



LEGAL & REGULATORY DRAFTING ASSISTANCE
REF#: MMD 3019
PRE-PROPOSAL CONFERENCE

22 September 2023, 15:00 Local Time, Lilongwe, Malawi

Agenda

Welcome Address – Chief Executive Officer /MMD –
Dye B. Mawindo

5 min

Introductory Remarks by Interim Procurement
Director –IPD /MMD - Thenford Mchenga

5 min

Remarks by the Ag. Procurement Agent Manager
(APAM) /CKP - Kwadwo Osei Asante

5 min

Technical Presentation by Sector Lead / MMD -Dr.
Themba Chirwa

20 min

Procurement Presentation by Snr. Procurement
Specialist /CKP- Kwasi Ansu-Tutu

20 min

Q&A

5 min

TOTAL

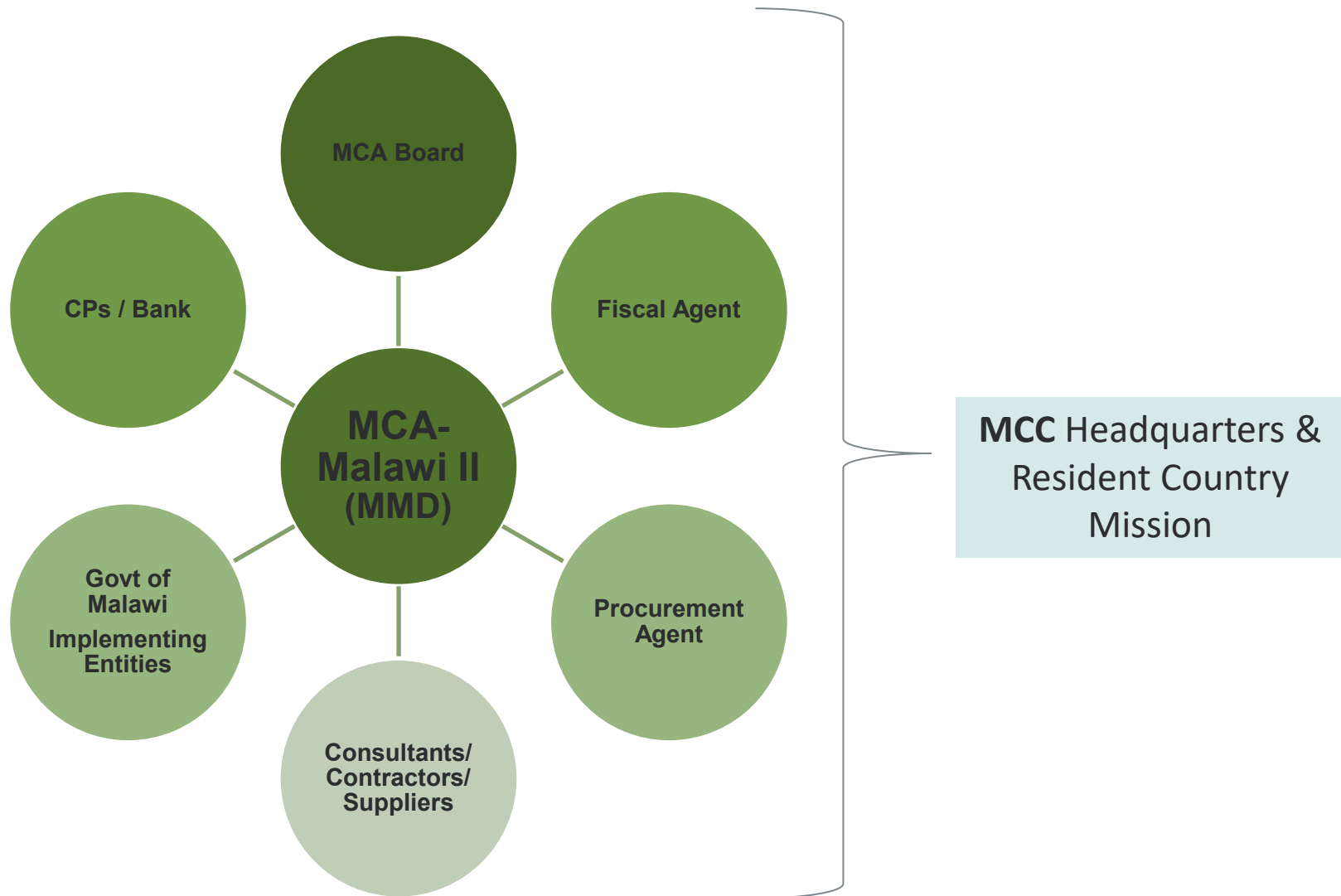
60 min





Part 1: Compact Overview

01 PRESENTATION OF MCA ENTITY STRUCTURE



01 Compact Goals and Objectives

The Malawi Transport and Land Program

Goal – Reduce poverty through sustainable economic growth

Main Projects and objectives

- Accelerated Growth Corridors (AGC) Project – reduce costs of transport in targeted rural areas (\$244.9 million)
- **Increased Land Productivity (ILP) Project – improve land services (\$44.1 million)**
- American Catalyst Facility for Development (ACFD) Project – facilitate DFC investments in Malawi (\$8.5 million)



Part 2: The ILP Project

MAIN PROJECT ACTIVITIES AND COMPONENTS OF THE ILP PROJECT

Land Administration Resourcing and Institutions Activity

- a) Land-related revenues reform and reform implementation,
- b) Devolution-related reform further to existing plans and reform implementation, should the GOM determine to pursue,
- c) At the Government's request, reform related to the creation of a Land Authority, should the GOM determine to pursue and reform implementation
- d) Organization and analysis of existing leasehold records

City Council Land-Based Revenue Modernization Activity

- a) Legal, regulatory, and procedural transformation
- b) Property Mapping, Valuation, Property Record Automation, and Property Information Management System
- c) Institutional, and Social, and Behavior Change (ISBC)
- d) Budget and Expenditure Management Support

LAND ADMINISTRATION RESOURCING AND INSTITUTIONS ACTIVITY

SUMMARY OF INTERVENTIONS

Land-Based Revenues Reform

- Retention of revenues and rationalization of ground rents

Land-Based Revenues Implementation

- Leasehold ground rent collection system support (extending LIMS, records cleaning & entry, IT support)
- Ground rent sensitization campaigns
- Ground rent e-payment platform (linked to LIMS)
- Ground rent collection campaigns
- Budget and expenditure management support

Devolution Reform

- Costing study, review of the devolution plan, information and records study

Devolution Implementation

- Land registries infrastructure through capital investments (construction or rehabilitation)
- Migration of data from regional to land registries support
- Expansion of LIMS
- Training of new district land officials

Land Authority Reform

- Land Authority Assessment and options study

Land Authority Implementation

- If the government chooses, support the setting up of a new NLA
- Organizational preparations
- Drafting internal protocols
- Staffing preparations
- Training of other institutional stand-up requirements
- Capital investments

Information and Records reform and implementation

CITY COUNCIL LAND-BASED REVENUE MODERNIZATION ACTIVITY

SUMMARY OF INTERVENTIONS

Legal & Regulatory Reform

- Drafting land-revenue-specific bylaws
- Business process re-engineering and modernization
- May include drafting modifications to the Local Government Act (LGA)
- Property Valuation regulations drafting (through MOL)



Acquisition of current high-resolution satellite imagery



Development of a digital GIS-based property tax map



Completion of property valuation campaigns in each city



Digitalization of the existing paper-based City Council property and tax records



Development of a cost-effective mass appraisal property valuation methodology
Development and deployment of a Property Information Management System (PIMS) in each city



Budget and Expenditure Management

- Public Expenditure Management best practices (fiscal discipline, operational performance, resource allocation, PEAA, MTEF)
- Focus on high-visibility public services
- Technical assistance and training
- Develop financial management systems interoperable with PIMS, IFMIS, and existing RMS in councils

Institutional and Social and Behavioral Change (ISBC) – Public awareness, TV, Radio, Outreach

02

CONDITIONS PRECEDENT FOR THE ILP PROJECT

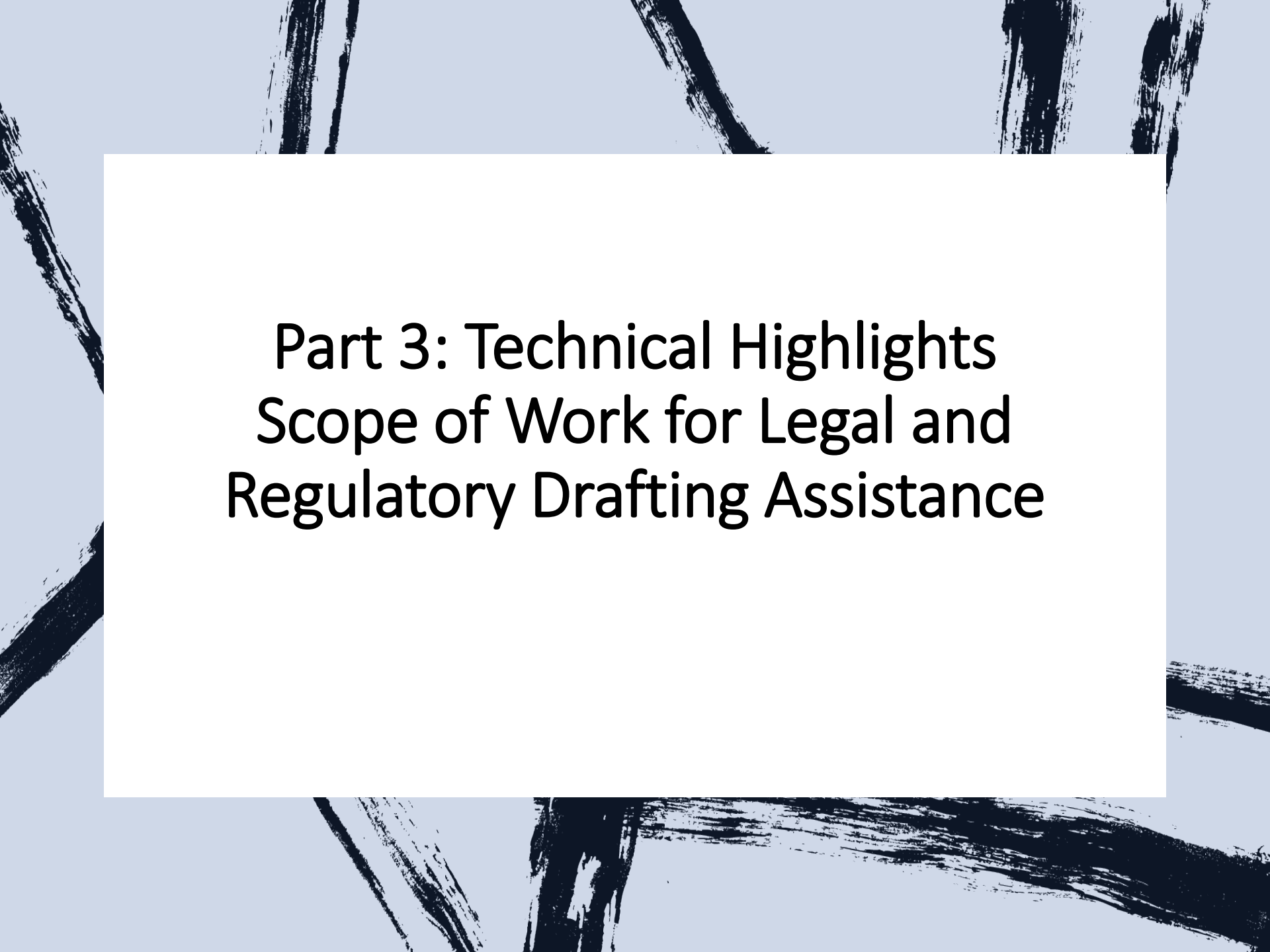
CPs Related to Land Administration Resourcing and Institutions Activity

Before initial disbursement of funding, GOM is to adopt and gazette reform and any necessary implementing regulations to:

- a) Permit MOL to retain revenue or establish NLA to retain revenue.
- b) Establish rent rates based on market value levied on leasehold land and framework and legal requirement for a gradual, systematic, and periodic increase in rates.
- c) Ensure affordability of long-term operational costs for land services devolution, potentially revising the existing devolution plan.
- d) Establishing a Land Authority.
- e) Permit flexibility in property valuation to allow the use of automated valuation methods and CAMA approaches to achieve sustainable efficiencies and equity.

City Council Land-Based Revenue Modernization Activity

- a) Before the initial Disbursement of Program Funding for individual property-level information gathering and land valuation work under the Increased Land Productivity Project, the relevant City Council must **adopt bylaws or other orders necessary to ensure full legal compliance and technical validity** of the cost-effective mass real property appraisal methods, as developed and implemented with Program Funding



Part 3: Technical Highlights

Scope of Work for Legal and Regulatory Drafting Assistance

03 OUTLINE OF TERMS OF REFERENCE

Section 1: Introduction

- Background, Compact Overview, Specific Compact Projects and Activities, Compact Conditions Precedent for Disbursement of Funds, ILP Economic Benefits, Institutional Arrangements, and Ongoing Studies

Section 2: Scope of Work

- Objectives of the Assignment, Overall Legal Services Estimated Timeline, Detailed Scope of Services and Tasks (Base period, Option Period, ODCs)

Section 3: Facilities, Equipment, and Start-up

- To be provided by the Consultant, To be provided by MCA-Malawi II, and to be provided by GOM

Section 4: Deliverables and Payment Schedules

- Base Period deliverables, Option Period deliverables, Other Direct Costs

Section 5: Management of the Services

- Consulting Firm and Staff, Key personnel, Non-key experts, Input by the Consultant, Reporting Requirements, and Evaluation Criteria



03

CONTRACT TIMEFRAME



Compact duration is a **fixed period of 5 years from EIF to CED.**



Legal and Regulatory Drafting Assistance is a **critical path activity** that has an important contribution to rolling out interventions under the Increased Land Productivity Project Activities – 1 and 2.



Reform implementation will not commence before GOM **adopts and gazette** required reform to the satisfaction of MCC.



Compact Entry into Force (EIF) is currently anticipated for **January 2024**



Legal and Regulatory Drafting Assistance has two Periods

Base Period – One Year with 240 LOE

Two Option Periods (if exercised) – One Year with 120 LOE (Each)

03

OBJECTIVES & REQUIREMENTS OF THE LEGAL AND REGULATORY DRAFTING ASSISTANCE CONSULTANCY



Assist and work with MCA-Malawi II and its partners, directed through the issuance of Technical Directives, on legal matters related to the Increased Land Productivity (ILP) Project



The Consultant may be required mainly to assist MCA-Malawi II and its Project Partners on an as-needed basis under the ILP Project in supporting the drafting of legal documents in line with the Compact requirements and agreed study recommendations.

03

SCOPE OF SERVICES AND TASK OF THE LEGAL AND REGULATORY DRAFTING ASSISTANCE CONSULTANCY



Based Period Tasks – 240 LOE



Task 1 – Land-Related Revenues Policy, Legal, and Regulatory Reform

Potential Outputs – Trust Fund order, amendment to land regulations, gazette notices – 60 LOE



Task 2 – Devolution-Related Policy, Legal, and Regulatory Reform

Potential Outputs: Devolution-Property valuation regulations drafting & gazette notices – 60 LOE



Task 3 – City Council-Related Policy, Legal, and Regulatory Reform

Proposed Outputs - City Council-Related Bylaws drafting & gazette notices – 120 LOE

03 SCOPE OF SERVICES AND TASK OF THE LEGAL AND REGULATORY DRAFTING ASSISTANCE CONSULTANCY *Cont...*

Option Period Tasks – 2 Option Periods (if exercised)

- **Option Period 1 – 1 Year**

Task 4.1 – Additional Land-Related Revenues Policy, Legal, and Regulatory Reform – 25 LOE

Task 4.2 – Additional Devolution-Related Policy, Legal, and Regulatory Reform – 25 LOE

Task 4.3 – Additional City Council-Related Policy, Legal, and Regulatory Reform – 70 LOE

- **Option Period 2 – 1 Year**

Task 4.4 – Additional Land-Related Revenues Policy, Legal, and Regulatory Reform – 25 LOE

Task 4.5 – Additional Devolution-Related Policy, Legal, and Regulatory Reform – 25 LOE

Task 4.6 – Additional City Council-Related Policy, Legal, and Regulatory Reform – 70 LOE





The solicited legal services should be provided by a Consultant with at least two (2) legal practitioners well versed in the legal matters related to land administration services pertaining to the management and regulation of land and real property-related matters.



These include, but are not limited to, land adjudication, registration of land titles, land conveyance, land surveying, the issuance of land use permits, land use control, the collection of land-based revenues such as ground rents and property taxes, and enforcement.



MCA-Malawi II also expects the legal personnel to be licensed to practice law in Malawi and that it has no conflict of interest that would prevent it from undertaking the solicited assignments herein described.

1

Process of
Gazetting an
Act of
Parliament

2

Process of
Gazetting
Regulations

3

Process of
Gazetting
Bylaws

4

Process for
Gazetting
Notices

Part 4: RFP