TERMS OF REFERENCE

Consultancy Services for the Development of Regional Spectrum Strategy for IGAD Members States

Project: Eastern Africa Regional Digital Integration Project
Contract type: Consultancy Services (firm or consortium)
Estimated Duration: 32 weeks
Location: Remote with field missions as needed.

A. BACKGROUND

Eastern Africa Regional Digital Integration Project

The Eastern Africa Regional Digital Integration Project (EARDIP), financed by the World Bank, aims to promote the expansion of an integrated digital market across Eastern Africa by increasing cross-border broadband connectivity, data flows and digital trade in the region. The Phase I development objective of the SOP is to advance digital market integration in the Eastern Africa region by increasing affordable access to regional broadband connectivity and strengthening the enabling environment for cross-border digital services.

EARDIP supporting two RECs, namely Eastern Africa Community (EAC) and Intergovernmental Authority on Development (IGAD) to be conduits of digital integration in the Eastern Africa region including the Horn of Africa region.

The Project under IGAD is structured in four components:

Component 1: Connectivity Market Development and Integration

Sub-component 1.3: Enabling legal, regulatory, and institutional ICT environment.
The aim of this sub-component is to support the harmonization of cross-border telecommunication infrastructure and services in the EAC and IGAD member states, the project will finance a set of legal, regulatory, and technical assistance activities and capacity building programs.

Component 2: Data Market Development and Integration

Sub-component 2.1: Cybersecurity frameworks, infrastructure, and capacity

This subcomponent aims to strengthen and harmonize cybersecurity frameworks across the IGAD member states to enhance the security of the cross-border data flows. It will comprise financing for legal and technical assistance as well as capacity building for managing cybersecurity risks, conducting awareness campaigns about cyber security at the regional level, and acquiring services and equipment for the creation of a regional incident response, information sharing, and cybersecurity coordination platform.

Sub-component 2.2: Data exchange, governance and protection

This sub-component would focus on safeguarding personal data, promoting trust and enabling cross-border data flows. Activities under this subcomponent will focus on enhancing the regional enabling environment and institutions required to integrate the data market through the harmonization of data protection regulation.

Component 3: Online Market Development and integration

Sub-component 3.1: Digital cross-border trade, payment, and service enablers.

To promote trade in services and e-commerce across the region, this subcomponent would support the development of such a strategy for IGAD, preparing the ground for AfCFTA's E-Commerce protocol negotiations. The activities under this sub-component will support the establishment of region-wide rules on online markets by promoting the harmonization of laws and regulations in a series of policy areas essential to digital markets integration. Policy areas covered by this subcomponent will focus on enabling remote transactions, such as the regulatory framework for e-signature, online intermediaries, and interoperability of payments.

Component 4: Project Management and Implementation Support

This component will finance technical assistance and capacity support for project implementation and the cost of setting up and operating costs of the Project Implementation Unit (PIU) within the Division of Economic Cooperation and Regional Integration of IGAD.

EARDIP builds on IGAD's Regional Infrastructure Master Plan (IRIMP, 2017-2021), supported by the African Development Bank. The main goal of the IGAD Regional Infrastructure Master Plan (IRIMP), the ICT sector is to develop smart and integrated ICT infrastructure. The main specific objectives are to develop harmonized policy and regulatory frameworks; promote the development of ICT services and e-applications, fast track the development of physical infrastructure, create safe cyber space, build capacity of the human resources and the related institutions.

In general, the situational analysis of the ICT sector in the region revealed that the sector is facing many challenges: (i) Access: lack of coherent, harmonized and holistic policies/strategies and action plans which impede infrastructure development as well as conducive legal and regulatory

framework, (ii) Affordability: unaffordable access costs particularly for the poor living in rural areas, hence the increase of digital divide; (iii) Digital skills/literacy: poor digital training offers, lack of required equipment, etc.; (iv) Content relevancy: inadequacy of the offered content in relation to the needs of end users; and (v) Online safety: increased risks in terms of cybersecurity and lack of data and consumer protection frameworks and laws.

This study will be implemented under component one of the EARDIP project, sub-component 3.1. IGAD in collaboration and support from the World Bank is intending to hire a consultancy firm to undertake this study and support the decision makers with a regional strategy with its regulatory guidelines for spectrum management for borderlands areas and a set of recommendations to inform the key applications and business models driving the future use of spectrum based on national and international experiences including looking to the future use of 5G.This study will focus on IGAD partners states. In parallel, considerations will be given to what EAC is planning under EARDIP covering EAC members. Given the shared membership between these two organizations, it is expected a close cooperation between both initiatives.

B. OBJECTIVE

IGAD is inviting qualified firms to conduct a study on developing a regional spectrum strategy to help advance cross-border voice, data and IP (internet protocol) connectivity between its Member States and to help adoption of 5G-friendly spectrum planning tools. The scope of services, consulting team profiles, reporting requirements, and other particulars of the assignment are detailed below.

C. SCOPE OF WORK

The consultant will be expected to actively engage with IGAD member states and other relevant stakeholders. The scope of work will focus on actions to be taken at the regional level to incentive harmonization of spectrum management approaches between the IGAD Member States. More specifically, the Consultant is expected to carry out the following tasks, among others:
   a) Desk review of existing methods being used for of spectrum management, allocation, and planning (including for 5G) among IGAD Member States.
   b) To complement and validate (a) above, facilitate through IGAD, in-person consultations with the Ministries of Communications and Telecom Regulators of the IGAD Member States to validate findings.
   c) Review of emerging and international best practices for (regional) spectrum management, allocation, and planning (including for 5G) and trend analysis and strategies to future-proof against upcoming technologies and changes in the spectrum usage landscape.
   d) Based on (a)-(c) above, develop the "*IGAD: Strategic Vision and Long-term Plan for Spectrum Management*", which will include technical and regulatory recommendations tailored for the region in order to advance cross-border flows of voice, data and IP as well as approaches to plan for 5G deployment; recommendations to cover among others:
      - International best practice review on (i) cross-border spectrum management; (ii) spectrum re-farming guidelines for the region, outlining best practices and

considerations for reallocating spectrum bands to meet changing demands, technological advancements and minimize spectrum hoarding; (iii) assignment procedures for the 5G spectrum bands; and (iv) guidelines for the application and usage of the unlicensed bands for rural areas and short-range hotspots.

- Identification of and recommendations on how to fill the gaps for radio-frequency spectrum management regulations, with the view of advancing cross-border communications flows while specifying at what level they will need to be implemented – regional or national.

e) Develop training materials and provide training for IGAD Member States, to cover areas such as strategic spectrum planning, radiofrequency assignment interference management, international best practices in spectrum management, the use of relevant ITU spectrum Publications, Resolutions, Regulations, Articles and Notification tools; and

f) Provide specialized training sessions focused on the utilization of software tools such as ITU Spectrum Management System for Developing Countries (SMS4DC) and other recommended software tools for spectrum management.

D. COORDINATION WITH RELATED ACTIVITIES

Various countries in the sub-region, such as Kenya, South Sudan and Uganda, are members of both EAC and IGAD regional organizations. Under EARDIP, the Secretariat of the EAC is also commissioning similar activities to the ones described in this document, in particular regarding the proposal for principles for regulatory harmonization.

Throughout the duration of the project, the Consultant is expected to coordinate closely with IGAD and WB authorities, as well as other consultants team carrying out similar tasks for EAC. Deliverables under this procurement are expected to align with and be consistent with similar deliverables being procured by the EAC under EARDIP
The Consultants are expected to coordinate on substance, in particular regarding the proposed principles for regulatory harmonization, as well as on activities that can be conducted jointly, especially consultations with government officials in countries that are members of both EAC and IGAD.

While Consultants are not expected to provide identical products, the Consultants to both IGAD and EAC procurement shall strive to propose recommendations and guidance that are consistent or mutually compatible.

E. EXPECTED DELIVERABLES & SCHEDULE OF COMPLETION

The Consultant is expected to complete the assignment in full within 32 weeks, and to submit the following deliverables, based on the indicative timelines and payment schedule detailed below:

S/No	Milestone/deliverable	Timeline	Indicative payment schedule
D1.	Inception report, to include a detailed workplan to deliver the assignment	Within 2 weeks of contract signing.	10%
D2.	Draft report on the Regional Strategy on Spectrum Management in IGAD, as per activity d, complete with a training plan as per activity	Within 14 weeks	50%
D3.	Draft Action Plan, Monitoring and Evaluation Mechanism and recommendations for IGAD and IGAD members, as per D 1 and 2	Within 18 weeks	40%
D4.	Workshop to present the deliverables, as per D2	Within 20 weeks	
D5.	Final report	Within 24 weeks	
D6.	Short status update reports every 3 weeks	Every 3 weeks	

F. CONTRACTING, REPORTING AND VALIDATION PROCEEDURE

The Consultant will be contracted by IGAD, responsible for payment and approval of deliverables. All deliverables should be submitted to the IGAD Coordinator. Written deliverables should be submitted electronically in PDF and editable Word format efficient collaboration, comments, and edits with team members and reviewers.

The Consultant will collaborate on a day-to-day basis with the assigned IGAD Specialists, who may vary over time, and with as well as with assignment focal points at the WB.

G. CLIENT'S RESPONSIBILITIES

IGAD, IGAD Member States, and WB shall, to the best of their ability, provide the following:
- Background data and literature not readily available but considered relevant for accomplishing or informing the assignment and completing identified tasks at their immediate disposal.
- Access to key officials within the relevant Regulators/Ministries/Agencies/departments and other relevant official entities, as applicable.
- Cooperation with organizations, whose activities and programs are deemed relevant to the assignment and require an effort beyond what is reasonably attainable by the consultant.

H. LOCATION
Remote with field missions required.

I. KNOWLEDGE TRANSFER

Knowledge transfer is an integral part of this assignment and should be integrated into the consultant's methodology and technical proposal, assuring that the beneficiaries gain the capability to leverage and mobilize key elements of the assignment. For this purpose, the recommendations and analysis should be characterized by specificity, precision, and accompanied by concrete examples and an actionable, programmatic, and comprehensive roadmap to ensure practicality.

J. STAKEHOLDER CONSULTATION

As part of the project deliverables, the consultant will develop a consultation methodology that should be clearly specified to encompass a diverse range of stakeholders and topics. This methodology is essential for enabling a nuanced approach to adapting global good practices within the region. It should proactively include various stakeholders, including civil society representatives at multiple phases, ensuring the creation of an inclusive and multifaceted analysis and recommendations.

An emphasis will be placed on the necessity of conducting simultaneous consultations involving multiple stakeholders. Additionally, it is advisable to conduct consultations, workshops, or a combination thereof before each deliverable and sub-deliverable. This approach ensures comprehensive representation and alignment with project goals.

The overarching goal is to facilitate a more comprehensive understanding of the ecosystem and the dynamics among various stakeholders. The outcomes shall be documented and shared with IGAD and WB.

K. REQUIRED EXPERIENCE: FIRM & CORE TEAM

The **firm** selected will need to demonstrate:
- Extensive experience in digital policies and regulations, with experience advising on spectrum regulation and management.
- At least ten years' experience in the relevant field of spectrum management, for instance, working in a spectrum management function within an ICT Regulatory Agency, an international organization such as the ITU, has done similar spectrum consultancy, etc.
- A demonstrated track record of successfully completing similar assignments, with a focus on relevance and recent experience. This includes legal reviews, the review of national/regional spectrum policies/strategies, regulatory frameworks for spectrum management, and spectrum security related issues.
- Prior experience in spectrum management in Africa.
- Prior experience of working closely with public sector, private sector, and other relevant stakeholders especially in the digital economy

- Demonstrated familiarity with the Horn of Africa context.
- Must have experience in providing training in relevant software tools such as the ITU spectrum management software for regulators in the region.

The team composition is flexible, with a minimum requirement of at least one team leader and one team member. The firm may include additional team members as necessary to ensure the timely, accurate, and complete completion of the assignment, as per project requirements.

The consulting firm is required to provide a staffing plan as part of the proposal, which should include the names, roles, and CVs for the project team. Additionally, the team must identify the estimated number of days dedicated by each member to the project, specifying the periods and the tasks or responsibilities for which these days are allocated.

Team Leader or Equivalent: The Team leader will coordinate the collection and compilation of data and records from the member states. He/she will be responsible for overall delivery of the assignment and will lead the training of users where necessary. He/she is expected to have the following qualifications:

- Master's or equivalent degree in law, political sciences, computer Science, information technology, governance, or a related discipline.
- A minimum of 10 years of relevant experience in a public institution, private sector or in an international organization.
- At least 5 years of demonstrated experience in developing and implementing spectrum-related studies including working on developing spectrum plans, policies, and strategies as well as in spectrum system management and regulations.
- Proven experience in working in the Greater Horn of Africa region and ability and experience in management of partner funded projects such as United Nations and multilateral development projects.
- Familiarity with internationally recognized good practices, methodologies, standards and regulations related to data governance, such as ISO 27001, , GDPR, etc.
- Knowledge of emerging trends and advancements in the field of ICT in general and in particular on spectrum-related issues

Telecom Expert
- Bachelor's Degree in ICT, engineering, or other related disciplines
- In-depth knowledge of Radio Frequency Engineering, role of ICTs in social and economic development
- Proven professional experience of more than 3 years in the area of spectrum management in accordance with international telecommunication acts and regulations (ITU), national policies and international best practices.

- Knowledge of strategic planning and management, corporate governance and experience in project design, appraisal, implementation, and management
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- Experience in collecting and analysing secondary data and conducting semi-structured interviews is mandatory.

Legal Expert
- Master's degree in public or international law, political or social science, international studies, or a related legal field of an accredited educational institution.
- Proven experience in drafting policies/strategies, Acts, bills, regulations, or guidelines for a minimum of 6 (six) years
- Strong critical thinking, legal analysis, and oral and written advocacy skills.
- Experience in evaluation and writing study reports is required.
- Knowledge of international laws and standards on spectrum-related issues.
- Experience liaising with government authorities, other national and international institutions, and donors, as well as civil society organizations.
- Experience of a similar situational analysis of the protection and management of personal data at the national level is an advantage.

Firms will undergo a holistic evaluation, with a focus on team composition that maximizes the timely, accurate, and complete completion of the assignment, aligning with project requirements.