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TRAVAIL -LIBERTE –PATRIE

REQUEST FOR INFORMATION

Technical Assistance Consultant for the LRAP Project

August 5th, 2019

Country: Togo	Funding Agency: Millennium Challenge Corporation
City/Locality: Lomé	Buyer: Cellule/MCA-Togo
Project Name: LRAP Project	

The Government of Togo (GoT) has established a coordination unit attached to the Presidency known as “la Cellule de Coordination de l’éligibilité du Togo au Millennium Challenge Account” (the Cellule), to develop its threshold program proposal and manage preparatory studies until a newly-formed Government of Togo entity that will oversee implementation of the threshold program (MCA-Togo) is established. There will be a transition between the Cellule and MCA-Togo during the contract period. For this reason, this document refers to the representative of the Government of Togo as “Cellule/MCA-Togo.”

The Cellule/MCA-Togo intends to issue a **Request for Proposal (RFP)** to engage a **Technical Assistance (TA) Consultant** to undertake a Land Reform Project under the terms of its Threshold Agreement with the **Millennium Challenge Corporation (MCC)**. The Cellule/MCA-Togo shall be the primary legal and contractual point of contact for the TA Consultant, and all official task assignments, reports, deliverables, invoices, and other business matters shall be authorized and approved via the Cellule/MCA-Togo. The Cellule/MCA-Togo will coordinate its activities with MCC, and will engage its own advisors to help oversee the work of the Consultants and the project as a whole.

The purpose of this Request for Information (RFI) is to obtain feedback, comments, and questions from interested prospective TA Consultants on the scope of services and requirements for the subject project Terms of Reference (TOR), to assist the Cellule/MCA-Togo to finalize the TOR before releasing the RFP.

The Cellule/MCA-Togo is seeking responses to the questions outlined in this RFI. The Cellule/MCA-Togo is not yet seeking technical or financial proposals from interested bidders. Response to this RFI is voluntary. Responders are free to address any or all of the questions, as well as to provide additional information they consider relevant to this RFI. The Cellule/MCA-Togo will not pay for any information provided in response to this RFI. Additionally, the issuance of this RFI does not commit the Cellule/MCA-Togo to pay any costs associated with preparing responses.

1. Background

The United States of America, acting through the Millennium Challenge Corporation, and the Government of Togo have entered into a Threshold Program Agreement dated February 14, 2019 to assist Togo to become eligible for an MCC Compact by supporting the implementation of critical institutional and policy reforms that address binding constraints to economic growth (the “Threshold Program”) in the amount not to exceed Thirty Five Million United States Dollars (US\$35,000,000) (“MCC Funding”).

The program consists of the following two Projects:

1. Land Reform to Accelerate Agricultural Productivity Project (LRAP Project)
2. Increased competition for the benefit of consumers, independent regulation, and expanded access in the ICT sector project (ICT Project)

The Togo Threshold Grant Agreement can be accessed at [here](#).

The focus of this RFI is the LRAP Project. The Cellule/MCA-Togo intends to issue an RFP to engage a TA Consultant to conduct the LRAP Project, according to the TOR. The following sections provide a brief summary of the Project Objectives and Scope of Services, and Project Organization and Management contained in the TOR. See the attached full draft TOR for details, and please refer to that document when responding to this RFI.

2. Summary Project Objectives and Scope of Services

Procurement Goals, Objectives and Logic

The LRAP Project will conduct small-scale tests of different methods for securing land rights so that the GoT can identify and legally adopt new and improved procedures to facilitate registration of land held by small landholders in rural areas in Togo. Formalization of land rights through registration will reduce challenges to legitimate but currently informal holdings, secure the rights and agricultural investments of smallholders, and facilitate land transfers for future investment. To accomplish its medium-term (life-of-project) objective of making land registration easier, LRAP will improve the regulatory framework for implementation of a new Land Code so that registration of land rights becomes more affordable, desirable and accessible to rural farmers. In the longer term, this will increase land tenure security, decrease land conflict and pave the way for increased agricultural investment and productivity.

Social and Legal Context

Currently most land in rural Togo is governed under customary land tenure systems and generally lacks any kind of official documentation. Over the past couple of decades customary land management systems have increasingly come under pressure in the face of dramatically rising monetary value of land triggered by population growth, expanded agricultural production including cash crops, and competing land uses such as growing towns and cities, and commercial mining. Land pressures are further exacerbated by the relatively recent phenomenon of “land grabbing” on the part of urban-based actors with privileged access to knowledge, power and financial resources. In short, competition over land is increasingly leading to conflict both within communities and between communities and outsiders.

The GoT recognizes the threat posed to agricultural investment by insecure land tenure. Following several years of debate, legal drafting and vetting at the national and local levels, Togo adopted its first-ever comprehensive Land Code on June 14, 2018. The new Code attempts to combine, rationalize and make more coherent over a century of existing land legislation. Historically, obtaining a land title in Togo has required long, costly and complicated administrative and technical procedures that are often far beyond the means of small farmers holding customary land rights, and the new Land Code by itself does little to reduce the costs of land registration in Togo. Nevertheless, the new Code provides a firm legal foundation for land property rights in that it upholds longstanding principles such as the right to hold land as private property, respect for customary land rights and the option to secure rights through registration.

Since adoption of the new law, Togo has launched the process to develop a regulatory framework for implementation of the Land Code. This framework, to consist of a set of application decrees, will clarify the requirements and procedures for land registration and therefore largely determine the costs (in terms of time, money, level of confidence in the process and predictability of outcome) to rights-holders for registration of their land. LRAP is designed to test requirements and procedures to inform policy decisions regarding key aspects of the regulatory framework, with the goal of reducing costs and obstacles to registration of land, particularly land held under customary land tenure systems.

Scope of Procurement

The LRAP project consists of two tightly integrated Activities, to be implemented over two time periods. (See diagram below) Activity 1 will support stakeholder engagement for development, drafting, vetting and adoption of implementation decrees for a new Land Code. Activity 1 begins at the outset of the project with preparatory activities of stakeholders in the ministries that are instrumental in formulating and implementing land tenure policy and ends, at the project’s conclusion, with adoption of relevant application decrees.

Activity 2 is field-based, and will be implemented at five different test sites, one in each of Togo's five administrative regions. Field activities at each site are organized into four distinct areas of testing corresponding to some of the core functions, or components, of a modern land registration system. The approaches that will be field-tested at each test site include:

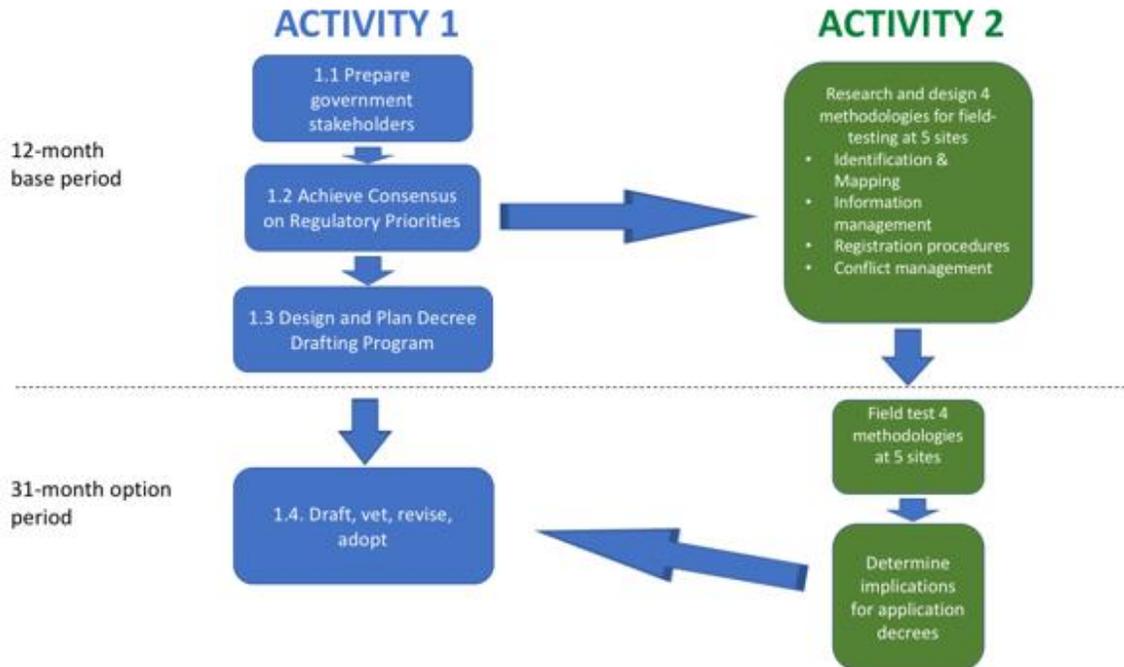
- Identification of rights holders and determination of parcel locations, dimensions and the capacity to graphically present geographical information as maps.
- Systems and practices for organizing, storing and retrieving land information.
- Administrative procedures and processes required for registering land.
- Rules and practices for resolving or managing land conflicts.

Each of these land registration components can be accomplished through a variety of approaches, technologies, or sets of legal and procedural rules and requirements. Just a few examples of the potential sources of variation across approaches follow:

- Choice of technology for collection of geographical positioning information (survey team in the field, remote sensing from satellites or UAVs, smart phones and tablets, variation in positioning devices, access to Continuously Operating Reference Station, etc.)
- Accuracy requirements applied to parcel boundaries
- Quality control procedures for collected information
- Division of labor, roles and responsibilities of national versus local government agencies
- Characteristics of available (or experimental) land titling instruments
- Degree of legal formality required for processing land disputes
- Level of technological sophistication of land information system (from paper-based to customized hardware and software packages)
- Up-front costs and longer term maintenance/replenishment costs

Activity 2 includes a design phase to research and design a unique mix of “methodologies” intended to accomplish the operations of land registration identified above and referred to in shorthand as identification and mapping, land information management, registration procedures, and conflict management. Taken together, LRAP seeks to identify and test at the five sites all feasible “methodologies” that could potentially and cost-effectively contribute to the goal of making it easier for small-scale farmers in Togo to formalize and register their land rights. Once completed, Activity 2 will have generated evidence-based knowledge about what types of land administrative processes and systems for use in the future are both feasible and compatible with the new land code, knowledge that will inform development of the implementation decrees for the Land Code under the concluding tasks of Activity 1.

The diagram below illustrates the logic and flow of the LRAP Project Activities and Periods.



Further Considerations for LRAP Implementation

- Accomplishment of LRAP objectives will require innovation and creative thinking. A variety of approaches, technologies and procedures will be designed and tested across five different sites, with some approaches undoubtedly costing more (both in financial resources and time) than others.
- LRAP targets the highest levels possible of local buy-in and collaboration, both at the national level and the level of the test sites. Project implementation will be advised by a stakeholder committee to be established early in the program. The core implementation team for Activity 1 will include stakeholders from each of the ministries assigned substantial land management responsibilities. Activity 2 will ideally be implemented with substantial participation of Togolese firms or NGOs assigned responsibility for implementation of specific methodologies, and possibly based at or near the test sites.
- Gender and Social Inclusion issues are cross-cutting and affect all proposed activities on the LRAP project. For this reason, LRAP places emphasis on ensuring that these dimensions are adequately integrated into all preliminary studies, preparation, and design of key methodologies.

3. Project Structure and Management

The Technical Assistance will be delivered across two distinct time periods: a **Base Period** of approximately 12 months, and an **Option Period**, of approximately 31 months. Consultants' bids, and contract performance and payments, will be based on a combination of **fixed price** elements and **fixed rate** elements. During the Option Period, the fixed price elements and fixed rate elements may overlap in time.

The following Table summarizes this structure, and the subsections that follow highlight the scope and approach to each contract Period (Base and Option) and the relevant pricing. The Table identifies the Tasks associated with each Period and type of pricing and management. See Section 3 of the TOR for more detail.

Component	Quotation Type
Base Period Preparation, planning, study design > Fixed tasks, deliverables, payments	Fixed Price Quotation
Option Period, Flexible Task Orders Methodology field tests, findings > Flexible Task Orders, LOE, payments	Fixed Rate Quotation
Option Period, Fixed Costs Decree development, adoption; institutionalization > Fixed tasks, deliverables, payments	Fixed Price Quotation

3.1 Base Period

The Base Period consists of preparatory and design activities that will establish the foundation for the Option Period activities. The work under the Base Period will lay the groundwork for stakeholder participation and planning in the development of the new land registration methodologies and related decrees. This includes government and other stakeholder engagement, along with guidelines and planning for decree drafting. During the Base Period, the pilot sites will be selected, preparatory studies for the field testing carried out, and multiple, alternative approaches to the four land Methodologies that will be field tested during the Option Period will be designed. In addition, anticipated LOEs and other direct costs during the Option Period shall be identified.

It is expected that authorization for the Option Period will be approved at least two months prior to the conclusion of the 12-month Base Period. Consultants shall submit a fixed price bid for the Base Period, including all labor and expenses. Payments will be made based on acceptance of the designated Deliverables, according to a pre-determined payment schedule.

3.2 Option Period

The Option Period of the engagement will constitute the bulk of the Consultant’s work under the contract, including on-site field activities, analysis of findings, and support the completion of implementation decrees based upon the field results. The main tasks involve extensive implementation testing at the five selected sites of the alternative approaches designed under the Base Period for each of the four land Methodologies ((1) Identifying and Mapping Parcel Rights; (2) Management of Land Information; (3) Land Registration Procedures; and (4) Management of Land Conflicts). Based on the findings of these field tests, the final work of the Option Period involves support for the drafting of implementation decrees that capture the recommended approaches, and transferring knowledge and institutionalizing positive outcomes at the local level from the four LRAP methodologies.

Option Period: Flexible Task Orders

The main body of work under the Option Period will involve the field testing of the different methodology options. The details of specific task assignments will be defined on a periodic basis through the issuance of formal Task Orders by the Cellule/MCA-Togo to the Consultant. These Task Orders will define the specific scope, timing, expected outputs, and levels of effort for the Consultant team's work during each period covered by a Task Order. Each Task Order will identify, *inter alia*, the locations, numbers of parcels, and options to be tested (including continuations of ongoing tests), and any other tasks and outputs to be produced during the period. In addition, the Task Orders will define the specific levels of effort to be authorized for each of the defined Consultant team member positions, including Project Management, at the contractually agreed daily rates (including relevant per-diem costs). Payments will be made per the agreed schedule in the Task Order, including acceptance of an associated Progress Report and any other required Deliverables.

Option Period: Fixed Price Tasks and Deliverables

Tasks and deliverables under the Option Period to be executed on a fixed price basis will include drafting and completing the formal Decrees arising from the recommended land Methodologies, and the final tasks to help institutionalize those Methodologies. Consultants will bid a fixed price for these combined elements of the Option Period, inclusive of project management and all relevant costs. Payments related to these fixed tasks will be based on acceptance of the designated deliverables, according to the pre-determined payment schedule.

4. Feedback Requested

The Cellule/MCA-Togo is specifically interested in feedback and comments on the following topics and questions:

1. **Government implementation partners.** In addition to the Cellule/MCA-Togo, the Consultant will work closely with four Togolese government implementation partners. The Consultant shall provide technical and logistical support to the four Ministries responsible for land governance, and consult and coordinate project activities with other relevant Ministry(ies). What observations, advice or question would you have about the arrangement with the government implementation partners?
2. **Stakeholder engagement.** A stakeholder committee is planned to ensure broad participation and oversight of the LRAP project. Are you aware of / have experience in establishing or collaborating with a similar committee in other settings? What do you see as the main challenges and advantages of this approach?
3. **Local knowledge of pilot sites.** LRAP Activity 2 will be implemented at pilot sites in rural areas at which local knowledge and engagement will be essential. Implementation of several tasks would likely best be implemented in partnership with Togolese organizations such as NGOs or specialized firms. What comments or questions would you have on this approach?
4. **Multiple activities at multiple pilot sites.** Activity 2 of the LRAP project provides for the testing of four land methodologies at five different pilot sites. The Consultant will be managing the field tests of the various land methodologies at the five different pilot sites. MCC and the GoT have already negotiated the four land methodologies and the five pilot sites, so that is unlikely to change. Do you see challenges to this approach, and if so how can those potential challenges be mitigated?
5. **Incentivizing innovative approaches.** Innovation is paramount to the LRAP project. Identifying innovative approaches can sometimes take more time and resources. What appropriate contractual

arrangements can be put in place to ensure that the Consultant seek out innovative approaches and sufficient experimentation to identify and demonstrate the best and most appropriate land registration methodologies for Togo?

6. **Contract Structure and Management.** Is the structure of the engagement (Base and Option Period, fixed and flexible components, roles of Cellule/MCA-Togo and Implementing Entities) clear? What questions or confusion do you have regarding the structure? What aspects could be better defined or improved? Are there elements that might present particular challenges in organizing the consultant's proposal and project plan?
7. **Contract period.** The implementation period for LRAP is 43 months. Do you think the time period (43 months) is adequate to complete the LRAP project, as presented in the ToR? Do you have comments regarding the time allotted to each of the implementation periods (12-month Base Period and 31-month Option Period)?
8. **Human resource capacity for the LRAP.** Do you foresee any challenges to identify and engage well qualified experts, who are fluent in French, to staff the LRAP project? Are you aware of well qualified local NGOs/consultancy firms that can sub-contract on the LRAP?
9. **Levels of Effort.** What broad levels of effort (e.g., person days) do you anticipate will be required to fulfill the project tasks and deliverables within the identified time periods?

5. Response Submission Guidelines

Responses to this RFI will not give any advantage to any firm or organization in this or any subsequent procurements. It will also not lead to an organizational conflict of interest. Responses will be strictly confidential.

The Cellule/MCA-Togo may contact any of the responders to clarify the information provided and may use any or all information received in the final development of its TOR and formulation of the budget for this assignment.

To expedite this process, please limit your response to five (5) pages if possible. Responses to this RFI must be in English.

Please send responses and requests for clarification of this RFI, in English, via email to recruitmcatogo@gmail.com (copy: keitan@mcc.gov and mdoumbial@gmail.com) no later than **September, 2nd 2019**.

Please be guided accordingly,

Mr. Stanislas Baba

Principal Representative of the Cellule de Coordination de l'éligibilité du Togo au Millennium Challenge Account