



# MILLENNIUM DEVELOPMENT AUTHORITY (MiDA)

## SPECIFIC PROCUREMENT NOTICE

### Letter of Invitation for the Procurement of External Legal Counsel

**Ref: 8100109/LOI/CQS/03/16**

1. The Republic of Ghana (the “**Republic**” or “**GoG**”) and the Millennium Challenge Corporation (“**MCC**”) have entered into a Millennium Challenge Compact for assistance to help facilitate poverty reduction through economic growth in Ghana (the “**Compact**”) in the amount of Four Hundred and Ninety Eight Million, Two Hundred Thousand United States Dollars (US\$ 498,200,000) (“**MCC Funding**”) and Thirty Seven Million, Three Hundred and Sixty Five Thousand United States Dollars (“**GoG Funding**”). The Government of Ghana, acting through the Millennium Development Authority (“**MiDA**”), intends to apply a portion of the MCC Funding to eligible payments under a contract for which the Letter of Invitation is issued. Payments by MiDA will be subject, in all respects, to the terms and conditions of the Compact and related documents, including restrictions on the use of MCC funding and conditions to the disbursements of MCC funding. No party other than the Government and MiDA shall derive any rights from the Compact or have any claim to the proceeds of MCC Funding.

2. The goal of the Compact program is to reduce poverty through economic growth in Ghana. The objectives of the Compact program are to

- (a) Increase private sector investment and productivity and profitability of micro, small, medium and large scale businesses;
- (b) increase employment opportunities for men and women; and
- (c) raise earning potential from self employment and improved outcomes for men and women.

The Program consists of six (6) projects: (i) the ECG Financial and Operational Turnaround Project; (ii) the NEDCo Financial and Operational Turnaround Project; (iii) the Regulatory Strengthening and Capacity Building Project; (iv) the Access Project; (v) the Power Generation Sector Improvement project; and (vi) the Energy Efficiency and Demand Side Management Project.

MCC's assistance will be provided in a manner that responds to constraints to economic growth by aiming to improve the reliability and quality of power in Ghana.

The Compact Program will be executed over a period of five (5) years upon Entry into Force (EIF) of the Compact. There will be an initial period of Compact Implementation Funding (CIF) of 8-10 months to be used by Government and MiDA to facilitate the implementation of the Compact.

This Letter of Invitation Request follows the General Procurement Notice that appeared in dgMarket and UNDB Online on 17 September, 2015, on the MiDA website [www.mida.gov.gh](http://www.mida.gov.gh), on 18 September, 2015, and in the local media, The Ghana Daily Graphic, on 23 September 2015, and the Business & Financial Times on 5 October, 2015.

The Millennium Development Authority (MiDA) requires the services of a legal firm, or firms, to provide the following services:

### **Summary of Services:**

The legal firm(s) will be required to assist and work with the General Counsel of MiDA on legal matters relating to the Compact. Among other things, the General Counsel ensures that all activities of MiDA comply with obligations contained in the Compact, all Supplemental Agreements entered into in furtherance of the Compact, Ghanaian Laws and Regulations and any other applicable laws, regulations and agreements. The General Counsel is responsible for the provision of advice to the Board of Directors, Management and staff of MiDA on all legal issues as they arise and to identify any problems encountered in the organization, and recommend solutions.

The General Counsel also acts as Corporate Secretary to the Board of Directors and in this regard, the General Counsel's tasks include ensuring that the Board complies with the requirements of the Compact, relevant Supplemental Agreements, and all the relevant governing documents, including preparing minutes of Board meetings. In addition, the General Counsel also acts as a main liaison between MiDA and the MCC Office of the General Counsel on legal matters relating to the implementation of the Compact; and also represents MiDA before the courts of law and participates in arbitration proceedings, negotiations, and prepares and advises on the various contracts to be executed by MiDA.

The legal firm(s) will be selected under the Consultant's Qualifications (CQS) method, the evaluation procedure for which is described in accordance with the "MCC Program Procurement Guidelines" which are provided on the MCC website: [www.mcc.gov](http://www.mcc.gov) and on the MiDA web site: [www.mida.gov.gh](http://www.mida.gov.gh)

Legal firms interested in bidding must be licensed to practice in Ghana and must confirm that they have no conflicts of interest that would prevent them from undertaking this assignment with MiDA.

MiDA will only sign a contract upon Entry Into Force (EIF) of the Compact which is anticipated in June, 2016. The Contract will be for an initial period of one year, renewable annually at MiDA's option, for the Compact Term.

MiDA reserves the right to appoint a maximum of two (2) legal firms to fulfill the objectives of this procurement.

### **Application Procedure:**

Interested legal firms are requested to send their responses, which should include an Expression of Interest (**Format in Section 2**) to be considered for the assignment along with:

- The legal firm's profile indicating organisational structure, total number of employees and its capacity to respond to immediate requests for assistance;
- Copies of certificate of registration and current Tax Clearance Certificate;
- Certified copies of financial statements for the last three (3) years;
- Current CVs for the Team Leader and two (2) Senior Lawyers (Key Personnel) as well as the names, and brief bio-data of all other legal practitioners who are proposed for the MiDA assignment, including the partners and associates, clearly showing their normal place of work (e.g. Accra, Kumasi etc.) (**Format in Section 3**);
- Areas of specialization of each of the legal practitioners for which CV's and/or bio-data have been submitted to meet the requirements in the Terms of Reference (**See Section 4**);
- Full contact details (i.e. address, telephone and fax numbers, e-mail address, website, etc.), of at least three references that can comment on the legal firm's (and any associates) related work experience;
- Any other relevant information.

The selected legal firm will sign a contract (**Format Section 6**) on the basis of a call down of services against a set table of hourly rates for the legal practitioner(s) involved.

Interested legal firms must submit the above details for themselves and any associates (including the information on the Team Leader and Senior Lawyers) included in their Expression of Interest in full compliance with the attached TOR.

**Any clarification required** can be requested only by e-mail up to **4<sup>th</sup> April 2016 at 15:00 Hours local time (Ghana)**, addressed to the Procurement Agent Manager at: [paghana@charleskendall.com](mailto:paghana@charleskendall.com) and copied to [procurement@mida.gov.gh](mailto:procurement@mida.gov.gh).

Clarification questions must be submitted by e-mail to both the addresses underneath and responses will be issued no later than 1700 hours on **8<sup>th</sup> April 2016**:

**To submit your Expression of Interest**, please use the following address:

Procurement Director  
Millennium Development Authority  
4<sup>th</sup> Floor, Heritage Tower  
6<sup>th</sup> Avenue, Ridge West  
P.M.B. 56, Ministries  
Accra, Ghana

The deadline for submission of responses is **22<sup>nd</sup> April 2016 at 15:00 Hours local time (Ghana)**.  
Electronic submission is not allowed.

**Chief Executive Officer  
Millennium Development Authority  
4<sup>th</sup> Floor, Heritage Tower  
6<sup>th</sup> Avenue, Ridge West  
P.M.B. 56, Ministries  
Accra, Ghana**