

**REQUEST FOR PROPOSAL**

**RFP-RN00797-2020: LEGAL ANALYSIS MARKET ECOSYSTEM**

**CONSULTANCY SERVICES TO CONDUCT A REVIEW AND ANALYSIS OF POLICY AND LEGISLATIVE FRAMEWORK FOR FOOD SECURITY AND EXPORT TRADE IN TANZANIA**

**CLIENT: ALLIANCE FOR GREEN REVOLUTION IN AFRICA (AGRA)**

AGRA reserves the right to determine the structure of the process, number of short-listed participants, the right to withdraw from the proposal process, the right to change this timetable at any time without notice and reserves the right to withdraw this tender at any time, without prior notice and without liability to compensate and/or reimburse any party.

**Synopsis of the Request for Proposal (Consultant Firm)**

|  |  |
| --- | --- |
| Solicitation Reference No. | **RFP-RN00797-2020: LEGAL ANALYSIS MARKET ECOSYSTEM** |
| Title of Solicitation | Consultancy Services to Conduct a Review and Analysis of Policy and Legislative Framework for Food Security and Export Trade in Tanzania |
| Issuing Office & Address | Alliance for a Green Revolution in Africa (AGRA)  Website: [www.agra.org](http://www.agra.org) |
| Point of contact for clarifications, questions and ammendments | AGRA General Procurement,  [Procurement@agra.org](mailto:Procurement@agra.org) |
| Email Address for submission of Proposals/ Quotes | AGRA General Procurement,  [Procurement@agra.org](mailto:Procurement@agra.org) |
| Solicitation Issue Date | May 5, 2020 Local, East African Time. |
| Deadline for submission questions and clarifications | May 12, 2020 12:00 PM, East African Time. |
| Deadline for Answering questions and clarifications | May 14, 2020 5:00 PM, East African Time. |
| Deadline for Submission of Proposals | May 19, 2020 5:00 PM, East African Time.  **Please include the subject line “RFP-RN00797-2020: LEGAL ANALYSIS MARKET” of the email** |
| Anticipated Award Type | **FIXED PRICE CONSULTANCY AGREEMENT** |
| Submission and Evaluation Criteria | Bidder Must provide the below listed information  **Mandatory Eligibility Requirement**   1. Certificate of Incorporation/Registration 2. Valid Tax Compliance Certificate   **Evaluation Criteria**   1. Firms prior work experience (30%) 2. Technical approach, methodology and work plan: (40%) 3. Key Personnel (30%)   **Evaluation Weightage**   1. Technical Proposal will be weighted out of 80% 2. Financial Proposal will be weighted out of 20%   **NB. Only bidders who score above 75% on the technical score will be apparaised for financial review.** |

**Terms of Reference**

**CONSULTANCY SERVICES TO CONDUCT A REVIEW AND ANALYSIS OF POLICY AND LEGISLATIVE FRAMEWORK FOR FOOD SECURITY AND EXPORT TRADE IN TANZANIA**

## Background

Food and nutrition security, poverty and hunger are multi-dimensional issues that require multi sectoral and multi-disciplinary solutions. The government of Tanzania addresses food security, poverty and hunger through various policy actions situated in various sectors and institutions including the Ministries of agriculture, health, trade, water, etc. Coordination and cooperation between and among sectors dealing with food, agriculture, health and stakeholders becomes necessary to improve national food and nutrition security and export trade.

There are government agencies such as the National Food Reserve Authority (NFRA) and Cereals and other Produce Board (CPB) that are charged and mandated with the responsibility for domestic cereal handling and marketing, but they are only able to purchase a small proportion of the total marketable surplus. The government of Tanzania has established the Tanzania Mercantile Commodity Exchange (TMX) through the commodity exchange Act 2015, with the objective of strengthening and formalizing crop marketing in Tanzania. The other mechanism in the crop marketing chain are the Warehouse Receipt System Board (WRSB) and the Agricultural Marketing Cooperatives (AMCOS). The government has recently made pronouncement to the effect that marketing of agricultural produce will be done exclusively through the AMCOS. It is important to understand the legal and regulatory frameworks that underpin that pronouncement and the readiness of AMCOS to play the role.

Each of these agencies and mechanisms have laws and regulations governing their operations. Yet, they are expected to be linked and to operate synergistically and coherently. However, conflicts and misalignment are likely to occur if the laws and regulations are not aligned and well cross-referenced. For example, the Commodity Exchange Act 2015, Bill Supplement 15 restricts having a parallel market system for commodities. This may create challenges in the operations of NFRA and CPB. In a situation where there is increase or decrease in the price of cereals at the TMX, there will be a challenge which may render these institutions fail to perform their functions effectively. In such a situation, the government may fail to deliver its social welfare protection responsibility to its citizen in the event of inadequate food stocks. Therefore, it is important for the system to take into account harmonizing legal and regulatory provisions in this ecosystem to ensure optimal operations.

Against this background, AGRA in collaboration with the Ministry of Agriculture and Economic and Social Research Foundation (ESRF) is supporting work on legal analysis to improve operational linkages among key institutions with key roles in food security and export trade in Tanzania.

## Objectives of the Assignment

The overall objective is to contribute towards improved national as well as local government level agricultural policy and regulatory environment. The assignment will complement another assignment that ESRF carried out, which looked at the technical and operational aspects for optimizing the linkages between the agencies in cereal handling and marketing. The assignment will add the legal analysis dimension by examining the legal and regulatory provisions governing the operations and mandates of the designated agencies with special emphasis on facilitating and regulating these actions at local government level. AGRA expects the consultant to cover the following:

1. Provide an analysis of the coherency and consistency of these laws and regulations
2. Identify barriers resulting from incoherent and inconsistent policy, legal or regulatory rules that may result in duplication and conflict of mandates among line ministries, departments and agencies
3. Provide recommendations for legal and regulatory changes that are necessary for ensuring that there is alignment and synergy between the operations of the agencies involved in cereal handling and marketing
4. Provide legal drafting capacity as required
5. Develop a compliance schedule including roles and responsibilities among implementing government ministries, departments and agencies, implementation plans, infrastructure investments, communication and information dissemination, capacity building support
6. Carry out a stakeholder mapping of gainers and losers and incentives for public servants, private sector representatives and other stakeholders and incentives for public servants, private sector representatives and other stakeholders to bring about change in behaviors
7. Provide regulatory proposals on strengthening regulatory bodies for effective functioning and governance of the institutions and systems for guiding the quality of grain trade – such as WRS and or AMICOS

## Scope and approaches of the consultancy

We expect the consultant to carry out the following tasks:

* Review the legal documents in the establishment of key institutions with key roles on food security and export trade in Tanzania i.e NFRA, TMX, CPB, WRRB and AMCOS
* Review various Government Acts and Regulations that guides the operations of key institutions with key roles on food security and export trade in Tanzania i.e NFRA, TMX, CPB, and WRRB and AMCOS Review other related documents/reports related to this work including ESRF work on SFSETT project supported by AGRA and ACT reports
* Undertake a legal analysis on any conflicting functions in the operations of key institutions with key roles on food security and export trade in Tanzania i.e NFRA, TMX, CPB, and WRRB and AMCOS Provide legal recommendations on improving operational linkages among key institutions i.e NFRA, TMX, CPB, and WRRB and AMCOS with key roles on food security and export trade in Tanzania

## Outputs

1. Inception report (including proposed methodology, data sources and initial (rough) findings).
2. Presentation of preliminary findings to AGRA.
3. Final report (including findings and recommendations)
4. Legal drafting of laws or regulations to close gaps or eliminate misalignments and conflicts of mandates in the existing regulatory framework

The consultant will submit all deliverables in English, and these deliverables will be succinct and informative to the target government and industry audiences.

## Outcome

1. Improved national agricultural regulatory environment for cereal handling and trade
2. Strengthened capacity of the agencies charged with handling and marketing of cereals in Tanzania
3. Streamlined and coherent regulatory environment for cereal handling and marketing sources and findings).

## Competencies required

AGRA wishes to contract an individual expert or team of consultants with the following skills and qualifications:

* Previous experience of conducting legal reviews of regulations and/or legislation
* Good understanding of relevant legislation and agreements affecting agricultural regulation in Tanzania
* Ability to present complex problems in easy-to-understanding language
* Those who have completed previous assignments with or for the MoA’s legal unit have an advantage
* Understanding of the Tanzanian seeds, fertilizer, and agricultural marketing and processing sector
* Experience of working with the Tanzanian’s Ministry of Agriculture
* Country presence in Tanzania

## Timeline

AGRA expects the work described above to be performed within the following timeframe (to be adjusted and mutually agreed with the chosen consultants):

| **Timeline** | |
| --- | --- |
| Kick-off meeting | June 2020 |
| Submission of inception report | July 2020 |
| Presentation of preliminary deliverables to AGRA team | August 2020 |
| Submission of final report | End August 2020 |

## Reporting arrangements

The consultant will report to the Policy and Advocacy Program Officer Advocacy throughout the engagement period

* 1. **Selection/ Evaluation Criteria**

|  |  |  |
| --- | --- | --- |
| **Evaluation Criteria** | **Sub criteria/Description** | **Evaluation Score** |
| Past Performance of the Firm | Detailed and specific experience of the firm in undertaking similar engagements;   * Provide at least three reference letters of similar assignments conducted in the last three years of similar scope. * Please provide a minimum of two concrete samples of similar work done for other organizations) | 30% |
| Technical Approach | A description of the approach and plan of execution which the firm proposes to perform the assignment.   * Understanding of the assignment * Methodology proposed for the assignment (including tools proposed for the assignment) * Proposed assignment plan that includes clear timelines for the assignment, that demonstrates the understanding of the assignment expectation and high-quality proposal   ***Maximum 10 pages*** | 40% |
| Key Personnel | Summary resume(s) of key staff who will work on the AGRA account   * Previous experience of conducting legal reviews of regulations and/or legislation * Good understanding of relevant legislation and agreements affecting agricultural regulation in Tanzania * Ability to present complex problems in easy-to-understanding language * Those who have completed previous assignments with or for the MoA’s legal unit have an advantage * Understanding of the Tanzanian seeds, fertilizer, and agricultural marketing and processing sector * Experience of working with the Tanzanian’s Ministry of Agriculture * Country presence in Tanzania | 30% |

* 1. **Payment term**
* 20% upon submission of an approved inception report to AGRA
* 40% upon submission of the draft report
* 40% upon submission of the Legal drafting of laws or regulations to close gaps or eliminate misalignments and conflicts of mandates in the existing regulatory framework
  1. **FINANCIAL PROPOSAL must be provided in the prescribed format, RFP Annex B, supported with a breakdown analysis and will provide the following information, but is not limited to:**

1. Professional fees chargeable
2. Breakdown of the fees and disbursements

**Financial** **Proposal;**

1. Must be submitted using the format provided, **RFP Annex B: Financial Proposal**
2. Price must be quoted in US Dollars (USD)
3. All applicable taxes (VAT and withholding taxes) shall be included
4. If the financial proposal is silent on taxes, AGRA shall assume that these are inclusive;
5. Financial proposal shall be valid for a period of 60 days from the date of bid closure
6. Financial proposal shall be sent as a separate attachment and **MUST password protected**
7. Bidders Must provide complete financial costing for the entire assignment

**Submission**

1. Proposals MUST be submitted via email to AGRA General Procurement: [Procurement@agra.org](mailto:Procurement@agra.org) on or before the deadline indicated on the synopsis of the RFP
2. Technical proposal and Financial proposal shall be submitted as separate attachment.
3. Neither technical nor financial proposals should exceed 10MB. The firm’s proposal with any subsequent modifications and counterproposals, if applicable, shall become an integral part of any resulting contract.
4. Proposal must be provided in English Language

**ANNEX B: FINANCIAL PROPOSAL FORM FPF-2 SUMMARY OF COSTS**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Item*** | **Cost** | | | |
|  | | | |
| {*Insert Foreign Currency # 1*} | USD value | Total cost | |
| **Cost of the Financial Proposal, including** |  |  |  | |
| (1) **Remuneration** |  |  |  | |
| (2) *[****Reimbursables]*** |  |  |  | |
| **Total Cost of the Financial Proposal:** |  |  |  | |
| **Indirect Local Tax Estimates – to be discussed and finalized at the negotiations if the Contract is awarded** | | | | |
| 1. {insert type of tax. e.g., VAT or sales tax} |  |  |  | |
| 1. {e.g., income tax on non-resident experts} |  |  |  | |
| 1. {insert type of tax} |  |  |  | |
| Total Estimate for Indirect Local Tax: |  |  |  |  |

**Note: Payments will be made in USD ANNEX B: FINANCIAL PROPOSAL FORM FPF-3 BREAKDOWN OF REMUNERATION**

When used for Lump-Sum contract assignment, information to be provided in this Form shall only be used to demonstrate the basis for the calculation of the Contract’s amount; to calculate applicable taxes at contract negotiations; and, if needed, to establish payments to the Consultant for possible additional services requested by the AGRA. This Form shall not be used as a basis for payments under Lump-Sum contracts

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **A. Remuneration** | | | | | | | | |
| **No.** | **Name** | **Position** | **Person-month Remuneration Rate** | **Time Input in Man-days** | {*Currency)* | USD | *Total USD cost* | |
|  | **Key Experts** |  |  |  |  |  |  |  |
| K-1 |  |  | [*Home*] |  |  |  |  | |
|  | [*Field*] |  |  |  |  | |
| K-2 |  |  |  |  |  |  |  | |
|  |  |  |  |  |  | |
|  |  |  |  |  |  | |
|  |  |  |  |  |  |  |  | |
|  |  |  |  |  |  | |
|  |  |  |  |  |  | |
|  | **Non-Key Experts** |  |  |  |  |  |  |  |
| N-1 |  |  | [*Home*] |  |  |  |  |  |
| N-2 | [*Field*] |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  | Total Costs |  |  |  |  |

**ANNEX B: FINANCIAL PROPOSAL FORM FPF-4 BREAKDOWN OF [REIMBURSABLE EXPENSES]**

When used for Lump-Sum contract assignment, information to be provided in this Form shall only be used to demonstrate the basis for calculation of the Contract amount, to calculate applicable taxes at contract negotiations and, if needed, to establish payments to the Consultant for possible additional services

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **N°** | **Type of [*Reimbursable Expenses]*** | **Unit** | **Unit Cost** | **Quantity** | {*Currency*} | Total value in USD |
|  | *{e.g., Per diem allowances\*\*}* | {Day} |  |  |  |  |
|  | *{e.g., International flights}* | {Ticket} |  |  |  |  |
|  | *{e.g., In/out airport transportation}* | {Trip} |  |  |  |  |
|  | *{e.g., Communication costs between Insert place and Insert place}* |  |  |  |  |  |
|  | *{ e.g., reproduction of reports}* |  |  |  |  |  |
|  | *{e.g consumables* |  |  |  |  |  |
|  | *....................................* |  |  |  |  |  |
| Total Costs | | | | |  |  |