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**REQUEST FOR TECHNICAL PROPOSALS FOR CONSULTANCY TO DEVELOP POLICY AND REGULATIONS TO ENHANCE E-COMMERCE, DATA PROTECTION, INTELLECTUAL PROPERTY RIGHTS, AND PUBLIC KEY INFRASTRUCTURE RE-ADVERTISED**

**FOR**

**ENHANCEMENT OF GOVERNANCE AND ENABLING ENVIRONMENT IN THE ICT SECTOR (EGEE-ICT) PROGRAMME**

**Tender Ref: CS/EGEE/11/12/23/KJ**

**Closing Date: 9TH JANUARY 2024**

1. **INTRODUCTION**
	1. **Background**

The Common Market for Eastern and Southern Africa (COMESA) Secretariat and the European Union (EU) have signed a Grant contribution agreement for the Enhancement of Governance and Enabling Environment in the ICT sector (EGEE-ICT) in the Eastern Africa, Southern Africa, and the Indian Ocean region (EA-SA-IO).

The EGEE-ICT is a four (4) year programme that aims at supporting the effective review and/or development of various regional policy and regulatory frameworks in a harmonized manner that will contribute to enhancing competition, improved access to cost-effective and secure ICT services.

COMESA as the lead REC will implement the programme on behalf of other Partner RECs in the EA-SA-IO region namely Southern Africa Development Community (SADC), East African Community (EAC), Intergovernmental Authority on Development (IGAD) and the Indian Ocean Commission (IOC).

The primary beneficiaries of the EGEE-ICT programme are 29 Member States of the EA-SA-IO region namely (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) , through their respective ICT Ministries and Regulators as they will use this programme to support the development and implementation of policies and regulatory frameworks that will provide a conducive environment for the effective development of the ICT sector. Others are Regional Association of Regulators that play a great role in the development of policy guidelines and regulations and in the harmonization process namely the Communication Regulators Association of Southern Africa (CRASA), East African Communications Organisation (EACO) and Association of Regulators for Information and Communication for Eastern and Southern Africa (ARICEA).

* 1. **EGEE– ICT Programme Objective**

The overall objective of the programme is to deepen regional integration and growth of the ICT sector in the EA-SA-IO region. The Programme specific objectives are to have:

i) Regionally coordinated public and private sector ICT policy development;

ii) Enhanced policy and regulatory environment for competitive markets and gender sensitive ICT markets; and

iii) Improved infrastructure connectivity and access to ICT.

* 1. **Result Areas of the Programme**

The programme integrates three key result areas which will be implemented through the following sub result areas:

Result Area 1: Regionally coordinated public and private sector ICT policy development.

i) Sub Result 1.1: Mechanism for consensus building in policy development among public and private sectors developed;

ii) Sub Result 1.2: Capacity of existing regional ICT associations enhanced.

iii) Sub Result 1.3: Accountability systems in policy formulation; and implementation strengthened between public and private ICT sector actors; and

Result Area 2: Enhanced policy and regulatory environment for competitive markets and

 gender sensitive ICT markets.

1. Sub result 2.1: Regional model policy and regulatory frameworks for e-commerce developed;
2. Sub result 2.2: Gender responsive rights-based policy and regulatory frameworks for universal access and licensing strengthened; and
3. Sub result 2.3: Policy and regulatory frameworks to harmonize mobile roaming and termination tariffs and transit internet charges developed.

Result Area 3: Improved Policies, infrastructure connectivity, and access to ICT.

1. Sub result 3.1: Policies to promote private sector investment in ICT infrastructure developed; and
2. Sub result 3.2: Policies and regulatory frameworks for open access and infrastructure sharing developed.
3. **ASSIGNMENT BACKGROUND**

This assignment falls under Result Area 2 that aims for Enhanced Regulatory Environment for Competitive Markets and Gender sensitive ICT Markets. Specifically, under sub result 2.1 that seeks to have Regional Model policy and regulatory frameworks for e-commerce developed.

The assignment is in line with Activities 2.1.2 and 2.1.3 of the programme as follows:

1. Activity 2.1.2 seeks to develop or review policy and regulations that promote electronic commerce consistent with international laws, regulations, technical started and gender sensitive; and
2. Activity 2.1.3 seeks to develop or review policy and regulations on data protection and intellectual property rights and public key infrastructure.

The assignment will focus on the development of policies for e-commerce and data protection and provide guiding principles for intellectual property rights (IPR) and public key infrastructure (PKI).

**2.1. Rationale of the Assignment**

Africa has the world's youngest, fastest growing, and increasingly urbanized workforce, which is driving a rapid increase in its consumption of online services. Increased connectivity, in turn, creates more opportunities for innovative entrepreneurs with new technologies. Globally, there are 400 million people still not covered by a mobile broadband network (5% of the world’s population), with half of them living in Sub-Saharan Africa.[[1]](#footnote-1) Therefore, an enabling environment is required to bring more Africans online and increase usage as well as promote broadband connectivity in the EA-SA-IO region. Therefore, policies and regulations are paramount to create the required enabling environment in the region.

An e-commerce study, undertaken under the EGEE-ICT programme and completed in 2022, established the status for e-commerce in the EA-SA-IO region. The study conducted an in-depth review of the policy and regulatory frameworks on E-Commerce and related policy, regulatory and administrative practices, and processes of Member States in the EA-SA-IO region and identified bottlenecks hampering the uptake of E-Commerce in the region.

The assignment will focus on developing model policies and regulations for e-commerce, data protection, and privacy, IPR, and PKI.

**2.1.1 E-commerce**

The development of e-commerce has transformed the way the world conducts business by enabling consumers to purchase goods and services from diversified sources across the world and at any time at competitive prices and delivery times. E-commerce is widely viewed as a key driver of innovation, competitiveness, and inclusive economic growth and is becoming the basis for the digital economy and digitalization of the free trade areas.

The policy and regulations for e-commerce should ensure to incorporate different elements that comprise e-commerce that will provide an enabling environment to build trust and confidence of consumers, protecting the sellers and hence promote e-commerce growth in the EA-SA-IO region. Some of the elements that comprise e-commerce policy and regulation include but not limited to: Competition, Taxation, Cybersecurity, Consumer protection, payment methods.

**2.1.2 Data Protection**

With the increased use of the internet and emerging technologies there is more personal data being exchanged across the internet. Modern technologies have made it more possible for more personal information to cross national borders than ever before.

33 out of the 54 African countries have a data protection legislation, 6 have draft legislations, 10 countries do not have any legislation and there is no data for 5 countries. While national initiatives are commendable, a harmonized legal framework is still required to ensure the rapid development of a digital economy and the protection of personal data across the region. In the absence of a harmonized robust oversight, legal and practical safeguards, and the selective application of data protection laws, data privacy remains a primary concern for digital users in several African countries.

Policy and regulation recommendations for a regional harmonized approach for management of personal data, data sovereignty, localization and cross border data transfers need to be addressed for the EA-SA-IO region. Emerging issues of data analytics and cloud computing need to be explored as well in line with data protection.

**2.1.3 PKI**

An increase in both Internet use and availability of services on digital platforms raises critical concerns on PKI and Internet security. PKI technology is important because it significantly increases the security of a network and provides the foundation for securing all internet-connected things.

The use of e-signatures (digital signatures) and digital certificates are mechanisms to authenticate and verify users as well as protect digital documents. Digital certificates also facilitate secure electronic communication and data exchange between people, systems, and devices online. They are issued by Certificate Authorities (CAs) that perform two primary functions: Verifying the identity of the sender/receiver of an electronic message and providing the means to encrypt/decrypt messages between sender and receiver (i.e., binding and entity to their public key) .

A regional harmonized regulatory framework and approach is required for PKI regarding the issuance of digital certificates and e-signatures and the management and operations of the CAs.

**2.1.4 IPR**

Technologies and digitalization have brought new challenges to the field of intellectual property. The growth of the Internet has had major implications for the treatment and protection of patents and copyright materials and other related intellectual property rights that are published electronically. Technological developments have made copyright material easier to access and reproduce, and more difficult to protect. Provisions are required for IPR on digital platforms to protect businesses, entrepreneurs, and inventions in the EA-SA-IO region.

**2.2. Objectives of the Assignment**

The overall objective of the assignment is to develop policies for e-commerce, data protection and privacy, as well as provide guiding principles for IPR and PKI.

The specific objectives and activities are as follows:

1. Undertake literature review on e-commerce, data protection and privacy, Intellectual Property Rights (IPR) and Public Key Infrastructure (PKI) policies and regulations.
2. Review and develop harmonized model policies and regulations for e-commerce.
3. Review and develop model policies and regulation for data protection and privacy.
4. Develop policies and regulations for Intellectual Property Rights; and
5. Develop policies and regulations for PKI and align them to existing trade instruments.
6. **DETAILED SCOPE OF THE WORK**

**Task 1: Undertake a Literature Review on e-commerce policies**

The consultants will carry out literature review to facilitate the assignment. Under this section the consultant will undertake the following tasks:

1. Review the final report of the e-Commerce study and any relevant literature in line

with the assignment.

1. Study and analyse e-commerce and data protection related policies and regulations

from different jurisdictions and identify international best practise.

1. Study and analyse IPR and PKI, policies and regulations from different jurisdictions

and identify international best practise; and

1. Based on the findings provide recommendations and best practice for policies and

regulations for e-commerce and data protection, and guidelines for IPR and PKI.

**Task 2: Prepare Model Policy for E-commerce**

Under this section, the consultants will develop policy for e-commerce.

The e-commerce policy should focus on the nine e-commerce pillars. These pillars are connectivity and infrastructure, logistics and trade facilitation, payment solutions, business environment, skills development, policy and regulatory framework, regional and international trade, and taxation.

The policy for e-commerce should include an overview, scope, objectives, principles, policy direction, best practice model policy, and regulatory frameworks for e-commerce. In developing the policy guideline, references may be made to the literature review, baseline information, and best practices from other jurisdictions and international institutions.

The policy guideline should also provide an indication of how the model regional policies and regulations will be transposed at national and/or at REC level.

**Task 3: Develop Model Regulation for E-commerce**

The consultants will develop a model regulation for e-commerce consistent with the policy objectives and principles, best practise, international laws, regulations and are gender sensitive.

The regulation should include but not limited to the following:

1. Preliminaries.
2. Objectives, scope, definitions.
3. Competition policy.
4. Taxation issues.
5. Cybersecurity.
6. Consumer protection.
7. Rights of the seller and buyer.
8. Product information.
9. Payment related issues.
10. Information security.
11. Logistics.
12. Confidentiality, privacy, and data protection.
13. Digital signatures.
14. Exemptions.
15. Enforcement provisions.
16. Miscellaneous provisions; and
17. Schedules and Appendices.

**Task 5: Explanatory Note for Data Protection and Privacy**

Under this section, the consultants will develop an explanatory note for data protection and privacy. The explanatory note should include an overview, objectives, policy direction, and best practice model regulatory frameworks for data protection and privacy.

In developing the explanatory note references may be made to the literature review, baseline data, and best practices from other jurisdictions and international institutions.

The explanatory note should also provide an indication of how the model regional policies and regulations will be transposed at national and/or at REC level.

**Task 6: Develop Model Regulation for Data Protection and Privacy**

The consultants should develop regulations for data protection and privacy. The regulations should be consistent with best practise, international laws, regulations, and gender sensitive. The regulation should include but not limited to the following:

1. Preliminaries.
2. Objectives, Scope, and definitions.
3. Data protection and privacy.
4. Rights of the data subject.
5. Data sovereignty and localization.
6. Data protection authority.
7. Enforcement provisions.
8. Miscellaneous provisions; and
9. Schedules and appendices.

**Task 6: Regulations for Intellectual Property Rights (IPR)**

The consultants should develop regulations for IPR. The regulations should be consistent with best practise, international laws, and regulations The regulation should include but not limited to the following:

1. Preliminaries.
2. Objectives, scope, and definitions.
3. Digital rights management.
4. Fair use policy.
5. Copyright, trademarks, and patents.
6. Enforcement provisions.
7. Miscellaneous provisions; and
8. Schedules and appendices.

**Task 7: Regulations for Public Key Infrastructure (PKI)**

The consultants should Develop regulations for PKI. The regulations should be consistent with existing trade instruments best practise, international laws, and regulations. The regulation should include but not limited to the following:

1. Preliminaries.
2. Objectives, scope, and definitions.
3. Certification authority.
4. Digital signatures.
5. Enforcement provisions.
6. Miscellaneous provisions; and
7. Schedules and appendices.

**Task 8: Prepare Draft Policy and Regulatory Famework Documents**

Prepare a draft policy and regulatory frameworks documents as follows:

1. Draft E-commerce model policy.
2. Draft E-commerce model regulations.
3. Draft an explanatory note on data protection and privacy.
4. Draft model regulations on data protection and privacy.
5. Draft model regulation on Public Key Infrastructure; and
6. Draft mode regulations on Intellectual Property Rights.

**Task 9: Undertake Stakeholder Validation**

The Draft policy and regulatory framework documents shall be subjected to stakeholder validation, and subsequently revised to accommodate the outcome of the stakeholder validation.

**Task 10: Prepare Final Policy and Regulatory Framework Documents**

Prepare the final documents incorporating comments, feedback, and inputs from the validation workshop. The final documents will consist of:

1. Final E-commerce model policy.
2. Final E-commerce model regulations.
3. Final Explanatory Note on data protection and privacy.
4. Final model regulations on data protection and privacy.
5. Final model regulation on Public Key Infrastructure; and
6. Final model regulations on Intellectual Property Rights.
7. **DELIVERABLES**

The deliverables for this assignment will be the following:

1. Inception report.
2. Draft policy and regulatory framework documents; and
3. Final policy and regulatory framework documents.
	1. **Inception Report**

The consultant will be expected to prepare an inception report outlining the approach and methodology and work plan to fulfil the Terms of Reference for the assignment.

An electronic version of the Inception Report shall be submitted to COMESA within twenty (20) days after the commencement of the assignment. The Inception Report shall be discussed and approved by COMESA as the Lead REC for the EGEE-ICT Programme. COMESA will share the Inception Report with other RECs for their input and contributions on the Inception Report.

* 1. **Draft Policy and Regulatory Documents**

The consultants shall submit a draft policy and regulatory framework documents within sixty (60) days after the inception report which should include:

1. Draft E-commerce model policy.
2. Draft E-commerce model regulations.
3. Draft an Explanatory note on data protection and privacy.
4. Draft regulations on data protection and privacy.
5. Draft regulation on PKI; and
6. Draft regulations on IPR.

The consultants will be expected to share their draft document with COMESA in an agreed format for preliminary review and approval.

* 1. **Final Policy and Regulatory Documents**

The consultants shall submit a final policy and regulatory framework documents within thirty (15) calendar days after the validation workshop which should include:

1. Final E-commerce model policy.
2. Final E-commerce model regulations.
3. Final Explanatory note on data protection and privacy.
4. Final model regulations on data protection and privacy.
5. Final model regulation on PKI; and
6. Final model regulations on IPR.

An electronic version in Word format shall be submitted to COMESA after incorporating the feedback and suggestions from the stakeholders to the draft documents.

1. **TIMELINES**
	1. **Commencement Date and Period of Implementation**

The assignment shall be completed within a period of one hundred twenty (120) calendar days, commencing from the date of signing the contract.

* 1. **Table of Deliverables**

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

|  |  |
| --- | --- |
| **Deliverables** | **Timeline** |
| Inception Report  | 20 calendar days from signing the contract. |
| Draft Policy and Regulatory Framework Documents | 60 calendar days after receiving approval for the inception report. |
| Validation Workshop  | 25 calendar days after receiving the draft policy and regulatory framework documents. |
| Final Policy and Regulatory Framework Documents | 15 calendar days after the validation workshop.  |

1. **QUALIFICATION AND EXPERIENCE OF THE CONSULTANT**

COMESA is seeking applications from a firm. The successful firm should have a team with the following minimum qualifications and experience:

* 1. **Lead Consultant**
1. A minimum of a master’s degree in electrical engineering,

telecommunications engineering, computer science, or related field;

1. A minimum of 15 years in the ICT industry and digital development.
2. Experience in regional policy, regulatory framework/harmonization.
3. Technical knowledge and experience in data protection and privacy.
4. Leadership and management skills.
5. Regional Experience – having worked on similar assignment in the EA-SA-IO

Region or Sub-Saharan Africa; and

1. Excellent verbal communication and report writing

**6.2 PKI Expert**

1. A minimum of a bachelor’s degree in electrical engineering,

telecommunications engineering, computer science, software engineering or

related field. Master’s degree will be an added advantage;

1. A minimum of 15 years in the ICT industry and digital development.
2. A minimum of 10 years technical knowledge and experience in PKI, internet

security and trust;

1. Leadership and management skills.
2. Regional Experience – having worked on similar assignment in the EA-SA-IO

Region or Sub-Saharan Africa; and

1. Excellent verbal communication and report writing skills.

**6.3 Trade and Logistics Policy Expert**

1. A minimum of a master’s degree in economics, trade, finance, business, ICT

public policy or related field.

1. A minimum of 10 years in the ICT industry and digital development.
2. Experience in regional policy, regulatory framework/harmonization on trade

and logistics

1. Technical knowledge and experience on e-commerce concepts
2. Leadership and management skills.
3. Regional experience – having worked on similar assignment in the EA-SA-IO

Region or Sub-Saharan Africa; and

1. Excellent verbal communication and report writing skills.

**6.4 Legal Consultant**

i) A minimum of a master’s degree in telecommunications law.

ii) A minimum of 10 years in the administrative law and policy and regulatory

environment

1. Knowledge and experience in developing policy and frameworks and

legislative drafting and writing.

1. Regional Experience – having worked on similar assignment in the EA-SA-

IO Region or Sub-Saharan Africa; and

v) Excellent verbal communication and report writing skills.

**6.5 Intellectual Property Rights Expert**

1. A minimum of a bachelor’s degree in economics and law, or related field.

Master’s degree will be an added advantage;

ii) A minimum of 15 years in the ICT industry and digital development.

iii) Experience in regional policy, regulatory framework/harmonization.

iv) Technical knowledge and experience in Intellectual property rights;

v) Leadership and management skills.

vi) Regional Experience – having worked on similar assignment in the EA-SA-

IO Region or Sub-Saharan Africa; and

vii) Excellent verbal communication and report writing skills.

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1. **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. Missions may also be undertaken to selected Member/Partner States and other locations of interest and relevance to the study.

1. **SUPERVISION AND REPORTING**

It is expected that the consultant/institution will work in very 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 the Director of Infrastructure and Logistics. All reports shall be in electronic format in MS Word, Excel, PDF or PowerPoint as the case may be required.

1. **DURATION**

The assignment will be carried out within one hundred twenty days (120) calendar days from the date of signing the contract.

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 and tenders@comesa.int not later than **9th January 2024** at 15:00hrs Lusaka time and should be marked “**CONSULTANCY TO DEVELOP POLICY AND REGULATIONS TO ENHANCE E-COMMERCE, DATA PROTECTION, INTELLECTUAL PROPERTY RIGHTS AND PUBLIC KEY INFRASTRUCTURE RE-ADVERTISED”** DO NOT OPEN BEFORE **9th January 2024** at 15:00 hrs 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 | 15 |
| C2 | Relevant experience of the firm in similar assignments | 15 |
| C3 | Proposed methodology, approach, and implementation plan | 10 |
| C4 | Qualifications and professional experience of key experts  | 60 |
|  | **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 26th December 2023 at 12:00hrs 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 the 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 the 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 twenty (120) 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 and copy kjumbe@comesa.int & smwesigwa@comesa.int not later than **26th December, 2023** at 12:00 hrs Lusaka time

1. The State of Mobile Internet Connectivity 2022, GSMA

<https://www.gsma.com/r/wp-content/uploads/2022/12/The-State-of-Mobile-Internet-Connectivity-Report-2022.pdf?utm_source=website&utm_medium=download-button&utm_campaign=somic22> [↑](#footnote-ref-1)