



**Malawi Millennium Development Trust (MMD)**

**SPECIFIC PROCUREMENT NOTICE (SPN)**

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| Country                 | <b>Malawi</b>  |
| Project Name            | <b>MCA-Malawi II Compact Program</b>                       |
| Procurement Title       | <b>Legal and Regulatory Drafting Assistance</b>            |
| Procurement Ref. Number | <b>MMD- 3019</b>   |
| Type of Procurement     | <b>Services</b>  |
| Employer                | <b>Malawi Millennium Development Trust (MMD)</b>           |
| Publication Date        | <b>13<sup>th</sup> September 2023</b>                      |
| Submission Deadline     | <b>3:00 PM, local time on 19<sup>th</sup> October 2023</b> |

1. The Government of the Republic of Malawi (the “Government”) has secured grant funding from the Millennium Challenge Corporation (“MCC”), called a Compact (the “Compact”), and intends to apply a part of the proceeds of that funding to payments for contracts for goods, works and services. The Government has formed a Compact Development Team (“CDT”) led by the CEO of the Malawi Millennium Development Trust (“MMD”), for the purpose of developing and implementing the Compact. To support both of these activities, MCC and the Government entered into the following agreements:
  - A Compact Development Funding Grant Agreement dated May 22, 2020, as amended or otherwise modified from time to time (the “CDF Agreement”) pursuant to which MCC agreed to provide a grant of up to US\$11,650,000 under the authority of Section 609(g) of the Millennium Challenge Act of 2003, as amended (the “Act”), to facilitate the development of a Compact between the United States of America, acting through MCC, and the Government to help accelerate economic growth and poverty reduction in Malawi, and
  - A Compact dated September 28, 2022, as amended or otherwise modified from time to time under which MCC agreed to provide a grant of US\$350,000,000 to the Government to support the execution of a number of preparatory activities leading to Entry Into Force of the Compact and thereafter, to fund the implementation of the various activities under the Compact.
2. Subject to the terms and conditions of the Compact, the CDF Agreement, related agreements and the availability of funds, the Government intends to use a portion of the

funds for the Consultant services for the **Legal and Regulatory Drafting Assistance Contract**, a form of which is attached to this Request for Proposals (“RFP”) in Section VI. The Compact consists of three (3) projects:

- a) **The Accelerated Growth Corridors (“AGC”) Project** aims to reduce the barriers between farm and market by improving road conditions, encouraging a more transparent and competitive business environment for transporters, and addressing first mile transportation challenges for smallholder farmers. The project will support policy and institutional reforms to enable better road planning and maintenance of AGCs and associated infrastructure, as well as safer conditions for women to move and conduct economic activity along the corridors.
  - b) **The Increased Land Productivity Project (the “Land Project”)**: will support improved land services, better functioning land markets, and increased investment in land through revenue-oriented investments to increase adequate funding of land institutions at national and city levels and support institutional change in the land sector. Revenue work at both levels equally focuses on the broader role of well-functioning property tax systems in incentivizing productive use of land.
  - c) **The American Catalyst Facility for Development (“ACFD”) Project**: is to facilitate United States International Development Finance Corporation (“DFC”) investment in Malawi in an effort to catalyze increased private investment consistent with compact objectives and increase the scale and impact of the compact.
3. MCC requires that all beneficiaries of MCC Funding, including the MCA Entity and any applicants, Bidders, Suppliers, Contractors, Subcontractors, Consultants, and Sub-Consultants under any MCC-funded contracts, observe the highest standards of ethics during the procurement and execution of such contracts. *MCC’s Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations* (“MCC’s AFC Policy”) is applicable to all procurements and contracts involving MCC Funding and can be found on the MCC website at: <https://www.mcc.gov/resources/doc/policy-fraud-and-corruption>.
  4. MMD now invites proposals from legally constituted consulting firms and other organizations to provide **Legal and Regulatory Drafting Assistance (“Proposals”)**. More details on these services are provided in the Terms of Reference in Section V of the RFP.
  5. This RFP is open to all eligible entities (“Consultants”) who wish to respond. Subject to restrictions noted in the RFP, consultants may associate with other consultants to enhance their capacity to successfully carry out the assignment.
  6. One or more Consultants will be selected under the **Quality and Cost-Based Selection (“QCBS”)** method, an evaluation procedure that is described in sections of the RFP in accordance with the “MCC Program Procurement Guidelines” provided on the MCC website ([www.mcc.gov/ppg](http://www.mcc.gov/ppg)). The selection process, as described, will include a review and verification of qualifications and past performance, including a reference check, prior to the contract award.

7. A complete set of Request for Proposal (RFP) documents, including any clarifications, notices, and/or addenda, can be obtained by interested and eligible consultants. To access the documents, consultants have two options:

- Dropbox: Interested consultants can access the RFP documents using the following link:  
<https://www.dropbox.com/sh/m1pslf7t1ex6qy9/AACfDUj7R2rcdDdwiKQ8jNH Ra?dl=0>
- MMD Website: Alternatively, consultants can visit the MMD website at <https://www.mmd-malawi.org> to obtain the documents.

Consultants interested in submitting a proposal should register their interest by sending a completed registration to the Procurement Agent at [PAMalawi@charleskendall.com](mailto:PAMalawi@charleskendall.com). The subject of the email should be "LEGAL\_REGULATORY\_DRAFTING-RFP\_Company name." A copy of the email should also be sent to MMD Interim Procurement Director Thenford Mchenga at [thenford.mchenga@mmd.gov.mw](mailto:thenford.mchenga@mmd.gov.mw). In the email, consultants should provide their full contact details. Registering in this manner ensures that consultants receive updates regarding the RFP.

8. Please note that a Pre-Proposal Conference will be held as described in the Proposal Data Sheet ("PDS"), Section II of the RFP. Attendance at the Pre- Proposal Conference is not mandatory but is strongly advised for all interested Consultants or their representatives.

9. The deadline for submission of Proposals is **3:00 PM, local time on 19<sup>th</sup> October 2023**.

10. Please note that **only electronic Proposals shall be accepted** in the manner specified in the PDS ITC 17. Late Proposals will not be accepted under any circumstances.

11. Contact Information:

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| Attn:   | The Procurement Agent – MMD  |
| E-mail: | <a href="mailto:PAMalawi@charleskendall.com">PAMalawi@charleskendall.com</a> and cc <a href="mailto:thenford.mchenga@mmd.gov.mw">thenford.mchenga@mmd.gov.mw</a> |