

## REQUEST FOR PROPOSALS

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# CONSULTANT – LEGAL CONSULTANT IN NIGERIA

## DIGITAL TECHNOLOGIES USED IN FOOD FORTIFICATION

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Issued by  
The Global Alliance for Improved Nutrition (GAIN)

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## I. PROJECT BACKGROUND AND SCOPE OF WORK

### 1. ABOUT GAIN

The Global Alliance for Improved Nutrition (GAIN) is a Swiss-based foundation launched at the UN in 2002 to tackle the human suffering caused by malnutrition. Working with both governments and businesses, we aim to transform food systems so that they deliver more nutritious food for all people. At GAIN, we believe that everyone in the world should have access to nutritious and safe food. We work to understand and deliver specific solutions to the daily challenge of food insecurity faced by poor people. By understanding that there is no “one-size-fits-all” model, we develop alliances and build tailored programmes, using a variety of flexible models and approaches. We build alliances between governments, local and global businesses, and civil society to deliver sustainable improvements at scale. We are part of a global network of partners working together to create sustainable solutions to malnutrition. Through alliances, we provide technical, financial and policy support to key participants in the food system. We use specific learning, evidence of impact, and results of projects and programmes to shape and influence the actions of others.

### 2. BACKGROUND

Despite progress, malnutrition continues to be a global challenge. It not only results in short-and long-term health problems at the individual level<sup>i</sup>, but also has a detrimental impact on productivity resulting in negative socioeconomic consequences for countries at large<sup>ii</sup>. As a global community, we are working hard towards reaching the ambitious Sustainable Development Goal of ending all forms of hunger and malnutrition by 2030, making sure all people—especially children—have sufficient and nutritious food all year<sup>iii</sup>. Meeting this goal requires that nutritious foods are made available and accessible, particularly to vulnerable populations. Our current efforts must be enhanced and scaled up.

Micronutrient malnutrition, commonly in the form of iron, iodine, vitamin A, zinc, and folate deficiencies affect nearly half of children worldwide younger than 5 years of age and approximately one-third of the world’s population<sup>iv</sup>. Large scale food fortification (LSFF) programs (one intervention within the micronutrient “toolbox” of options) has been shown to significantly improve nutrition, health, and development outcomes; a recent systematic review found that LSFF improved the micronutrient status and health outcomes of populations in low- and middle-income countries. These included reduction of birth defects, improvements in iron status, improvements in vitamin A status, among others<sup>v</sup>.

One major pitfall in the case of fortification to health impact is that even when a country has made fortification mandatory, gaps in fortification quality remain<sup>vi</sup>. Fortified foods that do not meet the established standards can result in a program not reaching its intended impact. In order to understand where these pitfalls lie in achieving adequate quality of fortified foods and to initiate corrective actions, **data collection throughout various points of the food fortification value chain** i.e., from producer to consumer are needed. Despite collection of data among various stakeholder across the value chain, data is not shared and is kept in silos. How can we improve and integrate current technologies and create new technologies into one, robust and comprehensive “Cross sector **data system** for fortification quality”?

Fostering collaboration to accelerate innovation and technology, in the nutrition sector, particularly large-scale food fortification, is critical. The Global Alliance for Improved Nutrition, with support from the Bill and Melinda Gates Foundation is leading a consortium of expert technology companies, private sector partners and NGOs to **pilot and scale up the development of a Digital QA/QC System for Food Fortification which intends to improve transparency and traceability of fortification quality across the large-scale food fortification value chain.**

### 3. OBJECTIVES

GAIN seeks to hire a Legal Consultant who will conduct a landscape of the laws in Nigeria (both published and in development) governing data protection and privacy, data systems, consumer protection, as well as any framework around e-governance of data/data sharing/e-transaction laws; including all legislation related to Information and Communication Technology (ICT). It will be important for GAIN and the consortium to understand all laws governing e-data systems and data sharing as this determines the structure of the system architecture of the digital QAQC system mentioned above.

### 4. SCOPE OF WORK AND DELIVERABLES

#### 4.1. SCOPE OF WORK

##### Legal Consultant tasks

- **Initial landscape of privacy and data security laws** (legislation and drafts/forthcoming regulations), and ministries (including key persons involved)
  - Overview of data management/privacy/sharing legislation in cross-border contexts;
  - E-Governance legislation
  - Based on regulatory environment and roles/responsibilities around fortification monitoring, “Who owns the data on fortification quality? If collected by government, or if collected by premix, or if collected by producers?”
  - Data sovereignty
  - Cross-border data sharing-most important aspect from an IT perspective to understand
  - Any considerations for the consortium regarding hosting a data system (i.e., must be on local serve vs nonlocal server, etc.)
  - Data management:
    - Are there maximum data retention times?
    - Are regulations in place for specific kinds of data like PII-data? How should those be handled?
    - Who has which responsibility in our setup with regards to those regulations?
    - Example: If a producer gives us access to PII-data and wants us to delete it afterwards, are we only responsible to delete it in our system or must we also enforce that the government deletes this data?
    - Do we need to adhere to KYC (Know-your-customer) laws and regulations?
  - Understanding of e-transaction laws, data protection privacy laws (both for individuals and for businesses), cybercrime laws, and consumer protection laws.
  - Review of legislation on UNTAD- <https://unctad.org/page/data-protection-and-privacy-legislation-worldwide>

##### **Experience and Qualifications**

- 5+ years of professional experience as an attorney in Nigeria (required)
- Experience working with private sector and government (preferred)
- Knowledge/experience on Nutrition and Fortification (preferred)
- Experience working with ICT law and e-governance (preferred)

- Experience working with International Organizations (preferred)
- Fluent in English

#### 4.2. DELIVERABLES AND TIMELINE

The timeline for completion of all aspects of the Scope of Work and submission of deliverables is outlined in the following table:

<b>DELIVERABLE</b>	<b>DEADLINE</b>
Submission of expression of interest	July 8,2022
Contract signing	July 15, 2022
Methodology/plan for landscape shared with GAIN	July 24, 2022
Legal Analysis Complete and shared with GAIN	August 30, 2022
Report finalized	TBD

## II. INSTRUCTIONS FOR RESPONDING

This section addresses the process for responding to this solicitation. Applicants are encouraged to review this prior to completing their responses.

### 1. CONTACT

Key programme and technical staff from GAIN are part of the selection team of the organisation and will review the proposals. They will be available via email to respond to clarifications on this solicitation. Please direct all inquiries and other communications to [rfp@gainhealth.org](mailto:rfp@gainhealth.org). Responses will not be confidential except in cases where proprietary information is involved.

### 2. BUDGET

Applicants are required to provide GAIN with a detailed fee proposal in US Dollars, including the number of days of work projected and the daily rate. The final fee will have to be approved by GAIN prior to starting the project.

### 3. SUBMISSION

Interested applicants should prepare a proposal that consists of the following:

1. a three-paragraph expression of interest including: reasons for interest in the consultancy, qualifications in law and legal analysis experience; daily rate
2. a brief (<3 pages) CV highlighting recent relevant experience and references; and

### 4. DEADLINE

Completed proposals should be submitted to [rfp@gainhealth.org](mailto:rfp@gainhealth.org) by **5:00 pm EST on 8, July 2022**.

### 5. UNACCEPTABLE

The following proposals will automatically not be considered or accepted:

Proposals that are received after the RFP deadline.

Proposals received by fax or post.

Incomplete proposals.

Proposals that are not signed.

### 6. REVISIONS

Proposals may be revised by electronic mail and confirmed by hard copy provided such revision(s) are received before the deadline.

### 7. ACCEPTANCE

GAIN will not necessarily accept the lowest cost or any of the proposals submitted. Accordingly, eligibility requirements, evaluation criteria and mandatory requirements shall govern.

## **8. COMPLETION**

Proposals must be submitted on official letterhead of the lead organisation or firm and must be signed by a principal or authorising signatory of the lead firm or organisation.

In case of errors in calculating overall costs, the unit costs will govern.

It is the applicant's responsibility to understand the requirements and instructions specified by GAIN. In the event that clarification is necessary, applicants are advised to contact GAIN at [rfp@gainhealth.org](mailto:rfp@gainhealth.org) prior to making their submission before the deadline specified in the timeline above.

While GAIN have used considerable efforts to ensure an accurate representation in this RFP, the information contained in this RFP is supplied solely as a guideline. The information is not warranted to be accurate by GAIN. Nothing in this RFP is intended to relieve applicants from forming their own opinions and conclusions with respect to the matters addressed in this RFP.

By responding to this RFP, the applicant confirms its understanding that failing to comply with any of the RFP conditions may result in the disqualification of their submission.

## **9. RIGHTS OF REJECTION**

GAIN reserves the right to reject any or all submissions or to cancel or withdraw this RFP for any reason and at its sole discretion without incurring any cost or liability for costs or damages incurred by any applicant, including, without limitation, any expenses incurred in the preparation of the submission. The applicant acknowledges and agrees that GAIN will not indemnify the applicant for any costs, expenses, payments or damages directly or indirectly linked to the preparation of the submission.

## **10. REFERENCES**

GAIN reserves the right, before awarding the proposal, to require the applicant to submit such evidence of qualifications as it may deem necessary, and will consider evidence concerning the financial, technical and other qualifications and abilities of the applicant.

## **11. RELEASE OF INFORMATION**

After awarding the proposal and upon written request to GAIN, only the following information will be released:

Name of the successful applicant.

The applicant's own individual ranking.

### **III. TERMS AND CONDITIONS OF THIS SOLICITATION**

#### **1. NOTICE OF NON-BINDING SOLICITATION**

GAIN reserves the right to reject any and all bids received in response to this solicitation and is in no way bound to accept any proposal. GAIN additionally reserves the right to negotiate the substance of the successful applicants' proposals, as well as the option of accepting partial components of a proposal if deemed appropriate.

#### **2. CONFIDENTIALITY**

All information provided as part of this solicitation is considered confidential. In the event that any information is inappropriately released, GAIN will seek appropriate remedies as allowed. Proposals, discussions, and all information received in response to this solicitation will be held as strictly confidential.

#### **3. RIGHT TO FINAL NEGOTIATIONS ON THE PROPOSAL**

GAIN reserves the right to negotiate on the final costs, and the final scope of work of the proposal. GAIN reserve the right to limit or include third parties at GAIN's sole and full discretion in such negotiations.

#### **4. EVALUATION CRITERIA**

Proposals will be reviewed by the Selection Team. The following indicate a list of the significant criteria against which proposals will be assessed. This list is not exhaustive or 100% inclusive and is provided to enhance the applicants' ability to respond with substance.

Applicants are required to submit the following information, conforming to the guidelines given in this section:

Understanding of the scope of work;

Past experience undertaking similar work;

Rate.

**GAIN reserves the right to contact the individuals and contractor(s) in order to verify the information provided as part of the Proposal.**

#### **5. REVIEW PROCESS**

The review process will involve a Review Panel with participants selected by GAIN.

#### **6. LIMITATIONS WITH REGARD TO THIRD PARTIES**

GAIN does not represent, warrant, or act as agent for any third party as a result of this solicitation. This solicitation does not authorise any third party to bind or commit GAIN in any way without GAIN's express written consent.

#### **7. COMMUNICATION**

All communication regarding this solicitation shall be directed to appropriate parties at GAIN. Contacting third parties involved in the RFP, the review panel, or any other party may be considered a conflict of interest and could result in disqualification of the proposal.



## **8. FINAL ACCEPTANCE**

Award of a Proposal does not imply acceptance of its terms and conditions. GAIN reserves the right to negotiate on the final terms and conditions including the costs and the scope of work when negotiating the final contract to be agreed between GAIN and the applicant.

## **9. VALIDITY PERIOD**

The offer of services will remain valid for a period of 60 days after the Proposal closing date. In the event of award, the successful applicant will be expected to enter into a contract subject to GAIN's terms and conditions.

## **10. INTELLECTUAL PROPERTY**

Subject to the terms of the contract to be concluded between GAIN and the applicant, the ownership of the intellectual property related to the scope of work of the contract, including technical information, know-how, processes, copyrights, models, drawings, source code and specifications developed by the applicant in performance of the contract shall vest entirely with GAIN.

## **11. SCOPE OF CHANGE**

Once the contract is signed, no increase in the liability of GAIN or in the fees to be paid by GAIN for the services resulting from any change, modification or interpretation of the documents will be authorised or paid to the applicant unless such change, modification or interpretation has received the express prior written approval of GAIN.