

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

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REQUEST FOR PROPOSALS

CONSULTING SERVICES:

LOT 1- Consultancy Services to Conduct Study on Elaboration of Guidelines on the Establishment of E-Commerce Platforms in Africa.

LOT 2- Consultancy Services to Develop a Legal and Regulatory Framework on Remittances.

PROCUREMENT NOs:

Lot 1: AUC/IED/C/307

Lot 2: AUC/IED/C/308

June 2018

Section I: Letter of Invitation

18th June 2018

Dear Sirs,

REF: Procurement Number AUC /IED/C/307 LOT 1 - Consultancy Services to Conduct Study on Elaboration of Guidelines on the Establishment of E-Commerce Platforms in Africa.

REF: Procurement Number AUC/IED/C/308 LOT 2 – Consultancy Services to Develop a Legal and Regulatory Framework on Remittances.

1. The African Union Commission(AUC) would like to engage the services of a Consultant for the below listed activities as follows:
 - a. ***Procurement Number AUC /IED/C/307 LOT 1 - Consultancy Services to Conduct Study on Elaboration of Guidelines on the Establishment of E-Commerce Platforms in Africa.***
 - b. ***Procurement Number AUC/IED/C/308 LOT 2 – Consultancy Services to Develop a Legal and Regulatory Framework on Remittances.*** The African Union Commission invites interested and eligible bidders to submit technical and financial proposals for the assignment as per attached Terms of References (TORs) for each lot.
2. ***Interested bidders/firms can bid for one or two lots, but only one contract can be issued per lot to a firm.***

Language of the Bid or Proposal should be in English or French.

3. A firm will be selected under ***Quality and Cost Based Selection Method procedures*** .The ***TECHNICAL*** and ***FINANCIAL*** offers must be delivered in ***TWO SEPARATE*** envelopes enclosed in an OUTER envelopes to the address below.
The deadline for submission of proposal is ***20th July, 2018*** at 1500hrs East Africa Time. Late bids will be rejected and returned unopened to bidders. The Outer envelope should bear the name and address of the bidder.
4. Bidders may request for clarifications no less than 7 days from the deadline for submission, from The Chairperson, Internal Procurement Committee, African Union Commission, Email : tender@africa-union.org
5. Bidders must provide the following documents :
 - (i) Certificate of Incorporation (Company Registration)
 - (ii) At least 3 contactable references in the last five (5) years
 - (iii) Company profile demonstrating at least five (5) years
6. The address for deposit of bids is: The Chairperson, Internal Procurement Committee, African Union Commission, Building C, 3rd floor, TENDER BOX, Roosevelt Street, P.O. Box 3243, Addis Ababa, Ethiopia.

Yours sincerely,

Carine Yemitia Toure
Head, Procurement, Travel and Stores Division
Section 4: Terms of Reference

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DEPARTMENT OF INFRASTRUCTURE AND ENERGY

TERMS OF REFERENCE PER LOT

GUIDELINES ON THE ESTABLISHMENT OF E-COMMERCE PLATFORMS IN AFRICA.

REF: Procurement Number AUC /IED/C/307 LOT 1 - Consultancy Services to Conduct Postal Studies on Elaborate Guidelines on the Establishment of E-Commerce Platforms in Africa.

TERMS OF REFERENCE

1. Background

Recent economic data notably from World Trade Organization (WTO) shows that Africa's share of global trade, even with itself, is relatively low. For instance, Africa's share of total merchandise exports ¹in the world has decreased from 3.0% in 2014 to 2.4% in 2015 while similar situation from Asia Developing countries without Hong Kong and Developed Countries was 28.8 to 28.9 and 52.4 to 53.5%, respectively¹. To reverse the trend, the leaders of the African Union embarked on various initiatives and frameworks for inclusive growth and sustainable development for Africa. This includes the Lagos Plan of Action, The Abuja Treaty, the Agenda 2063 on the Africa We Want, the Minimum Integration Programme, the Programme for Infrastructural Development in Africa (PIDA), the Comprehensive Africa Agricultural Development Programme (CAADP), The New partnership for Africa's Development (NEPAD) and Regional Plans and Programmes and National Plans as well as the establishment of the African Continental Free Trade Area (AfCFTA).

Likewise, the 5th AU-EU Summit held under the theme "Investing in Youth for Accelerated Inclusive Growth and Sustainable Development" adopted "Mobilizing Investment for African structural sustainable transformation as one of the five (5) Priority areas for the period leading to the next summit in 2021.

The establishment of e-commerce platforms in the continent is in line with above priority.

As of today, the AU Commission's work on e-commerce focuses on three streams: the first is global governance on e-commerce, which is taking place at the WTO. The second is on regional regime for cross border e-commerce at the African level. This discussion is likely to be discussed by AU Member States in the context of Phase 2 of AfCFTA negotiation. It should be noted that communication services is one of the priority sectors under the just concluded Protocol on Trade in Services of the African Continental Free Trade Area (AfCFTA) Agreement, and in which Member States will likely make the General Agreement on Trade and Services (GATS) plus commitments.

¹ WTO, World Trade Statistical Review, 2016, Page 55.

The third is on national strategies on e-commerce in the broader context of boosting intra-African trade, enhancing Africa's industrialization and structural transformation.

It appears that the limited participation of the African countries in world trade, is attributed to several challenges which were recently summarized by ICTSD, 2018, Bridges Africa, Volume 7, Issues 2, March 2018, and are additional to existing traditional trade barriers. The limitation factors include among others: inadequate infrastructure and use which continues to perpetuate the digital divide; underdeveloped financial and payment systems; poor ICT literacy, in particular skills related to e-commerce; low purchasing power and consumer confidence; and imperfect national legal systems and policies, in particular in African LLDCs (UNCTAD,2015), suggesting that a lot remains to be done to achieve a supportive legal environment as well as the requisite infrastructure to effectively use e-commerce. This situation is more exacerbated in the case of African Least Developed Countries and Landlocked Developing Countries, with a few exceptions such as Rwanda.

In addition to the above challenges, there are also risks associated with e-commerce, including inter alia: job losses associated with automation, market concentration leading to reduced competition and monopoly; revenue loss by governments due to the ability for companies to circumvent financial regulations, the competitiveness of African companies and most importantly the risk of a structural gap, which will maintain African countries at the periphery of the new economic system in the 4th industrial revolution era.

Other than the challenges and risks that exist at the national level, there are also regional and continental issues in the case of Africa, which are likely to hinder the development of cross-border e-commerce across Africa. In effect, whilst a number of regional ²and continental legal frameworks have been established to address some of the e-commerce related issues such as cyber security, personal data protection and the harmonization of cyber legislation in Africa, ³and that a number of countries have started regional collaboration in some areas of e-commerce, there is presently no comprehensive African e-commerce policy/ strategy or governance regime. These are issues of concern which deserve careful consideration, in particular in the context of the boosting intra-African trade through the recently launched AfCFTA.

At the international level, whilst discussions on e-commerce at the multilateral level have gained traction since the Second Ministerial Conference of the WTO which adopted a Declaration on Global Electronic Commerce in May 1998 urging the WTO General Council to establish a comprehensive work programme to examine all trade-

² In 2010, ECOWAS developed community rules on electronic transactions, cybercrime and the protection of personal data through Supplementary Act A/SA.2/01/10, Directive 1/08/11, and Supplementary Act A/SA. 1/01/10.

³ See the AU Convention on cyber security and personal data protection available at https://au.int/sites/default/files/treaties/29560-treaty-0048_-_african_union_convention_on_cyber_security_and_personal_data_protection_e.pdf; Addis Ababa Declaration on the Harmonization of Cyber Legislation in Africa

related issues arising from global e-commerce, there is still no mandate to discuss e-commerce at the WTO, even though a group of developed and developing countries issued Joint Ministerial Statements during the 11th WTO Ministerial Conference in Buenos Aires, Argentina, announcing the establishment of a Group to “initiate exploratory work together toward future WTO negotiations on trade related aspects of electronic commerce.”⁴ Here also, there is a need for a conversation on the best approach moving forward in light of the recent developments.

It appears from the above that a global digital order is gradually taking shape driven by innovations in ICT. In this context, e-commerce and digital trade is rapidly transforming the world economy; disrupting old business models and replacing them with new ones; shaping the future of labour and transforming industrialization; raising new concerns and challenges; and making it difficult for governments to keep-up the pace with appropriate regulatory and policy frameworks both at the national and regional levels. In this context, and considering the current African trade and regional integration agenda, which has gained momentum and is progressing smoothly with the recently launched AfCFTA, a comprehensive and holistic African strategy appears to be necessary to support African countries and African Private Sector in enhancing their readiness and maximizing their participation in e-commerce and digital trade with a view to further enhancing intra-African trade and facilitating the integration of the continent into the global economy

2. Objectives of the Study

The establishment of e-commerce platforms aims at taking advantage of the growing of B2C E-commerce in Africa by connecting African manufactures, producers and art crafters to the whole African market and international market as well. According to the Economist Intelligence Unit quoted by UNCTAD⁵, “in the context of Industry 4.0 (the digital age), increased connectivity of a young growing African population (with mobile penetration rates of more than 90%) - technological innovations are driving digital disruption and impacting the traditional relationship dynamics between producers-sellers-consumers. E-commerce opportunities are opening up multisector access to new markets, new consumers and new products, with e-commerce sales in Africa expected to “reach between US\$50bn and US\$75 billion per year within the next five-to-ten years”. The proposed study will contribute to connecting African manufactures, producers and artcrafters to Africa and international markets as well as putting in place an enabling environment for e-commerce development in the continent. More specifically, the study will come up with the following, among others:

- Ongoing e-commerce initiatives on the continent either at Member States , RECs and AUC levels or by partners including UPU, UNCTAD, WTO and ITU;

⁴ https://www.wto.org/english/thewto_e/minist_e/mc11_e/documents_e.htm

⁵ Africa and the E-commerce Potential, UNCTAD 2018 e-Commerce Week, 19 April 2018.

- Identification and promotion of African manufactures, producers and artcrafters
- Enhancing understanding of recent developments in e-commerce
- Sharing of country and regional experiences; and
- Opportunities and challenges for African platforms for e-commerce.

3. Scope of Work

The consultant shall undertake the following:

- Assessment of:
 - ✓ Existing e-commerce initiatives;
 - ✓ Policy and regulations frameworks;
 - ✓ Access to e-commerce by citizens;
 - ✓ Existing portals on e-commerce manufactures, producers and artcrafters;
 - ✓ Top five (5) e-commerce suppliers in each country;
 - ✓ Top ten (10) most sellable products in each country;
 - ✓ Role of chambers of commerce in e-commerce;
 - ✓ Shipping and distribution networks and cost effectiveness;
- Benchmarking of e-commerce best practices in Africa;
- Identify potential partners for e-commerce development in Africa;
- Propositions on:
 - ✓ Policy and regulatory frameworks guidelines;
 - ✓ Strategies to support a continental digital or virtual free zone market;
 - ✓ Alternative options for delivery in the absence of delivery addressing systems.
- Advice on the importance of continental e-commerce strategy and continental e-commerce platform as well;
- Advice also on the expected contribution from the postal sector.

Any other pertinent proposition will highly appreciated.

4. Expected results

It is expected the implementation of the study results into the connection of African manufactures and producers and art crafters to the African and international markets, in an increase of intra-African trade and African exports industrial and handcraft products, development of e-transactions, increased use of ICT and into creation of jobs opportunities.

The immediate output of the study will be a report comprising:

- Mapping of ongoing e-commerce initiatives, projects and programmes;
- Best practices on e-commerce in Africa;
- List of Top ten most sellable products in each country;
- List of existing portals;
- List of Top Five major suppliers;
- Status of shipment and distribution networks and cost effectiveness;
- Status of access of e-commerce by citizens;
- Propositions on:

- ✓ Legal and financial templates on required legislations;
 - ✓ Alternative options for delivery in the absence of delivery addressing systems;
 - ✓ Policy and Regulatory frameworks;
 - ✓ Strategy support a continental digital or virtual free zone market;
 - ✓ Guidelines on e-commerce in Africa;
 - ✓ Roadmap for the development of an African e-commerce strategy
 - ✓ Expected contribution from the postal sector and requirements.
- Recommendations.

- **Methodology**

The methodology will include but not limited to:

- Briefings/Debriefings;
- Video-conferences for debriefing/debriefing with AUC (IED, DTI and AU Office in Geneva), Chambers of Commerce, PAPU, RECs, UNCTAD, WTO, UPU, and any identified stakeholders;
- A kick-off meeting in Addis Ababa (Ethiopia);
- Visits to selected countries and/or organizations;
- A meeting for the presentation of the draft report to AUC, PAPU, RECs, and other potential partners.

A specific methodology has to be submitted by the consultancy firm.

- **Deliverables**

The expected deliverables of the study will be a report on various African and international best practices, catalogues of existing platforms, suppliers and products offered in the Continent and proposals (legislation templates, roadmap and schedule of implementation...).

The Consultant shall deliver the following outputs and deliverables:

- An Inception Report (Deliverable No1) outlining complete problem analysis, methodology to address the problem, the understanding of the ToRs, a work plan of the assignment and proposed timeframe to carry out the assignment. It should be submitted as soon as the kick off meeting takes place;
- An Interim Report or Deliverable No2 on the current status of e-commerce in Africa that will include the following;
 - Existing initiatives;
 - Policy and regulations frameworks in place;
 - Status of access of e-commerce by citizens;
 - Existing portals;
 - The Top five (5) suppliers in each country;
 - The Top ten (10) most sellable products in each country;
 - Lessons learnt from of role of chambers of commerce;
 - Lessons learnt from shipping and distribution networks and cost effectiveness;
 - Best practices;
 - Expected contribution from the postal sector and subsequent requirements.

This report shall be validated by the AUC and stakeholders.

- The Final draft Report or Deliverable No3 will be submitted after comment from the client namely the AUC. It shall include an executive summary in English or French.

Deliverable No3 shall encompass propositions on the following:

- ✓ Guidelines on e-commerce in Africa;
 - ✓ Policy and Regulatory frameworks;
 - ✓ Legal and financial templates on required legislations;
 - ✓ Alternative options for delivery in the absence of delivery addressing systems;
 - ✓ Strategies to support a continental digital or virtual free zone market.
 - ✓ Roadmap for the development of an African e-commerce strategy;
 - ✓ Expected contribution from the postal sector and subsequent requirements.
- The consultant should commit him/herself to attend a validation workshop of the Deliverable No 3 by stakeholders including Member States, PAPU, RECs and other organizations dealing with e-commerce and finalize the report as per participants' comments. The final report shall include an executive summary in English and French.

- **Expert profile**

The expert/consultancy firm will be selected based on submitted proposals, with the following criteria:

A combination of technical and financial aspects, based on a 75/25 ratio (75% for the technical elements, 25% for the financial part).

Technical aspects will include the academic/research track record of the Consultant, African expertise, affinity with e-commerce policies and regulation, free trade, reform issues, economics, financial services and financial inclusion, e-applications, knowledge of postal and ICT development including Africa, international research project experience, strong communication skills in reading and writing, in English and in French and the proposed schedule.

SELECTION CRITERIA

S/N	AWARD CRITERIA	ALOCATED SCORES
1.	Specific experience of the Consultants related to the assignment	5
2.	Adequacy of the proposed work plan and methodology	35
3.	Qualification and Competence of the key staff for the assignment	50
4.	Knowledge, Language and experience of the region	10
	TOTAL POINTS	100

The minimum technical score required to pass is 70 points.

- **Duration**

The estimated duration of the study is 3 months.

- The tentative covered period is as follows:
- tentative starting date: 01 July 2018
- Tentative end date: 31 December 2018.
-

- **Organization of work**

- The following organization is proposed to implement the study:
- Institutional framework

A meeting to launch the study will be organized at the headquarters of the African Union Commission with the selected consultant/consultancy firm for a better framing of the work and harmonization of views on the task. The draft report will be validated by the Information Society Division of the Department of Infrastructure and Energy in collaboration with the Department of Trade and Industry.

- **Language**

The Deliverable No 1 can be submitted in English or French. It should consist of an executive summary in English and French.

The Deliverables No 2 and No 3 shall be submitted in English or French with executive summary in English and French.

- **Documents to provide to the Consultant**

The African Union Commission will provide the Consultants with the following documents:

- Agreement on AfCFTA;
- Reports on:
 - ✓ Strategies for financial inclusion of low-income populations in Africa;
 - ✓ Electrification and connectivity of post offices in Africa;
- AU Policy Organs relevant declarations and decisions;
- Any other relevant document.

The consultant should require additional documents from other organizations dealing with e-commerce including but not limited to UNCTAD, ITU, UPU, World Bank and WTO.

DESIGNING SOUND LEGAL AND REGULATORY FRAMEWORK FOR THE AFRICAN UNION MEMBER STATES

REF: Procurement Number AUC/IED/C/308 LOT 2 – Consultancy Services to Develop a Regulatory Framework on Remittances.

TERMS OF REFERENCE

I. Background

1. International remittance transfer flows to and within Africa have consistently increased since 2000, exceeding US\$ 60 billion annually since 2011 based on World Bank estimates.
2. At present, cross-border remittances or on broader scale, payments to and from Africa, between African countries and country domestic exchanges, are facilitated by a wide range of providers. They range from traditional money transfer organizations (MTO), Banks, Telecoms, Posts, as well as other private sector providers like Fintechs, etc. Crypto-currencies are also developing fast. Informal channels are still a huge challenge.
3. Continued diversification and innovation in remittance service providers products and channels is considered as a key driver for improvement of the remittance market situation with potential of leading to the attainment of Target 10.c of the Sustainable Development Goals (SDGs), which has set a target of 3 percent for the global average by 2030. However it also poses some challenges to regulators in Africa, mainly in countries where the legal and regulatory frameworks in the remittance market are not aligned to the global standards, principles and recommendations that should govern regulation of the market.
4. The baseline assessment of remittance market conditions in some countries in the African Union Member States carried out by the African Institute for Remittances (AIR), established that many African countries either lack of specific legal and regulatory framework for remittances services or, if in existence, it needs substantial updates.
5. Depending from country to country, many of the aforementioned money transfers remain unregulated, lacking governance, or regulated by different authorities / bodies in many cases. A common regulatory framework would be of advantage to countries, and on a global scale for the African Region.

II. Objective of the Study

6. On a per country basis the overall objective of the study is to provide guidance for the design of sound legal and regulatory framework on remittances, digital financial services and crypto currencies in the African Union Member States.
7. The specific objectives include the following:
 - a) Provide an updated mapping of the AU Member States (MS) with regard to the existence of legal and regulatory framework for remittances services;

- b) Establishing why African countries should comply with Recommendations 14 and 16 of the Financial Action Task Force (FATF) related to protection of financial Institutions officers and designated non Financial businesses and professions, respectively as well as the implications of non-compliance.
- c) Identify and document the main issues to be addressed in the legal and regulatory framework as well as the key characteristics of a sound legal and regulatory framework for remittance services.
- d) Document African and international best practice on the international remittance transfer regulation;
- e) Develop strategies to promote the Principle 3 of the General Principles for International Remittances Services that stipulate that “Remittance services should be supported by a sound, predictable, nondiscriminatory and proportionate legal and regulatory framework in relevant jurisdictions”
- f) Determine linkages between a sound legal and regulatory framework and compliance with the international standards on regulatory framework;
- g) Document the different regimes of Licensing and supervision of service providers such as Money transfer operators, Postal Services and Mobile Network operators involved in remittance business; intermediary service providers such as Fintech companies and payment instrument providers and all other third parties;
- h) Identify and document at least 5 different models of legal and regulatory frameworks that can be customized in the AU MS.
- i) Identify and document, if any, specific legal and regulatory frameworks for specific actors including Money transfer operators, Postal Services and Mobile Network operators and microfinance organizations;
- j) Describe does a sound legal and regulatory framework contributes to the promotion of digital and mobile technology as well as financial inclusion and money laundering.

III. Scope of work

The study should include the following research topics:

- Exhaustive gathering of all organizations providing money transfers (not only remittances).
- Types of products and services offered by those organizations.
- Services provided in urban, rural areas and their scope.
- The respective volumes and market shares and tendency (growth, decrease in past years).
- The regulatory framework to which each product and service is bound.

IV. Methodology

8. The methodology should include a step by step description of the means and ways of achieving the objectives. It includes:

- Timetable;
 - Desk/document review and desk top research and discussions with the following partners:
 - African Countries such as South Africa;
 - International Migration Organization (IMO);
 - Universal Postal Union (UPU)
 - International Telecommunications Union (ITU);
 - United Nations Capital Development Fund (UNCDF);
 - International Fund for Agricultural Development (IFAD)
 - United Nations Conference on Trade and Development (UNCTAD);
 - World Bank (WB) ;
 - World Savings Banks Institute (WSBI);
 - Regulators of the European Union;
 - United Kingdom and the United States;
 - Regulators of India and Malaysia; and,
 - Officials of the FATF.
 - Briefings/Debriefings;
 - Video-conferences for debriefing/debriefing with AUC (IED and AIR), PAPU, RECs, UPU, and any identified stakeholder;
 - A kick-off/validation meeting in Addis Ababa (Ethiopia) with the participation of PAPU
 - Production of Final report and other deliverables.
9. A specific methodology has to be submitted by the consultancy firm.

V. Key performance indicators

10. The expected output of the study will be a report on various African and international best practices legal and regulatory framework models, minimum characteristics required in sound legal and regulatory framework and recommendation and action plan for implementation
11. At least three (3) L&RF standard models developed and validated by AU Member States.
12. The Consultant shall deliver the following outputs and deliverables:
 - An Inception Report (Deliverable No1) outlining complete problem analysis, methodology to address the problem, the understanding of the ToRs, a work plan of the assignment and proposed timeframe to carry out the assignment. It should be submitted as soon as the kick off meeting takes place;
 - An Interim Report or Deliverable No2 will include (i) Policy and regulation environment; (ii) Postal infrastructure development for affordable remittances, (iii) mapping of e-services, (iv) best practices inside and outside Africa with their respective drivers and impact, (v) analysis the causes of eventual failures, (vi) analysis of foreseeable trends of e-services in the world and within Africa including postal e-services, (vii) description of strategies put in place, (viii) changes, opportunities and challenges of e-services including postal e-services for the upcoming five (5) years and (ix) proposals of strategies and guidelines to address the challenges and recommendations for sustainable development of remittances via post offices , funding of Universal Postal Service, regulation of postal financial services in Africa.
 - The Final draft Report or Deliverable No3 will be submitted after comment from the client namely the AUC. It shall include an executive summary in English or French.
 - The consultant should commit him/herself to attend a validation workshop of the Deliverable No 3 by African postal sector stakeholders including Member States, PAPU, RECs and sub-regional postal organizations and finalize the report as per participants' comments. The final report shall include an executive summary in English and French.

VI. Expert profile

13. The expert/consultancy firm will be selected based on submitted proposals, with the following criteria:
 - A combination of technical and financial aspects, based on a 75/25 ratio (75% for the technical elements, 25% for the financial part).
 - Technical aspects will include the academic/research track record of the Consultant, African expertise, affinity with postal policies and regulation, reform issues, economics, financial services and financial inclusion, e-applications, knowledge of postal and ICT development including Africa, international research

project experience, strong communication skills in reading and writing, in English and in French and the proposed schedule.

SELECTION CRITERIA

S/N	AWARD CRITERIA	ALOCATED SCORES
1.	Specific experience of the Consultants related to the assignment	5
2.	Adequacy of the proposed work plan and methodology	35
3.	Qualification and Competence of the key staff for the assignment	50
4.	Knowledge, Language and experience of the region	10
	TOTAL POINTS	100

The minimum technical score required to pass is 70 points.

VII. Duration

14. The estimated duration of the study is 3 months.
15. The tentative covered period is as follows:
 - Indicative starting date: 1st July 2018
 - Indicative end date: 31 October 2018.

The detailed plan of implementation is as indicated in the table below:

	Develop ment of TORs	Request for approval	Request for Procure ment process	Follow up of procurem ent process	Organize kick of the study	Follow up of the developme nt of the study	Organize validation meeting of the First Draft (interim)R eport	Follow up the drafting of the Final Draft Report	Provide comment on the Final Draft Report
March									
April									
May									
June									
July									
August									
September									
October									
November									
December									

VIII. Organization of work

16. The following organization is proposed to implement the study:

8.1. Institutional framework

A meeting to launch the study will be organized at the headquarters of the African Union Commission with the selected consultant/consultancy firm for a better framing of the work and harmonization of views on the task.

The draft report will be validated by the Information Society Division of the Department of Infrastructure and Energy.

8.2. Language

The Deliverable No 1 can be submitted in English or French. It should consist of an executive summary in English and French.

The Deliverables No 2 and No 3 shall be submitted in English or French with executive summary in English and French.

The African Union Commission will provide inputs, relevant data and reports to facilitate the work of the Consultant.

Conflict Of Interest

African Union policy requires consultants to provide professional, objective, and impartial advice, and at all times hold the Client's interests paramount, without any consideration for future work, and strictly avoid conflicts with other assignments or their own corporate interests. Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other clients, or that may place them in a position of not being able to carry out the assignment in the best interests of the Client.

Without limitation on the generality of this rule, consultants shall not be hired under the circumstances set forth below:

(a) Conflict between consulting activities and procurement of goods, works or services: A firm that has been engaged to provide goods, works, or services for a project, and each of its affiliates, shall be disqualified from providing consulting services related to those goods, works or services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and each of its affiliates, shall be disqualified from subsequently providing goods, works or services resulting from or directly related to the firm's consulting services for such preparation or implementation (other than a continuation of the firm's earlier consulting services for the same project).

(b) Conflict among consulting assignments: Neither consultants (including their personnel and sub-consultants) nor any of their affiliates shall be hired for any assignment that, by its nature, may be in conflict with another assignment of the consultants.

(c) Relationship with AUC staff: Consultants (including their personnel and sub-consultants) that have a business or family relationship with a member of AUC staff (or of the Client staff, or of a beneficiary of the assignment) who are directly or indirectly involved in any part of: (i) the preparation of the TOR of the contract, (ii) the

selection process for such contract, or (iii) supervision of such contract may not be awarded a contract.

The African Union requires that Officers of the AU, as well as Bidders/ Suppliers/ Contractors/ Consultants, observe the highest standard of ethics during the procurement and execution of such contracts.² In pursuance of this policy the AU:

² In this context, any action taken by a bidder, supplier, contractor, sub-contractor or consultant to influence the procurement process or contract execution for undue advantage is improper.

(a) defines, for the purposes of this provision, the terms set forth below as follows:

(i) “corrupt practice”³ is the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party;

(ii) “fraudulent practice”⁴ is any act or omission including a misrepresentation that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

(iii) “collusive practice”⁵ is an arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party;

(iv) “coercive practice”⁶ is impairing or harming or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;

(v) “obstructive practice” is deliberately destroying, falsifying, altering or concealing of evidence material to any investigation or making false statements to investigators in order to materially impede any investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation;

(b) will reject a recommendation for award of contract if it determines that the bidder recommended for award has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for the contract in question;

(c) will declare a firm ineligible, either indefinitely or for a stated period of time, to be awarded an African Union financed contract if it at any time determines that the firm has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive or obstructive practices in competing for, or in executing, an African Union financed contract.

Consultants shall not be under declaration of ineligibility for corrupt, fraudulent, collusive, coercive or obstructive practices issued by the African Union.

3 “another party” refers to an officer of the AU acting in relation to the procurement process or contract execution. In this context, “officer of the AU” includes staff and employees of other organisations taking or reviewing procurement decisions.

4 a “party” refers to any officer of the AU; the terms “benefit” and “obligation” relate to the procurement process or contract execution; and the “act or omission” is intended to influence the procurement process or contract execution.

5 “parties” refers to any participants in the procurement process (including officers of the AU) attempting to establish bid prices at artificial, non competitive levels.

6 a “party” refers to any participant in the procurement process or contract execution.

Submission of Technical Proposal

The Technical Proposal shall provide the following information:

(i) A brief description of the firm’s organization and an outline of recent experience on assignments of a similar nature. For each assignment, the outline should indicate, inter-alia, the profiles of the staff proposed, duration of the assignment, contract amount, and the firm’s involvement.

(ii) Any comments or suggestions on the Terms of Reference and on the data, a list of services, and facilities to be provided by the Client.

(iii) A description of the methodology and work plan for performing the assignment.

(iv) The list of the proposed staff team by specialty, the tasks that would be assigned to each staff team member, and their timing.

(v) CVs recently signed by the proposed professional staff and the authorized representative submitting the proposal. Key information should include number of years working for the firm/entity and degree of responsibility held in various assignments during the last ten (10) years.

(vi) Estimates of the total staff input (professional and support staff; staff time) needed to carry out the assignment, supported by bar-chart diagrams showing the time proposed for each professional staff team member.

The Technical Proposal shall not include any financial information.

Submission of Financial Proposals

1. Financial Proposals must be sealed in a separate envelope.

2. In preparing the Financial Proposal, consultants are expected to take into account the requirements and conditions outlined in the RFP documents.

3. The Financial Proposal shall include all the costs the consultant incurs to provide the services (including travel expenses, translation, printing and the taxes the consultant pays for its business requirements by the law of the domicile country of the consultant), but shall exclude all local taxes levied within African Union Member States on the invoice issued by the consultant (such as local sales tax, services tax or withholding tax