



Millennium Development Authority (MiDA)

PRE-BID CONFERENCE

DRAFTING OF LEGISLATIVE INSTRUMENTS CONSULTANCY SERVICES

28TH NOVEMBER, 2018
Venue: Accra City Hotel

Presented By
Sylvester A. Ayayee
Project Manager, EEDSM Project, MiDA

OUTLINE OF PRESENTATION

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- COMPACT OVERVIEW
- INSTITUTIONAL ARRANGEMENTS
- SERVICES AND ROLES OF DRAFTING OF LEGISLATIVE INSTRUMENTS (LIs) CONSULTANT
- CONTRACT TERMS
- PAYMENT STRUCTURE
- EVALUATION CRITERIA

GHANA COMPACT II PROGRAM

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➤ Power Compact

- An international treaty between the United States Government represented by Millennium Challenge Corporation (MCC) and the Republic of Ghana to develop the power sector.
- Total (projected) Program Funds: US\$ 535.6M to be disbursed in two (2) tranches
 - ❖ Tranche I Funding – US\$345.6M being disbursed upon Entry into Force (EIF) – September 6, 2016
 - ❖ Tranche II Funding – US\$190M to be disbursed after two (2) years of EIF (having met CPs related to ECG PSP etc.)
- Compact Duration: Five (5) years: Have done 2 years + 2 months. 2 years + 10 months to go (September 6, 2021)

COMPACT PROJECTS

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- **ECG Financial & Operational Turnaround Project**
- **NEDCo Financial & Operational Turnaround Project**
- **Regulatory Strengthening & Capacity Building Project**
- **Access Project**
- **Power Generation Sector Improvement Project**
- **Energy Efficiency & Demand Side Management Project**
 - **Development and Enforcement of Standards and Labels Activity**
 - **Consultancy Services for Drafting of Legislative Instruments (LIs)**

COMPACT PROJECTS – Cont'd

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- ▶ The Compact Projects are divided into two (2) broad areas:

Foundational/Infrastructure Projects:

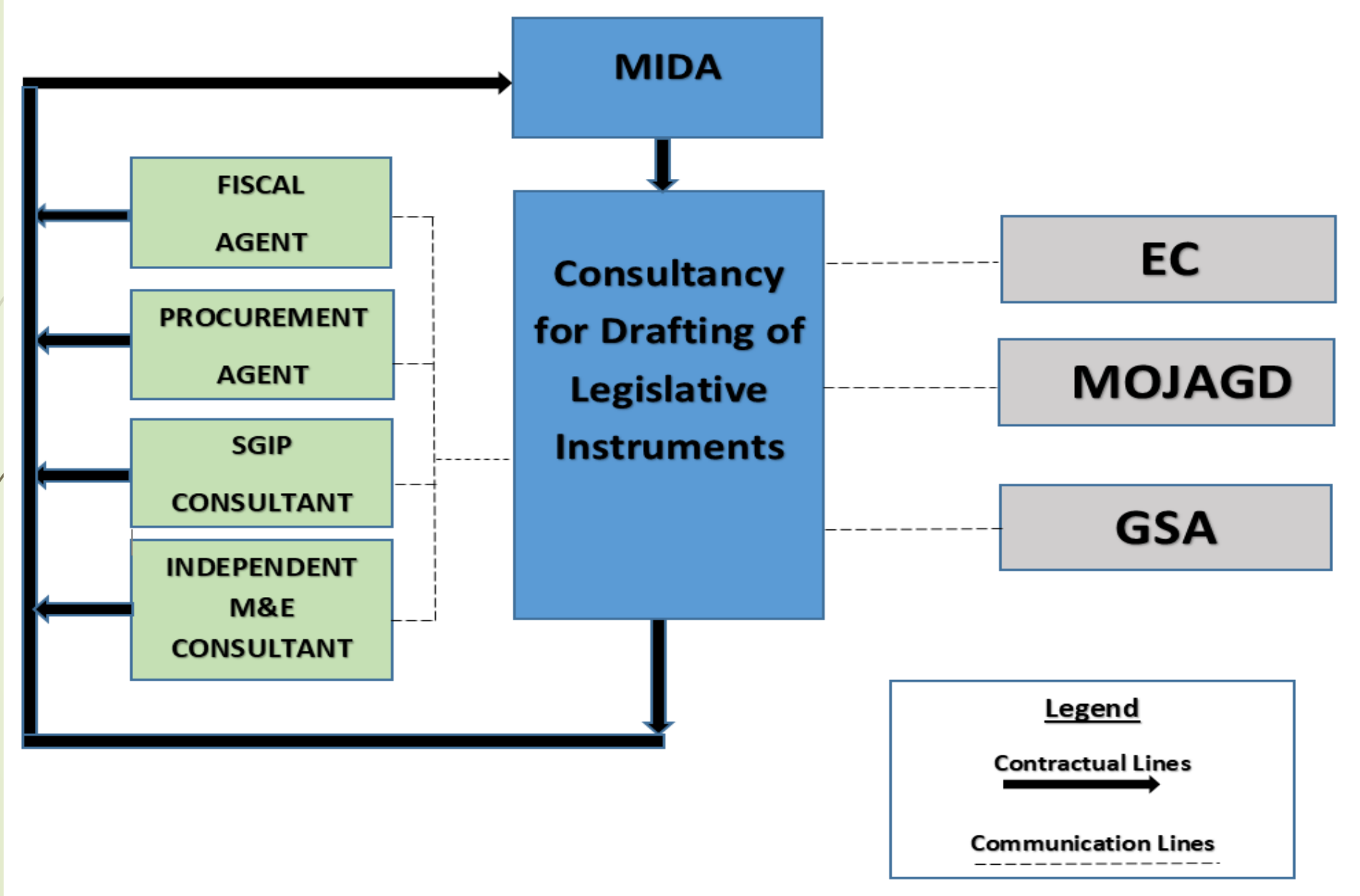
- ✓ ECG Financial & Operational Turnaround
- ✓ Redesigned NEDCo Financial & Operational Turnaround
- ✓ Access
- ✓ Energy Efficiency & Demand Side Management

Reform/Policy Projects

- ✓ Regulatory Strengthening & Capacity Building
- ✓ Power Generation Sector Improvement
- ✓ Energy Efficiency & Demand Side Management

INSTITUTIONAL ARRANGEMENTS

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SERVICES AND ROLES OF THE DRAFTING OF LEGISLATIVE INSTRUMENTS (LIs) CONSULTING SERVICES

- **The objective of this activity:**
 - Draft LIs for review and adoption by the EC and Office of the Attorney General and Ministry of Justice for promulgation by Parliament.
 - Revise existing regulations to modernize and tighten the somewhat outdated and inadequate existing legislation.

SERVICES AND ROLES OF THE DRAFTING OF LEGISLATIVE INSTRUMENTS (LIs) CONSULTING SERVICES Cont'd

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Overview of Consultant Services (for all 4 Lots)

- Task 1: Undertake desk study.
- Task 2: Revision of existing legislative instruments.
- Task 3: Developing new legislative instruments.
- Task 4: Initial engagement with the Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process
- Task 5: Participate in review of drafts regulations with internal EC management and incorporate comments from engagement.
- Task 6: Finalisation of regulations.
- Task 7: Final engagement with Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process.

CONTRACT TERMS

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- **Duration**

- Approximately 64 weeks after commencement of Services.

- **Key Personnel Requirements**

- Proposed LOE for 3 Key Personnel: 92 Person – Weeks.
- The Consultant may provide additional technical and administrative support staff as may be required.

- **Consists of:**

- Scope of services and deliverables outlined in the TOR

PAYMENT STRUCTURE

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SN	DELIVERABLE /REPORT	REQUIREMENT	TIME LINE (weeks after Commencement of Services)	Payment %
LOT 1 ENERGY CONSUMING PRODUCTS				
01	Deliverable 1:	Report on Kick off Meeting Notes & Final Inception	1 week	5
02	Deliverable 2:	Report on Desk Study	3 weeks	
03	Deliverable 3:	Report on Revision of existing legislative instruments	6 weeks	10
04	Deliverable 4:	Report on developing new legislative instruments	9 weeks	
05	Deliverable 5:	Two reports on Initial engagement with the Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process	9 & 15 weeks	0
06	Deliverable 6:	Report on participation in review of drafts regulations with internal EC management and incorporate comments from engagement	13 weeks	10
07	Deliverable 7:	Report on Finalisation of regulations	15 weeks	
08	Deliverable 8:	Report on Engaging AG's and Parliamentary Subsidiary Committee Process	23 weeks	5

PAYMENT STRUCTURE cont'd

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LOT 2 ENERGY CONSUMING PRODUCTS (to commence following delivery of Deliverable 7 of Lot 2)				Payment %
09	Deliverable 9:	Report on Desk Study	18 weeks	10
10	Deliverable 10:	Report on Revision of existing legislative instruments	21 weeks	
11	Deliverable 11:	Report on developing new legislative instruments	24 weeks	
12	Deliverable 12:	Two reports on Initial engagement with the Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process	24 & 30 weeks	0
13	Deliverable 13:	Report on participation in review of drafts regulations with internal EC management and incorporate comments from engagement	28 weeks	5
14	Deliverable 14:	Report on Finalisation of regulations	30 weeks	
15	Deliverable 15:	Report on Engaging AG's and Parliamentary Subsidiary Committee Process	38 weeks	5

PAYMENT STRUCTURE cont'd

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LOT 3 ENERGY CONSUMING PRODUCTS (to commence following delivery of Deliverable 14 of Lot 3)				Payment %
16	Deliverable 16:	Report on Desk Study	33 weeks	10
17	Deliverable 17:	Report on developing new legislative instruments	37 weeks	
18	Deliverable 18:	Two reports on Initial engagement with the Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process	37 & 44 weeks	0
19	Deliverable 19:	Report on participation in review of drafts regulations with internal EC management and incorporate comments from engagement	41 weeks	5
20	Deliverable 20:	Report on Finalisation of regulations	44 weeks	
21	Deliverable 21:	Report on Engaging AG's and Parliamentary Subsidiary Committee Process	52 weeks	10

PAYMENT STRUCTURE cont'd

LOT 4 ENERGY CONSUMING PRODUCTS (to commence following delivery of Deliverable 20 of Lot 4)				Payment %
22	Deliverable 22:	Report on Desk Study	47 weeks	10
23	Deliverable 23:	Report on developing new legislative instruments	50 weeks	
24	Deliverable 24:	Two reports on Initial engagement with the Office of the Attorney General and Parliamentary Subsidiary Legislation Committee Process	50 & 56 weeks	0
25	Deliverable 25:	Report on participation in review of drafts regulations with internal EC management and incorporate comments from engagement	54 weeks	5
26	Deliverable 26:	Report on Finalisation of regulations	56 weeks	
27	Deliverable 27:	Report on Engaging AG's and Parliamentary Subsidiary Committee Process	64 weeks	
				10

EVALUATION CRITERIA

GENERAL

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Consultancy firm experience:

- Minimum of five (5) years' as the prime Consultant in reviewing existing Legislative Instruments and drafting new Legislative Instruments for minimum Energy Efficiency Standards, in particular experiences from Ghana or other developing countries.
- Minimum of five (5) years' as the prime Consultant in reviewing existing Legislative Instruments and drafting new Legislative Instruments for minimum Renewable Energy Regulations, in particular experiences from Ghana or other developing countries.

EVALUATION CRITERIA GENERAL

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Consultancy firm experience:

- Minimum of five (5) years' as the prime Consultant in the development of policy, legislation, codes and guidelines for the energy, environmental, and health and safety sectors, in particular experiences from Ghana or other developing countries.
- Minimum of five (5) years' as the prime Consultant in providing technical advice on new and existing regulations for electricity consuming appliances and technical support for the development of Energy Efficiency Standards and Renewable Energy Regulations in the energy sector, in particular experiences from Ghana or other developing countries..

EVALUATION CRITERIA

APPROACH, METHODOLOGY AND WORKPLAN

APPROACH

- Demonstration of a clear understanding of the contract requirements

METHODOLOGY

- Appreciation for the assignment contained in the ToR
- Detailed Program Management Plan (PMP).
- Proposed approach and methodology includes solutions for addressing time constraints.

WORKPLAN

- Proposed project organization and staffing provides a clear, logical and appropriate staffing pattern with responsibilities among different staff positions adequately defined in the ToR.
- A fully developed Work Plan showing the proposed completion of the works contained in the ToR.

EVALUATION CRITERIA

KEY PERSONNEL QUALIFICATION

Qualifications

- Educational Qualifications and Professional Training,
- Membership of Professional Organization, and
- Knowledge of English Language.

Work Experience Relevant to the Assignment

- Demonstrable successful experience and past performance in accomplishment of similar projects.

Developing country experience

- Relevant work experience in Sub-Saharan Africa or developing countries

THANK YOU



Q&A



Millennium Development Authority (MiDA)

REQUEST FOR PROPOSALS

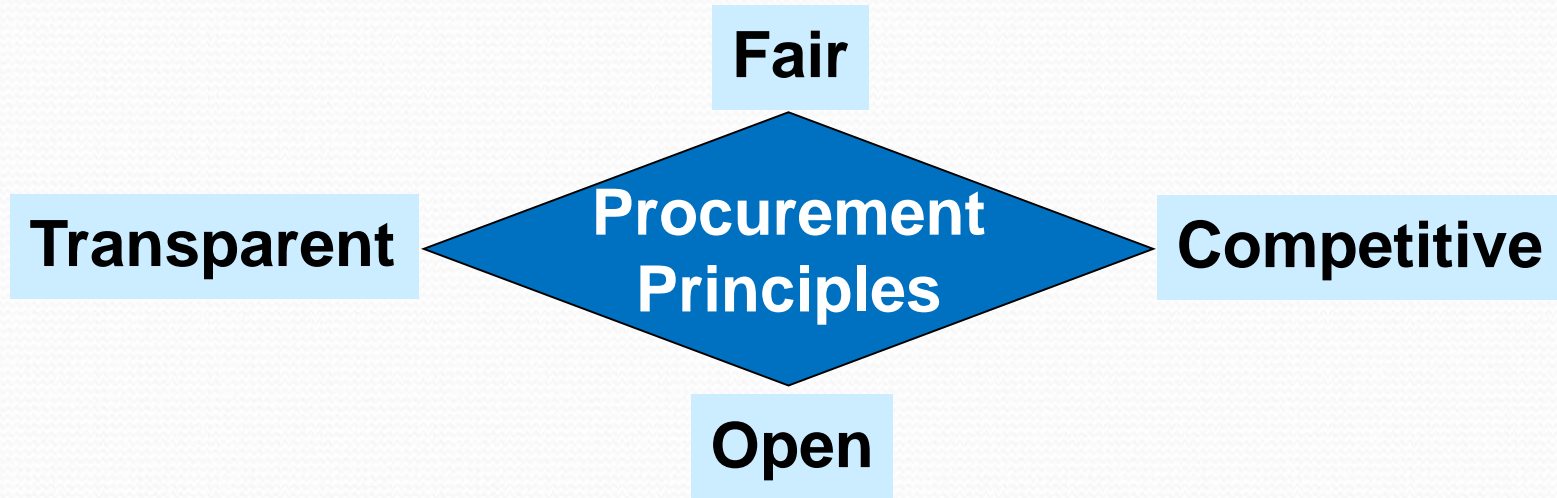
MCC STANDARD BIDDING DOCUMENT ADAPTED FROM IDA/WORLD BANK STANDARD DOCUMENTS BUT ADAPTED TO SUIT MCC.

REMEMBER THIS IS UNTIED AID AND COMPETITION IS OPEN WORLDWIDE.

IMPORTANT FOR INTERESTED BIDDERS TO READ THE RFP CAREFULLY AS THIS IS AN UPDATED VERSION EFFECTIVE FROM SEPTEMBER 2018.

IF IN DOUBT ON ANY ISSUE(S) ALWAYS ASK FOR CLARIFICATION BY THE ADVERTISED DEADLINE.

MiDA PROCUREMENT PRINCIPLES



- Procurement Agent to ensure integrity of the process
- Open competition wherever possible
- No geographic or national preferences
- Independent and suitably qualified Evaluation Panels
- MCC and MiDA Board of Directors approvals over certain thresholds
- Price Reasonableness Analysis
- Contractor Past Performance Reports
- Bid Challenge System (www.mida.gov.gh) and Debriefings

PART 1 - SECTION I

INSTRUCTIONS TO CONSULTANTS

READ CAREFULLY, AND IN PARTICULAR NOTE

CLAUSE 17

- Clearly mark your outside envelope/package with the name and reference for the assignment – also see Proposal Data Sheet;
- Ensure that the required number of your Technical and Financial Proposals are provided – also see Proposal Data Sheet;
- Ensure that the Technical and Financial Proposals are enveloped separately and also clearly marked with the name and reference for the assignment.

PART 1 - SECTIONS II AND III

Section 2 – The Proposal Data Sheet supersedes the related clauses from the Instructions to Consultants. Please also note that Proposals must be submitted no later than **15:00 hours Ghana time on 18 January 2019.**

Section 3 – The Qualification and Evaluation Criteria shows the marks to be awarded for each category and you are required to obtain a total of 80 marks if you are to pass and enable your Financial Proposal to be opened and evaluated.

SECTION III - QUALIFICATION AND EVALUATION CRITERIA

There are now new Qualification Tables included in the RFP in Section 3.5 which cover:

3.5.1 Eligibility – Qualification and Eligibility, Conflict of Interest and Ineligibility and Debarment (Form TECH-1 and attachments).

3.5.2 Historical Contract Non-Performance – Pending Litigation (Form TECH-2 B).

3.5.3 Financial Situation – Historical Financial Performance, and Financial Resources (Forms TECH 2A, TECH-2B and TECH-4).

3.5.4 Experience – Organization Capability and Technical Experience (Forms TECH-3 and TECH-6), and General and Specific Experience (Form TECH-4).

The Consultant shall provide the information requested in the corresponding information sheets included in Section IV, Proposal Forms, to establish that the Consultant meets the requirements established.

SECTION III – QUALIFICATION AND EVALUATION CRITERIA

LEGAL STATUS - LETTER OF INCORPORATION WITH TECH-1

FINANCIAL CRITERIA - ACCOUNTS AND CREDIT FACILITIES TO EVIDENCE SUFFICIENT FINANCE TO COMPLETE THE CONTRACT.

LITIGATION CRITERIA – FOR CONTRACTS IN LAST 5 YEARS.

ORGANIZATIONAL CAPABILITY AND EXPERIENCE OF THE CONSULTANT – EVIDENCE OF SUCCESSFUL EXPERIENCE ON GENERAL AND SPECIFIC CONTRACTS RELATED TO THE ASSIGNMENT.

APPROACH, METHODOLOGY, AND WORK PLAN - RESPOND TO THE REQUIREMENTS OF THE TOR AND THE STATED CRITERIA

KEY PROFESSIONAL PERSONNEL – EDUCATIONAL QUALIFICATIONS, RELATED WORK EXPERIENCE, AND EXPERIENCE IN **SUB-SAHARAN AFRICA/DEVELOPING COUNTRIES**

SECTION III - QUALIFICATION AND EVALUATION CRITERIA

- Form TECH-2A. Financial Capacity of the Consultant
- The Consultant is required to provide information on its financial status. This requirement can be met by submission of one of the following:
 - *audited financial statements for the last three (3) years, supported by audit letters,*
 - *certified financial statements for the last three (3) years, supported by tax returns.*
 - *Evidence of financing dedicated for the implementation of the consulting services as attested by an authorized representative of the Consultant.*
- Failure to submit documents as evidence of financial capacity will result in the rejection of the Proposal.
- If the Proposal is submitted by a joint venture, all parties of the joint venture are required to submit their financial statements. The reports should be submitted in the order of the Associate's significance in the joint venture, greatest to least.

SECTION IV

Section IV A – The Technical Proposal Forms Consultants will need to respond to each section and to assist the evaluation process if Consultants use separators to divide your responses to each of the **TECH-1 to TECH-11** forms.

Section IV B – The Financial Proposal Forms Consultants will need to respond to each section and to assist the evaluation process if Consultants use separators to divide your responses to each of the **FIN-1 to FIN-4** forms.

TECH FORM - PART 1

- **TECH-1** *Use the form and wording of the letter provided and attach Power of Attorney, Letter of Incorporation, Joint Venture or Association Agreements.*
- **TECH-2A** *Attach Audited or Certified Financial Statements for the last 3 years or evidence of financing dedicated for the implementation of the consulting services as attested by an authorized representative of the Consultant.*
- **TECH-2B** *Provide details of all current or past legal proceedings, litigation, arbitration, action claims investigations or disputes over the last five (5) years.*
- **TECH-3** *Provide the background and organization of your firm/entity, and each associate, your organization chart(s), and demonstrate your organizational capability and experience as well as capacity to field and provide experienced replacement personnel at short notice..*
- **TECH 4** *Provide information on all relevant general and specific assignments that your organization, and associates, have carried out relevant to the RFP/TOR – all MCC funded work must be included.*
- **TECH-5** *Each Consultant, and JV/Association member(s) must provide references about any and all MCC-funded contracts anywhere in the world (either direct or with an MCA-Entity) to which they have been a party as sole or Lead Consultant, affiliate, associate, subsidiary, sub-Consultant or any other role. Separate parts of the table to be completed for Contracts with MCC, and for Contracts with MCA-Entities.*

TECH FORMS - PART 2

- **TECH-6** *Description of your Technical Approach and Methodology, Work Plan, and Organization and Staffing for the assignment – show an understanding of the assignment, what you will do and how you will do it.*
- **TECH-7** *Present and justify any modifications or improvements to the TOR you are proposing to improve performance in carrying out the assignment.*
- **TECH-8** *List the name, organization, and area of expertise for the Key Personnel proposed as well as the position [for the Assignment, not their corporate position] and tasks assigned for the Assignment.*
- **TECH-9** *Provide the home and field staffing inputs for all Key and Non-Key Personnel (Support Staff).*
- **TECH-10** *Provide a list of all the main activities, deliverables and other milestones for the assignment.*
- **TECH-11** *Please ensure you follow the format of the CV provided. With regards the educational qualifications of personnel you must clearly indicate the year(s) of academic qualification. Also ensure that the number of years of experience for personnel is clearly detailed on the CV.*

FIN FORMS

- **FIN-1** *Use the form and wording of the letter provided and insert the relevant date and amount(s) in words and figures.*
- **FIN-2** *Insert the total fully loaded price in the relevant currency (US Dollars, or Ghanaian Cedi, or a combination of both).*
- **FIN-3** *Complete the Breakdown of Price by Activity (for each and every activity stated in the TOR) using fully loaded prices and listing/pricing each of the line item activities in the whole assignment.*
- **FIN-4** *Complete the Breakdown of Price by Remuneration giving home and field rates for all of the Key and Non-Key Personnel in forms TECH-8 and TECH-9 of your Proposal.*

PART 1 - SECTION V

Terms of Reference – Consultants should read these carefully as it provides, among others, details of:

- the Scope of Work required under this assignment,
- the Tasks, Deliverables, Payment Terms, and
- the Key and any Non-Key Personnel requirements and the required Level of Effort.

PART 2 – CONTRACT AGREEMENT

This is the new form of Contract Agreement that you will be required to sign so please read the terms and conditions carefully.

If you are in any doubt about any of the terms of Contract it is advisable to ask for clarification at this stage.

Note: The General Conditions of Contract and MCC Additional Provisions will not be changed.

PART 2 – CONTRACT AGREEMENT

Three new Annexures to the form of Contract:

ANNEX H – Compliance with Sanctions Certification Form

This form is to be completed by the Consultant and submitted together with the signed Contract Agreement, and subsequently thereafter on the last business day prior to the last day of each quarter (March 31, June 30, September 30, December 31) after the signature of an MCC-Funded Contract, for the duration of the Contract.

ANNEX I – Self-Certification Form

This self-certification declares that the Consultant will only procure goods and materials essential for the Contract, from suppliers that are free of forced and child labor and provide their direct workers with a safe and hygienic workplace, in compliance with the International Finance Corporation's Performance Standards on Environmental and Social Sustainability regarding labor standards and protections.

ANNEX J – Notice of Intent to Award

*In compliance with ITC 26.1, after the completion of the evaluation report and having obtained all the necessary approvals per the PPG, the MCA Entity shall send the Notice of Intent to Award to the successful Consultant. Delivery of the Notice of Intent to Award **shall not constitute the formation of a contract** between the MCA Entity and the successful Bidder. This merely formalizes the processes already in place.*

CLARIFICATION QUESTIONS AND RESPONSES

CLARIFICATION QUESTIONS MUST BE SENT **BY E-MAIL** NO LATER THAN CLOSE OF BUSINESS ON **30th NOVEMBER 2018** TO:

paghana@charleskendall.com

and copy to

procurement@mida.gov.gh

YOU MUST USE THESE ADDRESSES TO SOLICIT A WRITTEN RESPONSE TO YOUR QUESTIONS INCLUDING THOSE RAISED AT THIS MEETING.

RESPONSES TO ALL QUESTIONS WILL BE ISSUED ALONG WITH THE MINUTES OF THE PRE-PROPOSAL MEETING NO LATER THAN **7th DECEMBER, 2018** .

SUBMISSIONS

MiDA PROCUREMENT

4TH FLOOR HERITAGE TOWER

SUBMISSION FORM TO BE COMPLETED ON
TENDER BOX.

SUBMISSIONS DUE BY **15:00** HOURS GHANA TIME
ON **18th JANUARY, 2019** . A PUBLIC OPENING
FOLLOWS IMMEDIATELY AFTER.

LATE SUBMISSIONS WILL NOT BE ACCEPTED.

COMMON CHALLENGES

- ❖ Clarification questions not asked by due date and time.
- ❖ Courier packages not clearly marked – clearly label courier packages with activity title and RFP reference number.
- ❖ The cover, or Technical and Financial Proposal, envelopes not correctly marked, or submitted in separately sealed envelopes.
- ❖ 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 Statements for three (3) years frequently not provided.
- ❖ Firms respond to TORs stating they will do **what** the TOR requires but not explaining **how** they will carry out the assignment.
- ❖ Proposal does not address all of the line item evaluation criteria.
- ❖ References with email addresses not provided for Bidder.
- ❖ 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.



As always we are looking for compliance with all of the requirements of the RFP.

It is the responsibility of the Consultant to ensure that their Proposals are complete, compliant, and clear.

The Technical Evaluation Panel will not second guess your content or intentions.

Thank You.