



MILLENNIUM  
CHALLENGE CORPORATION  
Reducing Poverty Through Growth

# LEGAL & REGULATORY DRAFTING ASSISTANCE REF#: MMD 3019

MMD -MALAWI PRE-PROPOSAL CONFERENCE:

22 September 2023; 15.00-hour local time

[www.charleskendall.com](http://www.charleskendall.com)



# AGENDA

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1. SPECIFIC PROCUREMENT NOTICE (SPN)
2. THIS RFP
3. EVALUATION PROCESS
4. SUBMISSION PROCESS

# SPECIFIC PROCUREMENT NOTICE (SPN)

## READ CAREFULLY, AND IN PARTICULAR NOTE

- Publication:- September 14, 2023, Edition (Nation Paper & Daily Times) and; September 15, 2023, Online at MMD website ([www.mmd-malawi.org](http://www.mmd-malawi.org)), dgMarket and UNDB Online.

Access the RFP documents,

- ❑ Dropbox link:

<https://www.dropbox.com/sh/m1pslf7t1ex6qy9/AACfDUj7R2rcdDdwiKQ8jNHRa?dl=0> .

- ❑ MMD Website: <https://www.mmd-malawi.org> to lead the documents.

- To register send email as: "LEGAL\_REGULATORY\_DRAFTING-RFP\_Company name") to; Procurement Agent at [PAMalawi@charleskendall.com](mailto:PAMalawi@charleskendall.com) with copy to: MMD Interim Procurement Director at [thenford.mchenga@mmd.gov.mw](mailto:thenford.mchenga@mmd.gov.mw)
- In email provide, full contact for updates regarding the RFP.

# PREAMBLE

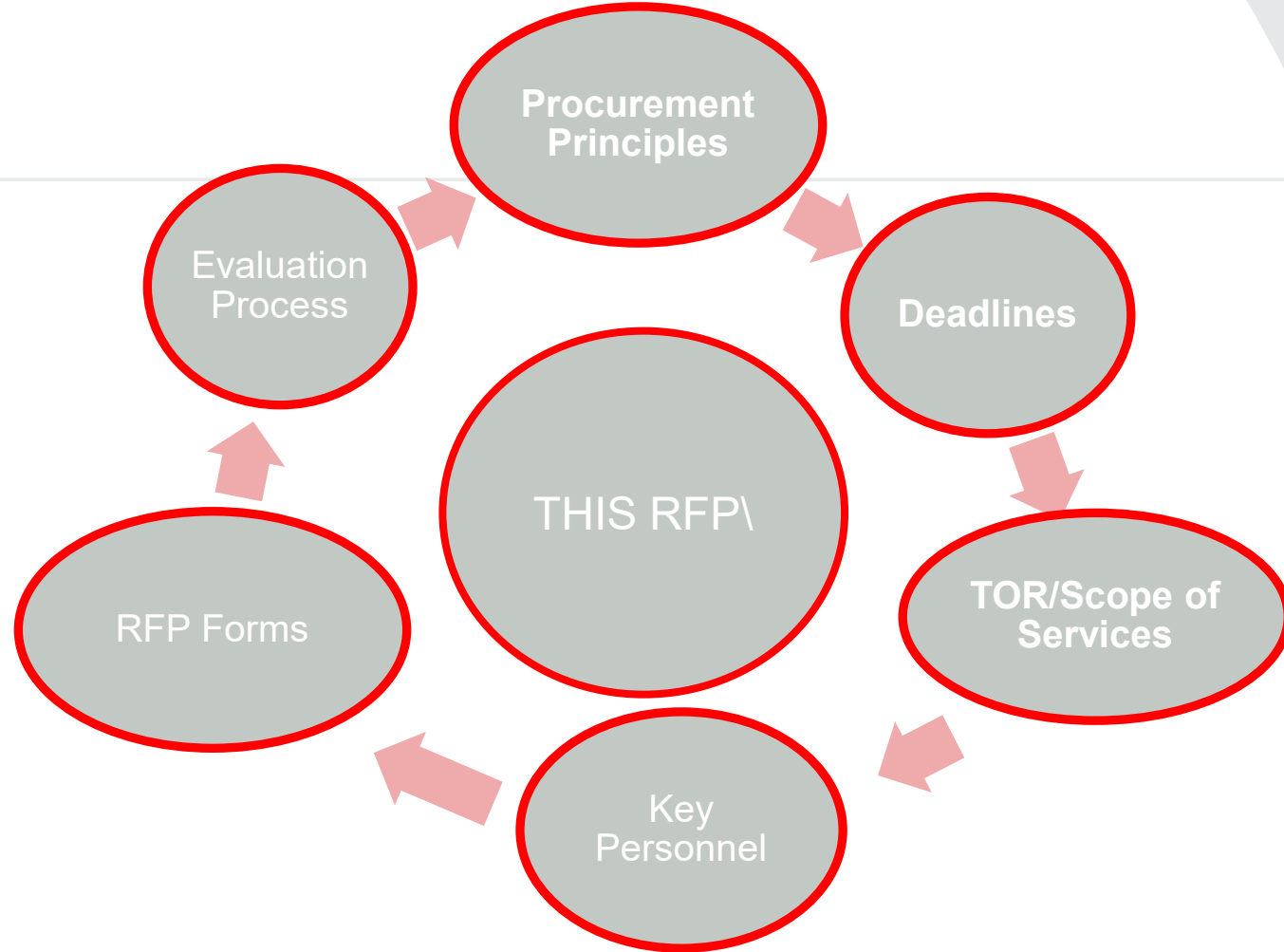
THIS IS MCC STANDARD REQUEST FOR PROPOSALS (RFP)  
DOCUMENT (2021 VERSION)

(SIMILAR TO IDA/WORLD BANK STANDARD DOCUMENT BUT WITH  
SIGNIFICANT DEPARTURES).

HAVE 8 SECTIONS:

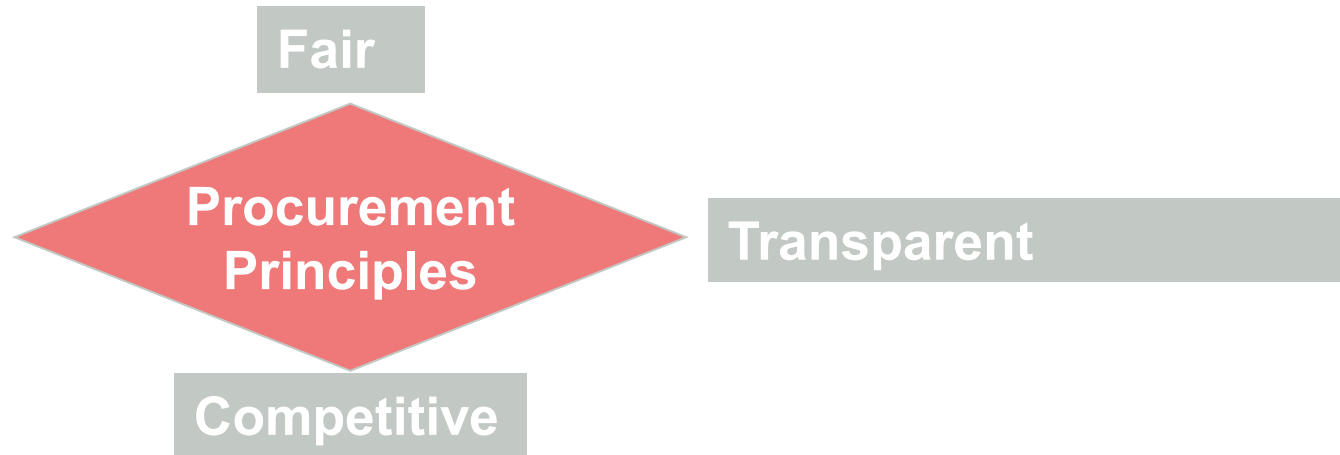
SECTION I-ITC, II-PDS, III-EVALUATION CRITERIA, IV-PROPOSAL  
FORMS, V-TOR, VI-GCC, VII-SCC & VIII-CONTRACT FORMS &  
ANNEXES

READ EACH SECTION CAREFULLY



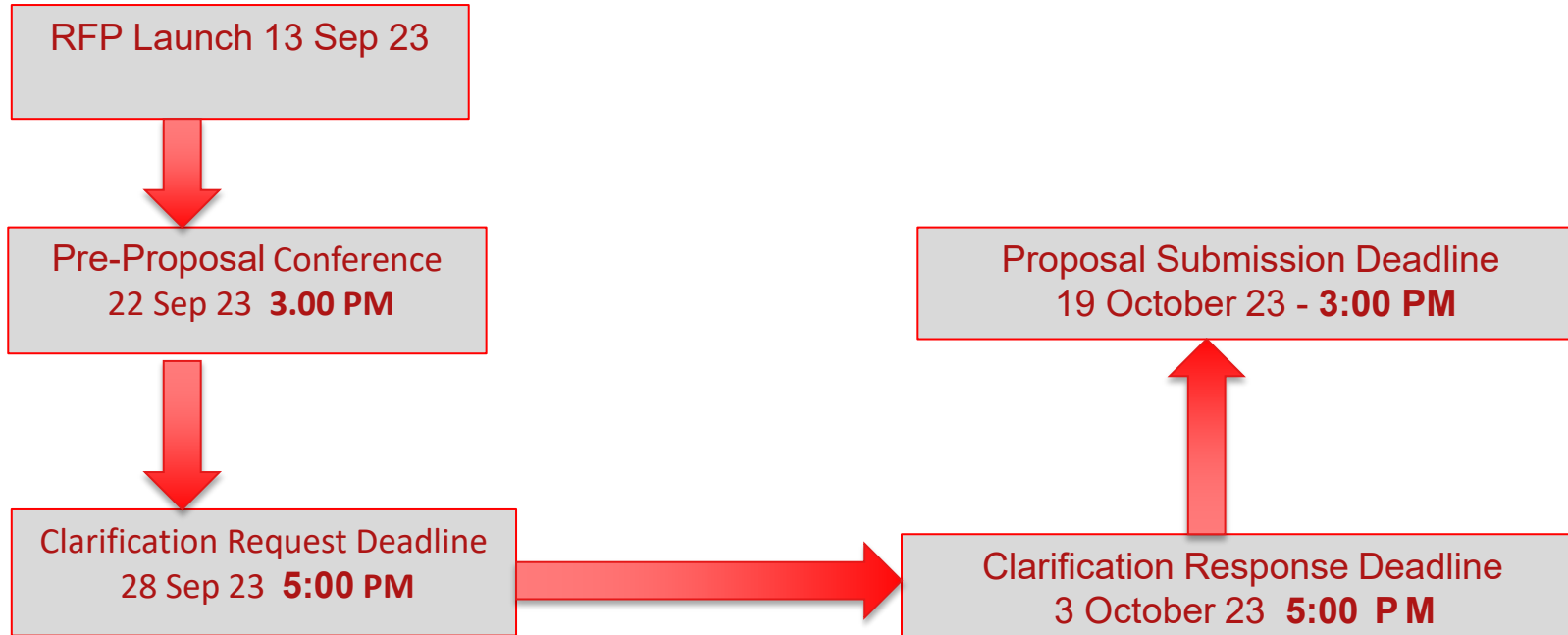
# PROCUREMENT PRINCIPLES

GOVERNED BY MCC PROGRAM PROCUREMENT  
GUIDELINES (PPG)  
([www.mcc.gov/ppg](http://www.mcc.gov/ppg))



REMEMBER THIS IS UNTIED AID AND COMPETITION IS OPEN WORLDWIDE

# DEADLINES : Dates & Times



# DEADLINES: E-Platforms

## To Access RFP launched on 13 Sep 23

### ❑ DROPBOX:

<https://www.dropbox.com/sh/m1pslf7t1ex6qy9/AACfDUj7R2rcdDdwiKQ8jNHRa?dl=0>

- ❑ Website: To link to RFP, visit:  
<https://www.mmd-malawi.org>

## Pre-Proposal Conference: 22 Sep 23 3.00 PM

- ❑ Register in advance in ZOOM at:

<https://zoom.us/meeting/register/tJMtdO-rpj4pHdEjQwdhboTyVcl60mPGQnpO>

## Clarification Request Deadline: 28 Sep 23 5:00 PM

- ❑ To request for clarifications, use the File Request Link FRL:  
<https://www.dropbox.com/request/C5LiFApMf5deKKJlk0DW>



# DEADLINES: E-Platforms

Clarification Response Deadline: 3 October 23 5:00 P.M.

Clarification Responses (Q & A) can be accessed by:

□ DROPBOX:

<https://www.dropbox.com/sh/m1pslf7t1ex6qy9/AACfDUj7R2rcdDdwiKQ8jNHRa?dl=0>

□ Website: To link to Clarification Responses (Q & A), visit:

<https://www.mmd-malawi.org>

□ Clarification Responses (Q & A) issued directly to all Consultants:

With completed registration to the Procurement Agent at [PAMalawi@charleskendall.com](mailto:PAMalawi@charleskendall.com)

# DEADLINES: E-Platforms

Proposal Submission Date: 19 October 23 - 3:00 PM

- ❑ Submit Proposals via the following File Request Link (FRL) to :

<https://www.dropbox.com/request/259A2luiz2Ju5uSfUeFe>

Proposal Opening Meeting: 19 October 23 - 3:30 PM

- ❑ Register in advance in ZOOM at:

[https://zoom.us/meeting/register/tJAlfuqhqTkoGNNe4RAndViJs2Cyq5V3M\\_mG](https://zoom.us/meeting/register/tJAlfuqhqTkoGNNe4RAndViJs2Cyq5V3M_mG)

Proposals are driven by the TOR– Consultants should read these carefully at Section V as it provides, among others, details of the:

- scope of the assignment
- durations
- levels of effort, and
- key and any non-key personnel requirements and
- And the TECH & FIN Forms should respond to the TOR

# TERMS OF REFERENCE (TOR)/ SCOPE OF SERVICES

## Objectives:

- To assist on legal matters related to the Increased Land Productivity (ILP) Project
- To make available legal assistance to complete such legal drafting and sensitization during the compact preparatory period and in the early years of compact implementation

## Base Period Tasks

1. Task 1 – Land-Related Revenues Policy, Legal, and Regulatory Reform
2. Task 2 – Devolution-Related Policy, Legal, and Regulatory Reform
3. Task 3 – City Council-Related Policy, Legal, and Regulatory Reform

The Tasks have their own Deliverables and Level of Effort – See TOR at pg 105 – 115

Tasks will be commissioned exclusively through Technical Directives by MMD

# TERMS OF REFERENCE (TOR)/ SCOPE OF SERVICES

**Two Option Periods (if exercised) - mop up periods**

**4. Task 4 –Additional Legal and Regulatory Assistance, Drafting, and Reform Facilitation**

**4.1 Option Period 1 - Deliverables and Level of Effort**

**4.2 Option Period 2 - Deliverables and Level of Effort -see pg 116**

Tasks will be commissioned exclusively through Technical Directives by MMD

- **Base Period**

#	Position – Key Personnel	LOE (person-days)
1	Legal Expert/Team Leader	102
2	Legal Specialist	138
	Total estimate	240

- Duration: One (1) year after the Effective Date

The Consultant may propose additional and or support staff to attain the necessary program of the works, but these will not be evaluated. The costs of such staff will be assumed to be included in the financial proposal submitted

- **Option Period 1**

#	Position – Key Personnel	LOE (person-days)
1	Legal Expert/Team Leader	45
2	Legal Specialist	75
	Total estimate	120

- **Option Period 2**

#	Position – Key Personnel	LOE (person-days)
1	Legal Expert/Team Leader	45
2	Legal Specialist	75
	Total estimate	120

- **Duration: One (1) year each to run consecutively**

# PRICING OF PROPOSAL

Pricing generally depends on pricing strategy of the Consultant. The following to be used adviseably:

- **LOE:**

- 1) For Key Professional Personnel and proposed additional staff; schedule the LOE
- 2) For Each of the Scheduled Personnel, provide **fully loaded rates and prices**
- 3) **Fully Loaded Prices** are all-inclusive prices (incl. any international travel, communication, local transportation, office expenses, shipment-personal effects, direct and indirect rates and profits)
- 4) All Professional Fees will be assumed to be covered



# PRICING OF PROPOSAL

- Other Direct Costs (ODC)

- 1) ODC are Reimbursables - Workshops and Outreach costs
- 2) Include cost of travel of workshop participants, workshop expenses, printing, dissemination, sensitization costs and administration of ODC.
- 3) Are not part of the Consultant's fully loaded rates / prices
- 4) Consultant's professional inputs incidental on and associated with ODC are already covered by the LOE
- 5) ODC - Mandatory Reimbursables to be added to Consultant's Price
- 6) Already specified and estimated for use in the RFP.

# RFP FORMS

RFP Forms can be found at Section IV of the RFP – Core to the Proposals

## 1) TECH FORMS

- TECH-1 TO TECH-12 – ALL MUST BE COMPLETED
- TECH –Forms must NOT contain Financial Information – (ITC 12.6)

## 2) FIN FORMS

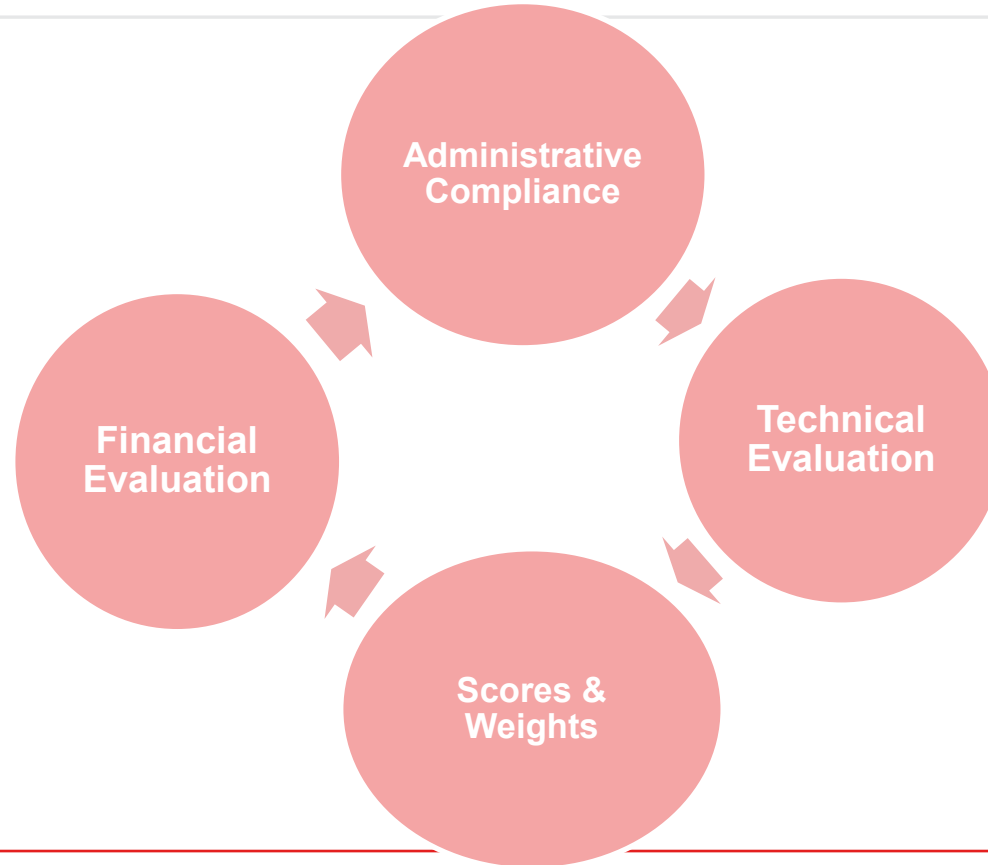
- FIN-1 TO FIN- 4 – ALL MUST BE COMPLETED
- FIN FORMS MAY BE PASSWORD PROTECTED (ITC 17.3)

## 3) ONE COPY EACH OF TECH FORMS & FIN FORMS; FIN FORMS IN DIFFERENT FOLDER (ITC 12.1)

# EVALUATION PROCESS

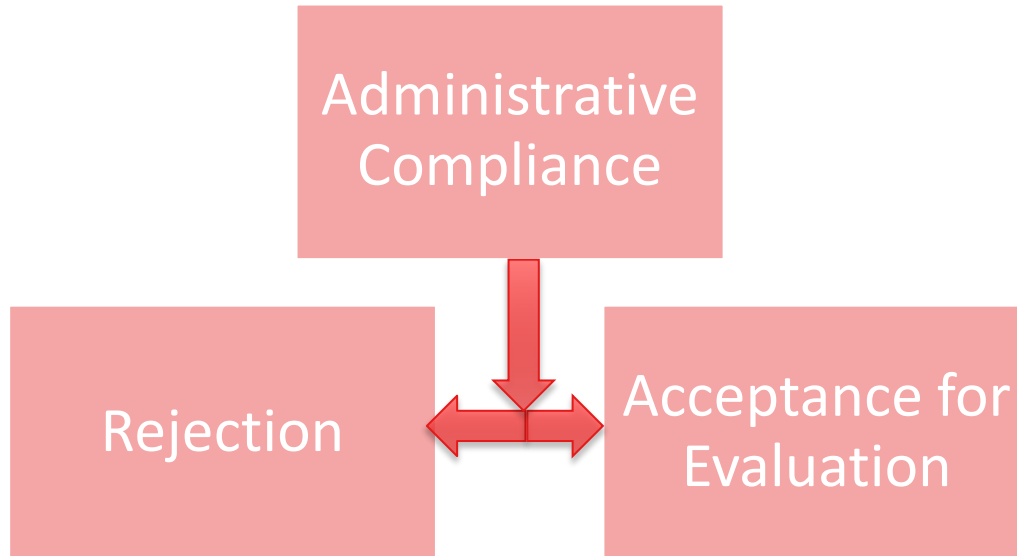
- Facilitated by Procurement Agent, Interim Procurement Director & a Representative of MMD
- Undertaken by Independent Technical Evaluation Panel (TEP) of 3 to 5 members
- Highly level of Confidentiality & Impartiality

# EVALUATION CRITERIA – SECTION III OF RFP



# EVALUATION PROCESS

## Administrative Compliance Review



# EVALUATION PROCESS

## Administrative Compliance Review

- Conducted by the PA or Auxiliary TEP ( if necessary)
- Compliance Method ( Pass/Fail)
- Legal eligibility
- Conflict of Interest or Non-Participation - MCC, MMD+GOG employees
- Eligibility Checks – 8 sites
- References – CPPRS, Corporate & Individuals (CVs) – at least 3 Referees each reference

## Administrative Compliance Review

- Technical Submission Form 1 signed
- Power of Attorney
- CVs signed
- JVs or letter of intent executed
- Substantially Responsive?
- Clarifications (when necessary)

# Rejection at Admin Review (Non-Responsive & Disqualification)

## Additional Reasons

- Failure to access or provide all the info and docs required
- Not Substantially Responsive
- Fraud and corruption – ITC 24
- Any attempt or effort to influence the examination, evaluation, and ranking of Proposals or Contract award decisions – ITC 22
- Negative past performance / references responses
- Failed verification checks & ineligibility
- Financial information in Technical Forms



## Technical Evaluation

- Conducted by the Independent TEP
- Technical Proposal vs Criteria
- Use of Merit Point System (use of integers in this case)
- Financial Capacity of Firm ( liquidity, solvency & profitability)
- Clarifications (when necessary)

# EVALUATION PROCESS

## Technical - Scores & Weights

Applying Criteria and Weights – Section III. 3.4.2

### CRITERIA:-

Criteria, sub-criteria, and point system for the evaluation of Technical Proposals.

	Criteria, Sub-Criteria, Items	Max score
1.0	Organizational Capability and Experience of the Consultant –(20 points)	20
2.0	Technical Approach, Methodology, and Work Plan –(20 points)	20
3.0	Key staff qualification, capabilities, experience, and past performance- (60 points)	60
	TOTAL	100.00
	<b>The minimum technical score (St) required to pass is</b>	<b>80.00</b>

**See 3.4.2 of RFP for the full criteria, sub-criteria and the point system**

## Technical Evaluation

- Scores – Scoring Methodology – Section III. 3.6

0	=	Not meeting the requirements	=0% of the points
2	=	Significant deviation from the requirements	=40% of the points
3	=	Marginal deviation from the requirements	=60% of the points
4	=	Meeting the requirements	=80% of the points
4.5	=	Marginally exceeding the requirements	=90% of the points
5	=	Significantly exceeding the requirements	=100% of the points

- The points will then be weighted as per the weights and sub-weights provided in the table 3.4.2 and Scores computed
- Technical Evaluation is completed with Final Scores in TER

# EVALUATION PROCESS

## Financial Evaluation

- After Tech Eval, Reporting and Approval
- No focus on technical evaluation
- Public Opening of Financial Proposals –Zoom meeting in given link to join
- Proposal Analysis and Arithmetic Checks
- Calculations, Ranking & Price Reasonableness Analysis
- Approval & Contract Award
- Bid Challenge System (<https://bit.ly/MMD-IBCS-220107>) and Debriefings

# SUBMISSION PROCESS – SECTIONS I & II

## ELECTRONIC SUBMISSIONS ONLY – ITC 17.3

**ALL SUBMISSIONS TO THE FOLLOWING FILE REQUEST LINK (FRL):**

<https://www.dropbox.com/request/259A2luiz2Ju5uSfUeFe>

LATE SUBMISSIONS WILL BE REJECTED.

# Submission of Proposals

- Submission is by FRL only, and will be time, day and date stamped.
- Consultants should not submit proposals physically or to any staff
- Email Submissions are not acceptable
- Poor labelling, formatting and protection of Proposals can result in Proposals being inaccessible, misplaced, or prematurely opened.
- Any mishap will lead to the Proposals being rejected. Consultants to check ITC 17
- Compressed files or folders are discouraged
- All Submissions in pdf or word format

# COMMON PITFALLS

- ❖ Clarification questions not asked by due date and time.
- ❖ Proposals submitted by email or physically.
- ❖ Proposals format cannot be opened or accessed or partially damaged.
- ❖ Proposal submission form/letter (TECH-1) not signed.
- ❖ Power of Attorney not provided for the person given authority to sign the Proposal and/or negotiate and/or sign the resulting Contract.
- ❖ JV or Association documents not provided.
- ❖ Financial Information incomplete or not provided.
- ❖ Firms respond to TORs stating they will do **what** the TOR requires but not explaining **how** they will carry out the assignment
- ❖ References not provided for Bidder and/or Key Personnel.
- ❖ Incorrect, or no, email addresses provided for Referees.
- ❖ CV not in correct format and/or not signed.
- ❖ CV to clearly state the years of experience for your Key Personnel.

# Thank You. Q&A?

Charles Kendall & Partners Ltd.

[PAMalawi@charleskendall.com](mailto:PAMalawi@charleskendall.com) with copy to:  
[thenford.mchenga@mmd.gov.mw](mailto:thenford.mchenga@mmd.gov.mw)