of e-waste, there have been efforts by governments, international organizations, and the civil society to manage e-waste. Such efforts include the development and implementation of policy and regulatory frameworks for e-waste management. In 2018, the highest policy-making body of the ITU, the Plenipotentiary Conference, established a target to increase the global e-waste recycling rate to 30 per cent by 2023. The E-Waste Monitor also reports that the number of countries that have adopted a national e-waste policy, legislation or regulation increased from 61 to 78 between 2014 and 2019. Overall, e-waste management frameworks seek to reduce (and where possible eliminate completely) the production and consumption of products that may potentially end up as electronic waste and promote the reuse and recycling of electronic products and components.

# ASSIGNMENT OBJECTIVES

## Overall Objective of the assignment

The overall objective is to develop policies and regulations for authorization and e-waste management incorporating the output from the study (study on authorization, universal access, and e-waste management).

The specific objectives and activities are as follows:

1. Review the study report and other relevant documentation related to policy and regulatory frameworks on authorization and e-waste management.
2. Develop model policy and regulatory framework for authorization; and
3. Develop model policy and regulatory framework for e-waste management.

# DETAILED SCOPE OF WORK

## Activity 1: Review the Study Report and other relevant documentation related to policy and regulatory frameworks for authorization and e-waste management.

**Task 1**. Undertake a literature review on the study report and other relevant documentation to establish the principles and practices on all aspects of authorization and e-waste management including: -

1. Individual licenses
2. General authorization licenses
3. Service specific licensing
4. Multiservice licensing
5. Converged/unified licensing.
6. MVNO licensing and downstream services
7. Spectrum licensing
8. Universal access
9. E-waste management
   1. **Activity 2: Develop model policy and regulatory frameworks for authorization and e-waste management.**

Upon finalizing the literature review on authorization and e-waste management, the consultants will draft appropriate policy and regulatory frameworks for authorization and e-waste management. The draft policy and regulatory frameworks will be accompanied Explanatory Notes, justifying and outlining the frameworks. There will be two Explanatory Notes: one Explanatory Note for authorization framework and another one for e-waste management framework.

* + 1. ***Prepare Explanatory Notes for regulatory frameworks for authorization and e-waste management.***

**Task 2**. Prepare an Explanatory Note for authorization to: -

1. Justify a model policy and regulatory frameworks for authorization.
2. Outline the functional scope of the model policy and regulatory frameworks for authorization; and
3. Provide, in accordance with national constitutions or REC treaties, mechanisms for transposing the model policy and regulatory frameworks into either country level legislation or REC level policy and regulatory framework.

**Task 3**. Prepare Explanatory Note for e-waste management to: -

1. Justify a model regulatory framework for e-waste management.
2. Outline the functional scope of the model regulatory framework for e-waste management; and
3. Provide, in accordance with national constitutions or REC treaties, mechanisms for transposing the model policy and regulatory frameworks into either country level legislation or REC level policy and regulatory framework.
   * 1. ***Develop model regulatory frameworks for authorization and e-waste management.***

The model regulatory frameworks for authorization and e-waste management will be drafted based on the outcomes of the literature review, and the Explanatory Notes.

**Task 4:** Prepare model regulatory framework for authorization.

The draft framework may be based on the following outline, among others:

1. Part I: Preliminaries.
2. Part II: Objectives, scope, and definitions.
3. Part III: Principles of authorization and licensing.
4. Part IV: Institutional set-up and governance for authorization and licensing.
5. Part V: License categories: descriptions, requirements, and procedures.
6. Part VI: License conditions and obligations related to: -
7. radio spectrum, interconnection, and infrastructure sharing;
8. competition and economic regulation.
9. standardization and interoperability.
10. numbering resources.
11. fees and levies.
12. consumer protection.
13. Submission of data for financial reporting, sector statistics and assistance to law enforcement.
14. universal access and e-inclusion.
15. Directory services.
16. Environmental sustainability.
17. emergency telecommunications services; and
18. Specific obligations for broadcasters
19. Part VII. Licensing conditions and obligations on MVNOs.
20. Part VIII: Rights of licensees.
21. Part VIII: Enforcement mechanisms and penalties.
22. Part IX: Miscellaneous provisions; and
23. Part X: Schedules and Appendices.

* Market assessment tool for MVNOs

**Task 5:** Prepare model regulatory framework for e-waste management *(Please provide an outline).*

* 1. **Activity 3: Prepare Draft policy and regulatory frameworks, undertake stakeholder validation, prepare final policy and regulatory frameworks.**

**Task 6**: Prepare a Draft model policy and regulatory frameworks for authorization and e-waste management. The Draft model policy and regulatory frameworks shall be subjected to stakeholder validation, and subsequently revised to accommodate the outcome of the stakeholder validation.

**Task 7:** Undertake stakeholder validation of the Draft model policy and regulatory frameworks for authorization and e-waste management. COMESA Secretariat will be responsible for the logistical aspects of the stakeholder validation exercise, while the consultant will prepare and deliver all the technical materials for the validation.

**Task 8:** Revise the Draft model policy and regulatory frameworks to accommodate the outcome of the stakeholder validation and produce a final model policy and regulatory frameworks.

1. **DELIVERABLES**

The deliverables for this assignment are as follows: -

1. Inception Report containing methodologies, survey instruments and work plans.
2. Draft policy and regulatory framework documents comprising –
   1. Draft Explanatory Note for model regulatory framework on authorization.
   2. Draft Explanatory Note for model regulatory framework on e-waste management.
   3. Draft model regulatory framework on authorization; and
   4. Draft model regulatory framework on e-waste management.
3. Final policy and regulatory framework documents comprising –
   1. Explanatory Note for model regulatory framework on authorization.
   2. Explanatory Note for model regulatory framework on e-waste management.
   3. Model regulatory framework for authorization; and
   4. Model regulatory framework for e-waste management.
4. **TIMELINES** 
   1. **Commencement Date and Period of Implementation**

The assignment is estimated to be completed within a period of Ninety (90) calendar days, commencing from the date of contract signature.

* 1. **Table of Deliverables**

The timing of the deliverables for the assignment are as indicated in the table below. The Inception, draft final reports and final report shall be submitted electronically.

|  |  |
| --- | --- |
| **Deliverables** | **Timeline** |
| Contract Signature – T0 | T0 (zero day) |
| Inception Report including Detailed Work Plan – T1 | T0 + 15 calendar days |
| Draft policy and regulatory frameworks – T2 | T1 + 30 calendar days |
| Stakeholder validation workshop– T3 | T2 + 30 calendar days |
| Policy and regulatory frameworks – T4 | T3 + 15 calendar days |
|  |  |

1. **QUALIFICATION AND EXPERIENCE OF EXPERTS**

COMESA is seeking applications from firms and/or consortiums of consultants comprising at least a telecommunications engineer, an economist, and a lawyer. The lead consultant and support consultants should have a minimum of the following qualifications and experience:

* 1. **Lead Consultant/Telecommunications Engineer**
     1. ***Qualifications***

1. A minimum of a master’s degree in telecommunications engineering, electrical engineering, or compute scienceand relate field.
   * 1. ***Professional experience***
2. At least 15 years’ experience in telecommunications engineering.
3. Postgraduation experience in policy, regulatory and/or legislative oriented work in telecommunications industries.
4. Experience in E-waste will be an added advantage
5. Regional experience in EA-SA-IO Region and work experience in Sub-Saharan Africa.
6. Leadership/management experience; and
7. Excellent communication and report writing skills.
   1. **Economist**
8. A minimum of a bachelor’s degree in economics, finance, mathematics, or statistics. An advanced degree is an added advantage.
   * 1. ***Professional experience***
9. At least 10 years’ post-graduation experience in policy, regulatory and/or legislative oriented work in telecoms industries.
10. Demonstrable knowledge and skills in telecoms market definition and analysis and econometric modelling.
11. Regional experience in EA-SA-IO region and work experience in Sub-Saharan Africa; and
12. Excellent communication and report writing skills.
    1. **E-Waste Management Expert.**
13. A minimum of a bachelor’s degree in environmental sciences, e-waste management. An advanced degree is an added advantage.

***7.3.1 Professional experience***

1. At least 10 years’ post-graduation experience in environmental regulations and/or legislative oriented work in telecoms industries.
2. Regional experience in EA-SA-IO region and work experience in Sub-Saharan Africa; and
3. Excellent communication and report writing skills
   1. **Legal consultant**
4. A minimum of a bachelor’s degree in law. An advanced degree is an added advantage.

***Professional experience***

1. At least 10 years’ experience in administrative law, policy and regulatory environment.
2. Demonstrable knowledge and experience on legislative drafting.
3. Regional experience in EA-SA-IO region and work experience in Sub-Saharan Africa; and
4. Excellent communication and report writing skills.
5. **PLACE OF ASSIGNMENT**

This is a home-based assignment, enabled by electronic communications services such as email and videoconferencing. There will be a travel mission to Lusaka, Zambia, and another travel mission for a stakeholder validation workshop at a venue to be agreed upon. Missions may also be undertaken to selected Member/Partner States and other locations of interest and relevance to the assignment.

1. **SUPERVISION AND REPORTING**

It is expected that the consultant will work in close coordination with the COMESA Secretariat, providing regular, unsolicited updates, and responding promptly and flexibly to the needs and demands of COMESA and the corresponding timelines. Overall reporting will be to Director of Infrastructure and Logistics. All reports shall be in electronic format in MS Word, Excel, PowerPoint, and PDF as appropriate.

1. **DURATION**

The tasks will be carried out over 90 calendar days within a three months’ period from contract signature.

1. **INSTRUCTIONS TO BIDDERS**
2. **Eligibility to Tender**

This tender is open to all competent companies that have demonstrated and has the capacity, competence in the subject matter, Company should have at least 5 years of proven experience performing in similar capacity upon inception.

1. **Cost of Tender**

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

1. **Bid Currencies/Bid Prices**

All prices shall be quoted in Euros (.

1. **Tender Prices**

The tenderer shall indicate on the appropriate price schedule the unit prices and breakdown for all costs to be incurred and total tender price of the services it proposes to provide under the contract.

Prices indicated on the price schedule shall be the cost of the services quoted exclusive of all taxes in Zambia.

1. **Price Variation**

Prices quoted by the tenderer shall be fixed during the term of the contract. Quoted rates should include all overheads and profits. The rate should be firm for the entire contract period. There will be no price variation after signing of the contract. Currency exchange fluctuations will be a non-factor.

1. **Period of validity of Bids**

The Bids shall remain valid for ninety (90) days after the closing date of tender submission.

In exceptional circumstances and prior to the expiry of the original tender validity period, the contracting authority may solicit the tenderers’ consent to an extension of the period of validity.

The request and the responses thereto shall be made in writing.

1. **AMENDMENTS OF BID DOCUMENTS**

At any time prior to the deadline for submission of Bids, COMESA, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, may modify the Bidding Documents by issuing an addendum.

All addenda shall be posted on the COMESA website <http://www.comesa.int>. All bidders wishing to be notified of any addenda should provide to COMESA the bidders name and email address.

In order to afford prospective Bidders reasonable time in which to take the amendments into account in preparing their offers, COMESA may, at its discretion, extend the deadline for the submission of bids.

1. **FORMAT AND SELLING OF BIDS**

The Bidder shall prepare copies of the technical bid and financial bid in two separate emails, clearly marking one as “Technical Proposal “and the other as “Financial Proposal” with a password for the financial proposal, we shall only request for the password to the Financial Proposal if the bidder’s technical proposal scores 70 and above.

The tenders should be emailed to [procurement@comesa.int](mailto:procurement@comesa.int) and [tenders@comesa.int](mailto:tenders@comesa.int) not later than **10th October 2023** at 15:00 hrs Lusaka time and should be marked “**DRAFT TERMS OF REFERENCE FOR DEVELOPMENT OF POLICY AND REGULATORY FRAMEWORK FOR ICT AUTHORIZATION AND E-WASTE MANAGEMENT**  **”** DO NOT OPEN BEFORE **10th October 2023** at 15:00hrs Lusaka time.

1. **METHODOLOGY**

The methodology, schedule and design should be stated and presented clearly.

Each Proposal shall be evaluated by a selection committee utilizing a number of criteria, as specified in the table below:

**Table 1: Criteria for Overall Technical Evaluation**

| Criteria | | % |
| --- | --- | --- |
| C1 | Understanding of the Terms of Reference | 10 |
| C2 | Relevant experience of the firm in similar assignments | 10 |
| C3 | Proposed methodology, approach and implementation plan | 10 |
| C4 | Qualifications and professional experience of key experts | 60 |
| C5 | Design expertise for the web portal | 10 |
|  | **Total** | **100** |

However, this will be subject to the bidder attaining a pass score 70% of the obtainable score of 100 points in the evaluation of the technical proposals.

The weighting of quality and price will be applied as follows:

Score for Proposal ***=*** ({Lowest price } x20)+ ({Total quality score of Proposal} x80)

Price of Tender 100

The bidder who will have the highest ranked combined proposal will be selected.

Note that the deadline for submitting questions is 27th September 2023 at 12:00 hrs. Lusaka Time.

1. **OWNERSHIP OF TENDERS**

COMESA retains ownership of all tenders received under this invitation to tender.

1. **NEGOTIATION AND FINALIZATION**

After the selection of the best bid and notification to the selected company, COMESA will commence negotiations with the company for purposes of concluding an agreement for the provision of the services.

1. **AWARD OF CONTRACT**

Prior to expiration of the period of bid validity, the Procurement Committee will award the contract to the qualified Bidder whose Bid has been evaluated to be the most responsive to the needs of the organization and activity concerned.

COMESA reserves the right to wholly or partially reject or award these contracts to any bidder and has no obligation to award this tender to the highest ranked bidder.

COMESA 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).

1. **CANCELLATION OF THE TENDER**

In the event of cancellation of the tender, bidders will be notified in writing of the cancellation by the contracting Authority and informed of the reasons for cancellation.

If the tender is cancelled before the outer envelope of any bid has been opened, the

unopened and sealed envelopes will be returned to the bidders.

1. **SIGNING OF THE CONTRACT**

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

1. **PERIOD OF EXECUTION**

The period of execution of the contract starts from the date of the signing of the contract and will be for a duration of one hundred fifty (150) days.

1. **ETHICAL CONDUCT AND FRAUDULENT PRACTICES**

COMESA requires that Tenderers observe the highest standard of ethics during the selection and execution of such contracts. For this provision, the Purchaser defines the terms set forth below as follows:

1. “Corrupt practice” means the offering, giving, receiving, or soliciting of anything of value to influence the action of an officer of the Purchaser in the tendering process; and
2. “Fraudulent practice” means a misrepresentation of facts to influence the tendering process to the detriment of the Purchaser.
3. COMESA will reject a proposal for award if it determines that a Tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question.
4. **CONFIDENTIALITY**

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 firm has been notified that it has been awarded the contract.

1. **TECHNICAL QUERIES**

For any technical queries related to terms of reference, kindly contact the Procurement Unit on the following email: [procurement@comesa.int](mailto:procurement@comesa.int) and copy [ssimatengo@comesa.int](mailto:ssimatengo@comesa.int) and [smwesigwa@comesa.int](mailto:smwesigwa@comesa.int) not later than **27th September 2023** at 12:00hrs Lusaka time

1. https://www.itu.int/hub/publication/d-gen-e\_waste-01-2020/ [↑](#footnote-ref-1)