TERMS OF REFERENCE

RECRUITMENT OF A TRAINING PROVIDER FOR THE PROVISION OF DATA PROTECTION AND PRIVACY FOR DATA PROTECTION AUTHORITIES in AFRICA

Client	**Smart Africa Secretariat** 10th Floor, Career Center Building KG 541 ST, Kigali, Rwanda, PO Box: 4913 Tel: +250784013646| +250 788-300-581 Email: tenderenquiries@smartafrica.org www.smartafrica.org
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Contact	For any questions or enquiries, please write to: tenderenquiries@smartafrica.org For Proposal Submissions: procurement@smartafrica.org

Table of Contents

***Smart Africa Secretariat**, 10th Floor, Career Center Building, KG 541 ST, Kigali, Rwanda,*
PO Box: 4913
tenderenquiries@smartafrica.org | www.smartafrica.org

1. ORGANIZATION BACKGROUND

Smart Africa is a bold and innovative commitment from African Heads of State and Government to accelerate sustainable socio-economic development on the continent, ushering Africa into a knowledge economy through affordable access to broadband and usage of Information and Communications Technologies.

The Smart Africa Manifesto aims to put ICT at the center of national socio-economic development agenda of member countries and promote the introduction of advanced technologies in telecommunication, as well as leverage ICT to promote sustainable development.

The Smart Africa Initiative is geared towards connecting, innovating, and transforming the continent into a knowledge economy thereby driving global competitiveness and job creation. The initiative also aims at enabling Member States to become more competitive, agile, open, and innovative smart economies with the most favorable business climates that attracts large- scale investments, rewards entrepreneurship and enables fast growth and exports, leveraging ICT innovations to transform African nations into smart societies. The Smart Africa Secretariat (SAS) is based in Kigali, Rwanda.

2. PROJECT BACKGROUND

Most African countries are striving to enter and thrive into the economies of the 21st century and for a greater digitalization system through the creation of dedicated ICT Ministries, adaptable ICT policies and skilled workforce and citizens. However, this target can only be achieved by how well the next generation of ICT specialists can be trained and retained. Research also shows that basic foundational skills in ICT and an enabling environment are key drivers of the digital transformation agenda in Africa.

As a result, the Smart Africa Digital Academy (SADA in short) was launched as the driving vehicle for implementing Smart Africa's capacity building and skills development activities across the digital skills spectrum. SADA is a pan-African dynamic learning ecosystem in which African citizens of all ages and social classes can gain or improve their digital skills, gain qualifications, and meet the emerging talent needs of employers, industry or be self-reliant.

For a successful implementation of the digital transformation agenda, it is essential to equip African policy and decision makers with the right capacity and tools to design and implement policies and regulations that are fit for the digital economy.

The objective **of** this request for proposal (terms of reference) is to recruit an experienced consulting firm **to deliver** training on **Data Protection and Privacy to the Network of African Data Protection Authorities (NADPA)** across the continent.

3. OBJECTIVES FOR THE CONSULTANCY

The overall objective of this training is to equip about 25-30 Data Protection Authorities (DPAs) with the necessary skills and capacities to implement Data Protection and Privacy programs and strategies in Kigali, Rwanda or other Smart Africa Members states and other environments to enable them to administer their mandate under Data Protection Laws and Regulations.

The specific objectives for the training program include to:

***Smart Africa Secretariat**, 10th Floor, Career Center Building, KG 541 ST, Kigali, Rwanda,*
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- Implement a structured training plan to suit the needs of the Smart Africa Digital Academy (SADA).
- Subsequently conduct the training after alignment with SADA with an approximate number of 25 - 30 participants.
- Assess and enroll beneficiaries into the Training Program based on relevant requirements of the program.
- Equip learners with the needed advanced knowledge and practical skills for handling emerging data protection issues and protecting Data.
- Deliver training to a cohort of 25 – 30 delegates.

4. SCOPE OF THE ASSIGNMENT

The scope of the assignment is as follows.

i. Development of a training curriculum for Data Protection and Privacy executives to meet the needs of the key departments within a supervisory authority such as The Data Protection Commission (Ghana) and adaptable to other African countries.
ii. Participants: 25- 30.
iii. Engage participants in discussion to increase interaction and create a long-term network for exchange between participants and their institutions.

5. EXPECTED COURSES

The Data Protection and Privacy training for the Data Protection Authorities (DPAs) shall comprise of the following modules:

- ***Data Protection Authorities and Enforcement***

This module will explore the roles and responsibilities of DPAs and key factors for the successful execution of the authorities' mandate, such as independence and autonomy, institutional capacity to adequately give expert advice, investigation and sanctions procedures and mechanisms that DPAs can use to ensure compliance, complaint mechanisms for citizens and how to settle disputes in the case of cross-border processing of data. This may also include how to improve awareness, develop advice, and help data subjects.

- ***Data Sharing and International Transfers***

In this module, DPA officials will be appraised of the various aspects of data sharing and international transfers involved in their day-to-day work. The module will cover considerations in drafting data sharing agreements and how context determines the nature of these agreements. For example, understanding the kind of relationships involved, level of institutional capacity, they type of data under consideration and whether the data sharing is once off or regular. This also involves analysis of the benefits and risks involved and who sets to benefit or shoulder the risks. The module will also cover data mapping, legitimate interest assessment, data protection impact assessment, mapping international transfers of data, data classification, e.g., low, or high risk, standard contractual clauses, and adequacy decisions.

- ***Privacy and Technology***

The 21st century has experienced rapid technological advancement and proliferation of new economies such as big data and platform economies enabled by increased technical capabilities in collection of huge volumes of data, its storage, analysis, and insight derivation by the private and public sectors. This module will focus on the relationship between technology and privacy, how digital technologies and innovation affect/impact privacy and existing privacy threats, the role of emerging technologies and how the same

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technologies can be used to effect privacy (technological safeguards). This module seeks to give DPAs an understanding of the evolving technology and privacy landscape for effective execution of their mandate.

- ***Data Protection Obligations for Controllers and Processors***

This module will address the responsibilities that fall on data controllers and data processors within the context of DPAs' effective control and monitoring. It is the role of DPAs to give clear guidance to data controllers and manufacturers/developers of products and services. The module will highlight grey areas and how these can be addressed with a focus on compliance and accountability with the law; record keeping; safeguarding security, integrity, and confidentiality; impact assessments; adopting data protection by design and by default and meeting staffing requirements within the African context.

6. DURATION OF THE COURSE AND TRAINING METHOD

The training program should be developed following a training needs assessment of the supervisory authorities to meet the needs of the various stakeholders and departmental requirement in Ghana and other jurisdictions when required. The Training program should present durations to meet the objectives of the project and provide a blended/flexible training method/approach.

The training is expected to be executed for 3 days and will utilize an In-Person (Instructor – Led) approach. Participants are expected to interact with each other and the instructor. The training shall be provided for a both English- and French-speaking audience, therefore, an interpreter is required.

7. MISSION EXECUTION

In accordance with these terms of reference, implementation of the training program will be carried out according to a contractual framework to be defined between the Smart Africa Secretariat and the partners involved.
The execution will be carried out in face-to-face format in Kigali, Rwanda or elsewhere as may be decided by the Smart Africa based on the location of the beneficiaries in Africa.

Additionally, content should be made available to Smart Africa both in PowerPoint and e-learning formats after the execution of the training.

The target user group and numbers should be considered in the proposal in addition to the duration of training.

8. FIRM PROFILE AND EXPERIENCE

In addition to the human resources required to assemble its team, as described below, the firm must meet the following requirements:

- ✓ Must be an accredited Cyber Security and Data Protection delivery partner of a supervisory authority or other relevant Information systems security training partner with at least 5 years of delivering relevant certification courses, and
- ✓ Possess at least a Certified Data Protection or hold a Cyber Security degree or masters and be a certified Management trainer.
- ✓ Possess at least a Cyber Security or a Network Security trainer certification.
- ✓ Possess the relevant accreditation and required experience to deliver training to targeted beneficiaries such as supervisory authorities.
- ✓ Demonstrate technical capacity building including the infrastructure to deliver the training.

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- ✓ Firm/consultancy must be based in Africa.
  - ✓ Firms should submit three recommendation letters from previous clients of similar trainings conducted over the past (5 years*)*.
- ✓ Have a Continuing Professional Development (CPD) program to support Supervisory authorities within a defined period to be agreed.

The mission will be carried out by highly qualified consultants/experts in the requested specialties, namely:

- **Lead Consultant/ Head of Mission (1)**
  - ✓ A minimum of a master's degree in Computer Engineering, Information Technology, Cybersecurity, Computer Security, Networking and Telecommunications, or related fields.
  - ✓ Minimum 10 years international working experience in a Data Protection/Privacy and Computer/Systems Security related job.
  - ✓ Familiarity with security/privacy frameworks (e.g., NIST Privacy, NIST Cybersecurity framework) and risk management methodologies.
- ✓ Awareness of Harmonized Data Protection Rules (Africa)
  - ✓ Knowledge of patch management, firewalls and intrusion detection/prevention systems, knowledge of networks and server system setup.
  - ✓ A minimum of 10 conducted trainings as a lead consultant on Data Protection or related topics in the last 5 years.

- **Senior Trainer (1)**
  - ✓ Master's degree or bachelor's in Computer Science, Software Engineering, Information Security, Computer Security/Cyber Security or advanced certifications in Ethical Hacking or related field.
- ✓ Certified Data Protection Supervisor (CDPS) or similar certification
  - ✓ Any additional qualification/certification in an international level such as IAPP/CIPP/E/M aa Computer/Systems Security related area (e.g., CompTIA Security+, CCNA Security, CCNP security, CISSP, CISA, CISM) will be an added advantage.
  - ✓ Minimum 10 years' working international experience in a Data Privacy and Computer/Systems Security related job.
  - ✓ Familiarity with Privacy Frameworks security frameworks (e.g., NIST Cybersecurity framework) and risk management methodologies.
- ✓ *Certified Adult teacher/Trainer*

Examples are *(e.g., NIST Privacy Framework, ISO27701).*

  - ✓ A minimum of 10 conducted trainings as a lead trainer on Data Protection or related topics in the last 5 years.

9. EVALUATION CRITERIA

All bidders should note that the evaluation method is Quality Cost based selection (QCBS) for consultants. The technical and financial scores are 0.7 and 0.3 respectively (0.7 + 0.3=1).

The following model will be used to evaluate all respondents and proposals submitted:

a) Technical Criteria

Items	Point Range
Approach, Methodology and Work Plan	

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i. Training Approach, and Infrastructure in conformity with the scope and objectives of the RFP. (15) ii. CPD Program (5) iii. Training Plan (comprehensive scheduling, assessment methods for selection) (10)		/30
Firms Experience		
• Number of Similar projects or assignments of experience i. From 10 and above ii. Between 5 and 9 iii. 05 years' experience and above	 10 5 5	/20
Consultant/Experts Profile and Experience		
• **Lead Consultant:** i. 10 years of experience with master's degree, relevant Certification and above ii. Between 5 and 9 years of experience with master's degree, and relevant Certification iii. Less than 5 years of experience with master's degree, and relevant Certification	 20 15 0	/20
• **Senior Trainer:** i. 10 years and above of experience with master's degree, relevant Certification ii. Between 5 and 9 years of experience with master's degree, and relevant Certification iii. Less than 5 years of experience with master's degree, and relevant Certification	 15 10 0	/15
Firms References		
• 3 certificates of completion/recommendation similar assignments executed signed and stamped with details: i. 3 similar assignments ii. 2 similar assignments iii. 1 similar assignment iv. 0 similar assignment	 15 10 5 0	/15

The financial proposal of only those firms will be opened which secure a minimum score of 70/100 in the technical evaluation.

St= Score for the Technical Evaluation

b) Financial Criteria

Once the technical criteria have been evaluated, the costs of all bids will be listed from low to high. Computing the cost criteria score will be accomplished by use of the following formula:

$$\frac{Lowest\ Cost\ of\ All\ Proposals}{Cost\ of\ Bid\ for\ Respective\ Firm} \times 100 = Financial\ Score = sf$$

The Applicant getting maximum marks on 70-30 weightage (70% for technical and 30% for financial) will be selected as Consultants for the Client. The weights given to the Technical (T) and Financial Proposals (F) are T = 0.70 and F = 0.30

The Final Score (S) is calculated as follows: S = St*T + Sf*F

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10. SUBMISSION REQUIREMENTS FOR TECHNICAL AND FINANCIAL PROPOSALS

All technical and financial proposals must be submitted in French and English.

1) **Administrative documents** (Company registration certificates, Tax clearance certificates and Social Security clearance).
2) **Technical Requirements**
   - Duly signed and stamped submission letter.
   - Firm's corporate profile/Executive summary.
   - Understanding of ToR.
   - Detailed description of training approach, Methodology, and work plans for performing this assignment.
   - A detailed outline of the training material.
   - Team composition and specific responsibilities per Expert.
   - Work and tentative training schedule.
   - Detailed Curriculum Vitae for the proposed Experts with valid industry certification, academic certificates, and recommendation letters from previous similar assignments signed and stamped.
   - Firms Recommendation or certificate of completion letters signed and stamped.

3) **Financial Requirements**
   - Summary of Costs.
   - Breakdown of price fees per trainee
   - Reimbursable expenses per training.
   - Miscellaneous Expenses.

Notes:

I. *Indicate your preferred payment terms under the financial proposal.*
II. *A withholding tax of 15% will be deducted from payments for Firms not VAT-registered with Rwanda Tax Administration (RRA) and 18% VAT will be applicable for registered firms in Rwanda.*
III. *All Financial Proposals/offers should be password protected and Smart Africa will request it for bidders who have been qualified in the technical evaluation*
IV. *All Financial Offers should be quoted and submitted in USD Currency.*

11. SUBMISSION PROCESS

Soft copies of both Technical and financial proposals must be sent to: procurement@smartafrica.org showing each the nature of the offer concerned (technical or financial offer), the firm's name not later than **29th /October/2022 at 05:00 pm local time (Kigali)** prompt to the Procurement Unit of Smart Africa Secretariat on previous address.

12. RIGHTS RESERVED

a) This RFP does not obligate the Smart Africa Secretariat (SAS) to complete the RFP process. SAS reserves the right to amend any segment of the RFP prior to the announcement of a selected firm.
b) SAS also reserves the right to remove one or more of the services from consideration for this contract should the evaluation show that it is in SAS's best interest to do so.
c) SAS also may, at its discretion, issue a separate contract for any service or groups of services included in this RFP. SAS may negotiate a compensation package and additional provisions to the contract awarded under this RFP.

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d) The Smart Africa reserves the right to debrief the applicants after the completion of the process due to expected high volume of applications and avoiding the compromise of the process.

13. ENQUIRIES

Any inquiries will only be received at least 5 working days before the bid submission deadline. Prospective respondents who may have questions regarding this RFP may submit their inquiries to tenderenquiries@smartafrica.org.

14. ANTI-CORRUPTION

Smart Africa is committed to preventing and not tolerating any act of corruption and other malpractices and expects that all bidders will adhere to the same ethical principles.

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