



LESOTHO MILLENNIUM DEVELOPMENT AGENCY

REQUESTS FOR CLARIFICATIONS AND RESPONSES

Consultancy Services for Rural Land Registration Study

Ref. No: LMDA/CD/C/01/2020

Following the advertisement and issuance of a Request for Proposal (RFP) for the **Consultancy Services for Rural Land Registration Study (Ref. No: LMDA/CD/C/01/2020)**, Consultants were provided the opportunity to request clarifications related to the RFP in writing. The deadline for receiving requests for clarifications/questions from the Consultants was 12:00 mid-night on **July 24, 2020**, while the deadline for LMDA to respond is by **July 31, 2020**.

The following are the questions and responses:

QUESTIONS & ANSWERS

#	Consultants' Queries	LMDA's Response
1	Will the awarded tender be excluded from coming projects and be in conflict of interest?	The exclusion of a firm cannot be concluded at this stage.
2	About the eligibility of firms who bid: will the successful tenderer be ineligible for any downstream procurements based on this design?	
3	It is understood from these ToR, that this study would be to inform the design of a future land programme (subject to funding approval). Please could you advise whether we (as a company) would be precluded from bidding for this downstream work if we were to conduct this study?	Refer to Instructions to Consultants (ITC 5)
4	How would the documents of studies referred to in the TORs be obtained by the bidder?	The Foundational Analysis Studies document can be accessed from the LMDA website www.lmda.org.ls
5	Please clarify clause 5.5 (d) on the eligibility of consultants specifically the words. However, this provision does not limit the inclusion of the same sub-consultant in more	Please refer to the relevant RFP clause.

#	Consultants' Queries	LMDA's Response
	than one proposal. This phrase seems to contradict the preceding statement.	
6	Based on the above concern, please also clarify section 14.1 which provides that consultants may only appear in one proposal and submission or inclusion in more than one proposal warrants all the submissions invalid where such a consultant appears.	The same response as in 5 above.
7	Please also clarify the extent of unfair competition mentioned in the clause 5.12.	Please refer to the RFP clauses related to this subject.
8	Further clarify 16.2 which provides that the consultant should maintain availability of key professionals in the proposal against the possibility that foreign professionals might not be available for the duration or part of the duration of the consultancy due to the prevailing circumstances of Covid 19 faced by the world.	ITC 16.2 means Consultants must ensure that the proposed experts are available until the negotiations have been completed and the contract is signed. If the Consultant agrees to extend the validity of the proposal they should still confirm the availability of the proposed personnel. A consultant is not allowed to substitute its key personnel. Please refer to the RFP Clauses.
9	Given that the law requires that land allocation in rural areas occur only on planned land, if the consultant finds that participatory land use planning is needed to support rural land registration efforts, will LMDA support inclusion of participatory land use planning activity as part of the rural land registration project design? Or should the project design deal only with the activities to register rural land?	If the consultant finds that participatory land use planning is needed to support rural land registration efforts, such planning may be included as part of the design, and it will be reviewed as part of LMDA's evaluation of the technical approach.
10	The key personnel in the RFP seems to be missing a land lawyer. The design work requires review of the Land Act 2010, the supporting implementing regulations and the Sectional Titles bill. This work should be completed by a qualified land lawyer who is part of the key personnel. Will LMDA consider offering time to a qualified land lawyer to perform these tasks (as key personnel)?	Please note that this is not a time-and-materials contract, but a fixed-price contract. If a consultant believes that additional skills are required, it should propose those, which will be evaluated as part of its approach and methodology. The Evaluation Criteria (see Section III(3.4) (B) (iv)) on p40 of the RFP calls for the consultant to propose a staffing plan.
11	Page 45, Annex 1 to Section II – Proposal Data Sheet, Procedure for Electronic Submission of Proposals: May the Financial Proposal be	Refer to Annex 1 to Section II – Proposal Data Sheet page Procedure for Electronic Submission of Proposals

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	submitted as a password-protected Excel document?	A password protected excel file will be accepted.
12	Given the realities around COVID-19-related travel restrictions, would LMDA consider a management structure of a Team Leader working remotely to guide and manage in-country experts at the beginning of the consultancy until the Lesotho borders reopen, or would you prefer that the entire team be located in Lesotho for the duration of the assignment? Or, alternatively, if international experts are proposed, will the start-date of the assignment be able to be postponed until travel restrictions are lifted?	. The Consultant should constitute the technical team in way that will enable successful completion of the assignment, still taking into consideration COVID-19 travel embargo, as international consultant may not be able to travel in the near future. The proposal will be evaluated as per the RFP Requirements.
13	Are development plans that are required for land allocation by local councils prepared by the councils or by private sector?	They are prepared by Physical Planners based in the Councils on behalf of the Councils, and not by the private sector
14	Are there any women on the local or district councils?	Yes
15	p.76 states: "This assessment (initial) should include a review of what land use planning is required for successful and sustainable design and implementation of irrigation..." Does this refer to legal requirements? If not, it is unlikely that a land registration specialist would be qualified to assess this. Are there any studies available?	No, land use planning does not refer to legal requirements but whether there is any land use planning done or not and if it is necessary for it to be done before the rural land registration project is implemented to ensure the success of the project. There are no studies done by LMDA but there is literature and independent studies done by other entities which will be part of the background work of this assignment.
16	p.79 states: "(d) Review the sectional titles bill to determine if it is adequate to address landlessness and land poverty..." Does sectional titles apply to rural areas or has this mistakenly been included in the RFP?	The requirement is to assess if the Sectional Title Bill is still relevant since it was drafted a long time ago. The Consultant is to advise whether it can address access to land issues for investments/entrepreneurship and sectors to which it can be successfully applied. It has nothing to do with the rural/urban divide issue.
17	p.81 refers to "theory of change" – please explain what is understood by this term?	Consultant should state how the proposed activities in the design will lead to specific change/results to achieve the broad Compact goals and specific land activity objectives.
18	When is the expected start date of the assignment?	The date for commencement of the Services will be November 8, 2020 as per Addendum No. 1.

#	Consultants' Queries	LMDA's Response
		<p><i>The expected start date in the RFP is October 24, 2020. LMDA intends to amend this to November 8, 2020. Addendum 1 to the RFP which formally effects this change, shall be issued to all Consultants who have received the RFP.</i></p>
19	Provide us with List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.	Refer to Section d) Terms of Reference on page 71 of the RFP.
20	Provide us with names of countries that will be eligible to participate in this tender.	Please refer to eligibility criteria in the RFP. The RFP is open to all nationalities who meet these eligibility criteria. Refer to ITC 6.1.
21	Provide us with Information about the Tendering Procedure and Guidelines	Refer to Section I – Instructions to Consultants from page 2 of the RFP. You may also refer to MCC's Program Procurement Guidelines at www.mcc.gov under Work with us section.
22	Provide us with Estimated Budget for this Purchase	Refer to Proposal Data Sheet, ITC 12.2(c), page 34 of the RFP)
23	Provide us with any extension of bidding Deadline?	The deadline for submission of proposals is August 10, 2020, 12:00 pm (Lesotho Time). LMDA intends to amend this to August 24, 2020. Addendum 1 to the RFP which formally effects this change, shall be issued to all Consultants who have received the RFP.
24	Provide us with any Addendum or Pre Bid meeting Minutes?	Minutes of the Pre-Proposal meeting and the Addendum shall be sent to all consultants who requested the RFP.
25	What is the date and source of the exchange rate?	<p>The date for the exchange rate as per the Proposal Data sheet, ITC 24.8, page 35 is July 13, 2020 and the source is the Central Bank of Lesotho.</p> <p><i>NB:</i> However, as per ITC 15.1 page 34, the currency for proposals and payments is United States Dollars only. Therefore, the exchange rate will not be applicable for evaluation purposes. Addendum 1 to the RFP which formally effects this change, shall be issued to all Consultants who have received the RFP.</p>