

**CONSULTANCY SERVICE TO DEVELOP AN OPERATIONAL FRAMEWORK FOR THE ECOWAS REGIONAL COMPETITION AUTHORITY, ACCOMPANYING REGULATIONS AND TECHNICAL SUPPORT FOR CAPACITY BUILDING**

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| **From : 12/03/2019;   To : 28/03/2019**  |
| **Client : ECOWAS COMMISSION** |
| **Type : Expressions of Interest** |

1. **Background**

The ECOWAS Regional Competition Authority (ERCA) is a Specialized Agency of ECOWAS mandated to promote and encourage competition in the ECOWAS region by preventing practices that deter the efficient operation of markets and to foster and enable the effective functioning of markets across the region. As firms expand their operations across national borders and exploit opportunities for economies of scale, the ERCA must be equipped to combat and mitigate the potential impact of anti-competitive behavior on growth, trade, and integration.

The ERCA intends to use part of his budget for the year 2019 to finance the cost of the recruitment a **Senior Consultant** to advise the President of the Commission and the Senior Management of the ERCA on the entire spectrum of activities and tasks necessary to effectively deploy and implement the goals and objectives of the ERCA. A high priority for the ERCA is to understand and develop the key initiatives necessary to ensure improvement of the ECOWAS investment climate for domestic and foreign investors and the competitiveness of SME’s, domestic firms and institutions across all sectors.

**II OBJECTIVE**

The overall objective of the consultancy is to provide professional advice to the President of the ECOWAS Commission and the Senior Management of the ERCA on the entire spectrum of activities and tasks necessary to effectively deploy and implement the goals and objectives of the ERCA as an Agency of ECOWAS

The Consultant will undertake policy, technical and advisory work on the promotion of competition and effective implementation of competition policy and the operational framework/initiatives of the ERCA on the economy and at sectorial level.

**III Scope of Consultant’s Activities**

As part of a program of support to launch the ERCA and align it with strategic priorities of the Commission, the Consultant will:

1. Conduct an assessment of the ERCA’s legal framework to develop appropriate operational tools, for example, Merger Rules and Guidelines, Case Investigation Rules, Enforcement Guidelines, compensation Schedules, Fines, a Leniency programme, etc;

1. Offer specific recommendations on new legal instruments, or amendments to the current legal framework to implement the ERCA and its operation including collaboration agreements.

1. Effectively attend to the **inter-relationships between competition regulation and the protection of consumer welfare**.
2. Identify key strategic priorities for the exercise of the ERCA’s authority in the region, including identifying two or more markets for immediate analysis and action;
3. Ensure appropriate alignment of the RCPF with ECOWAS’ trade interests in vital sectors of the regional economy.
4. Develop a framework for detecting and deterring any form of non-competitive activity in priority sectors and also provide inputs to strategy for combating same including the operation of cartels in ECOWAS;
5. Carry out a comprehensive assessment of competition enforcement frameworks in ECOWAS in general, in order to understand each institutions legal and regulatory mandates with respect to the ERCA’s jurisdiction;
6. Identify initiatives for the ERCA to leverage in order to strengthen its mandate in the ECOWAS region
7. Facilitate the establishment of sustainable collaboration with national, regional and international Competition Authorities in a bid to foster close working relations and create opportunities for obtaining technical assistance for effective operations in ERCA; also in order to overcome ERCA’s capacity and resource constraints.
8. Assist with the development and design of a website for ERCA operations.

**IV Deliverables**

1. The Consultant will facilitate the development of new legal and subsidiary instruments, or amendments to the current legal framework as well as collaboration agreements to implement the ERCA and promote effective operations.
2. The Consultant will offer an assessment report of the capacity training needs and legal frameworks on competition enforcement at the ECOWAS and Member State levels.
3. The Consultant will be responsible for designing and building the legal evaluation of jurisdictional cooperation (including appropriate MOUs or other agreements) between the ERCA and UEMOA and other National and international Competition Authorities.
4. The Consultant will propose the tools that could be used to implement a regional program to combat anticompetitive behavior, including with respect to cartels.
5. The Consultant will help develop strategies for effective advocacy, awareness raising and sensitization activities for ERCA with stakeholders in the public and private sectors within and outside the region in a bid to foster support for ERCA objectives and compliance with the regional anti competition rules and policy;
6. The Consultant will facilitate the development of an operational website for ERCA for accessibility to the public.

 **V** **Timeline**

The consultancy will commence in **April, 2019 for a duration of three (3) months.**

**VI. Qualifications& Experience**

 The qualifications & experience of the Consultant (Individual Consultant) should include, among others:

* A Master’s degree in law
* A minimum of twenty (20) years’ experience in Competition law, or Intellectual Property law or in Trade related issues;
* experience in developing, revising and strengthening competition law frameworks particularly in ECOWAS, and other African RECs
* Experience in advising ECOWAS and ECOWAS Member States in competition law and in conducting capacity building programmes for NCAs within the region.
* Experience in providing assessments of competition law frameworks, providing advisory services to Governments and regional economic communities in developing, strengthening and amending competition frameworks, and deepening regional integration.
* The Consultant must have legal training and experience in the ECOWAS region, exposure to or strong familiarity with the work of Competition Authorities and experience providing policy advice to NCAs and governments in the ECOWAS region.
* The Consultant must have demonstrated experience in providing technical assistance in Competition Law and in the preparation of training materials and technical assistance program for a Competition Authority.
* She/he must also have significant experience in providing technical assistance to other regional and national competition authorities in sub-Saharan Africa;
* Fluency in English or French or Portuguese;
* Excellent research, communication and writing skills

**NB: Please note that the working language for this assignment shall be in English. *However, the selected consultant, if require by the client, will be expected to translate in French or Portuguese all reports submitted in English.***

**VII.** The ECOWAS Commission now invites eligible Consultants (Individual) to indicate interests in providing these services. The interested Consultants must provide all information supporting their qualification to perform the assignment (Kindly attach detailed Curriculum Vitae that highlights the following: Curriculum and Certificates; Past Experiences of similar jobs over the past ten (10) years; Computer knowledge; knowledge of the area; language and any other information useful for the accomplishment of this project). ***Please note that if individual consultants are proposed by firms, only the experience and qualifications of the individuals shall be used in the selection process, their corporate experience shall not be taken into account, and the contract, if given, will be signed with the proposed individuals.***

**VIII.** The selection will be done on the basis of a comparison of curricula vitae and the selected Consultant will be invited to produce Technical and Financial Proposals which will serve as the basis for negotiation for the conclusion of the Contract Agreement. ***(Selection method: Individual Consultant )***.

**IX.** Interested consultants may obtain further information at the address below during office hours: **Monday to Friday from 9: 00 a.m. (GMT+1) to 5 .00 p.m. (GMT+1).** **ECOWAS Commission, Directorate of General Administration, Procurement Division, 101,Yakubu Gowon Crescent Asokoro District, P. M. B. 401 Abuja Nigeria,**

**Email:** **procurement@ecowas.int****;** **sbangoura@ecowas.int** **; with copy to** **hdidigu@ecowas.int****;** **deklu@ecowas.int****;** **vtulay@ecowas.int****;**

**X.** Expressions of interest must be delivered in sealed envelopes and clearly marked: **“CONSULTANCY TO DEVELOP AN OPERATIONAL FRAMEWORK FOR THE ECOWAS REGIONAL COMPETITION AUTHORITY, ACCOMPANYING REGULATIONS AND TECHNICAL SUPPORT FOR CAPACITY BUILDING”, do not open except in presence of the Tender Committee” to the address below by Thursday , March 28, 2019 at 11.00 a.m (GMT+1).**

**XI. The ECOWAS Tender Box is located in the Procurement Division, Directorate of General Administration, 1st Floor ECOWAS Commission, 101 Yakubu Gowon Crescent, Asokoro District, P. M. B. 401 Abuja Nigeria.**

**XII.** **Please note that electronic submissions are not accepted and will not be evaluated.**

**XIII.** This request for EOI can also be viewed on this website**:** [**http://www.ecowas.int/doing- business-in-ecowas/ecowas-procurement**](http://www.ecowas.int/doing-%20%20business-in-ecowas/ecowas-procurement)**.**

**THE COMMISSIONER GENERAL ADMINISTRATION&CONFERENCE**