

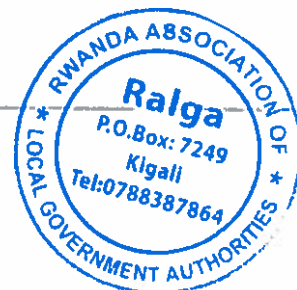


TERMS OF REFERENCE

ASSESSMENT OF THE OPPORTUNITY FOR NATIONAL GUIDELINE OF MUNICIPAL LAND READJUSTMENT PROJECTS IN RWANDA

PERIOD: AUGUST-SEPTEMBER 2020

July 2020



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ASSESSMENT OF THE OPPORTUNITY FOR NATIONAL GUIDELINE OF MUNICIPAL LAND READJUSTMENT PROJECTS

I. Background

The Government of Rwanda (GoR) has expressed the goal to transform the country into upper-income economy and high-income economy by 2035 and 2050 respectively. The National Strategy for Transformation (NST1) stipulates that urbanization is a key enabler of the Country economic output shift with 35% of Rwandan population expected to live in urban areas by 2024. To achieve this, development of secondary cities which are Rusizi, Rubavu, Huye, Muhanga, Musanze and Nyagatare, has been among the key strategies to be undertaken. These are supposed to play a crucial role in this process as the main poles of economic growth complementing Kigali, the capital city of Rwanda.

The National Urbanization Policy (2015) provides policy guidance on spatial planning at the national, district, and city levels and discusses housing solutions for different income groups and emphasizes some guiding principles such as multi stakeholder's coordination, densification and conviviality. The National Housing Policy (2008) emphasized the need for promoting grouped settlement privileging integration of land reserves (land pooling) for provision of basic infrastructures and services along with the active involvement of land owners (or renters) affected by land development projects in their neighbourhood. However, the urbanization process in Rwanda is still constrained by a number of factors such as: high-risk zone dwellings, high percentage of informal settlement in either inner City zones or in the peri urban areas (urban sprawl), insufficient infrastructures (road networks, logistic, sanitation, amenities, environment, etc) coupled with limited community participation in the previous urban planning decision process. The housing sector is also particularly affected by a number of constraints such as: gap between formal housing supply and demand, under-developed housing finance sector and low housing affordability.

Among the strategies promoted by the World Bank (WB) and the UN Habitat to promote inclusive urban development, one can note: increase of the supply of land for housing, land readjustment and land sharing, facilitate low income shelter development and participatory process and partnerships with communities and private sector in local urban development projects to cite but a few. The WB defined land readjustment (LR) as a process in which a group of neighboring land owners and occupants combine their land parcels together for unified planning, servicing and redevelopment. Such process is generally facilitated or supported by local government in collaboration with other interested stakeholders such as community representatives, the agency in charge of project implementation, the private sector (developers, financiers) and civil society. The approach is proposed as alternative to traditional approach of land acquisition for urban development projects that are generally onerous (as LG fiscal revenue capacity is limited) such as expropriation, compulsory purchase and eminent domain. The



regarded as alternative approach that can help to achieve various policy objectives such as: (i) assemble land for urban expansion and revitalization with minimal displacement, (ii) Allow to recover a portion of the project cost (from selling out reserve plots after plot resizing), (iii) Land pooling for land development projects, (iv) allow better distribution of land redevelopment costs and benefits equitably among landowners and other stakeholders, (v) encourages public participation in development projects decision making. In Rwanda, various local communities' initiatives for land development especially in the sector of housing were undertaken like the community based plot servicing projects of Nunga in Gahanga Sector, Kicukiro Districts (City of Kigali) and the Kanzenze informal settlement upgrading project in Bugesera Districts to cite but a few. These projects helped to unlock the issue of plot servicing (plot resizing allowed to free land for roads and other amenities) despite some challenges are also experienced.

The Rwanda Association of Local Government Authorities (RALGA) implements the project named "Inclusive Decisions at Local Level (IDEAL-Rwanda 2017-2021)" financed by the Netherlands Ministry of Foreign Affairs through VNG International. The objective of IDEAL project in Rwanda is to strengthen local government that have broad based legitimacy and social cohesion in urbanizing districts. Under this project, RALGA in collaboration with the Rwanda Housing Authority (RHA) organized a number of trainings and study visits for urban districts officials in charge of urban planning and management (One Stop Center staff) on the various topics including community based urban upgrading projects and on land readjustment. During these trainings, District officials emphasized that existing community based housing development projects are still constrained by some challenges like land owners complaints about equity in land exchange (some contributing more than others whereas the same areas benefit the servicing), cost recovery issues (servicing mainly financed by retains on sales of resized parcels by land owners as no extra parcels are generated to serve as reserve for total or partial cost recovery purpose), lack of harmonized approach/basis of estimating/calculation of land value increase, etc. Based on the potential of these community projects to help the Districts to implement their master plans in the context of limited fiscal resources, RALGA was requested to advocate for the provision of policy guideline for municipal LR projects so as to address the current gaps. It is against this background that RALGA under the IDEAL project has planned to hire a consultancy firm to conduct the assessment study of the opportunity of national guideline for municipal LR projects.

II. Objectives

General objective

To contribute to the achievement of conducive policy framework for municipal level community based land readjustment projects in the housing sector of Rwanda.

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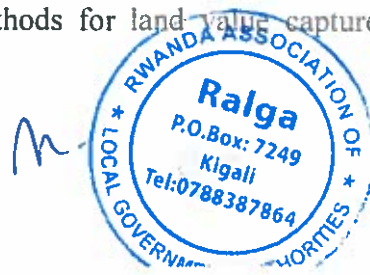


Specific objectives

1. Generate knowledge on current and past community based plot servicing and housing projects in sampled districts and analyse their implementation status i.e success and challenges (cultural, social, economic, legal and policy) along with how their design aligns or differ from common conceptual features of standard LR projects
2. Determine which key urbanization challenges in Rwanda for which LR should be the best solution especially in the context of housing development along with the major urbanization sector policy objectives the LR can contribute to
3. Propose policy actions and suitable national guidelines to support municipal LR project in the Rwandan housing sector and propose the indicative outline and content of the draft guidelines

III. Assigned Tasks

1. The consulting firm shall identify critical subjects of interest for the design of municipal LR project policy guidelines in the context of Rwandan urbanization and housing sector in terms of documentation regarding theories and practices of LR in developing countries.
2. The consulting firm shall collect complementary primary and secondary data which is deemed useful for the assignment delivery from the sampled community based plot servicing projects (past or current) by consulting community members' representatives and other involved stakeholders such as: the selected implementing agency (company), Districts officials (Mayor, OSC staff), civil society organizations. Moreover, other relevant stakeholders such as: MININFRA, RHA, MINALOC, LODA, BRD (funds supporting housing projects), World Bank (Rwanda office), Un-Habitat (Rwanda office), VNGI, RALGA have to be consulted so as to better analyse existing gaps and assess LR feasibility in terms of legal, technical, financial and community acceptance perspective
3. In view of the above-mentioned requirements, the consultant (firm) shall compile all needed data and write a report highlighting the following:
 - Major lessons learnt from current or past community based plot servicing and housing project and how their design and implementation aligned or differed from common conceptual features of standard LR projects
 - Key urbanization challenges in Rwanda that LR would help to address (e.g peri-urban land use conversion or urban redevelopment) especially in the context of housing development along with the major urbanization sector policy objectives the LR can contribute to most effectively in Rwanda
 - Policy action recommendations on the needed Government and stakeholders' steps to streamline effective implementation of LR projects in Rwandan local governments with focus on solutions on issues such as: equitable land swapping and fair contribution to servicing efforts, efficient cost recovery, project governance and inclusivity, methods for land value capture during project design (before and after), etc.



- o Indicative suitable national guidelines for municipal LR project in the housing sector and propose the indicative outline and content of the draft guidelines

IV. Expected deliverables

- i. Inception report with a detailed suitable methodology;
- ii. Draft LR policy advocacy assessment report and draft indicative LR guidelines
- iii. Final LR policy advocacy assessment report and indicative LR guidelines

N.B:

All deliverables must be produced in English language. The validation process will be conducted by relevant committee of urbanization stakeholders at national level.

V. Bidding Requirements

a. Administrative requirements

- Bid submission form dully signed in compliance with the template provided'
- The bidder must submit a valid RRA certificate
- The bidder must submit a valid RSSB (social security) certificate
- The bidder must submit the company registration certificate delivered by RDB

b. Technical expertise requirements

- Demonstrate experience handling similar assignment with relevant proof (two copies of good completion certificates)
- Provide the CVs, copy of ID cards for Rwandans and copy of passport for foreigners and copy of degree of each of the consultant team members and describe each member contribution to the assignment delivery
- The consultant team must comprise:

S/N	Position	Qualification	Experience	Number
1	Urban planner and project coordinator	At least a Master's degree in urban planning or related field.	At least five (5) years' experience in coordinating policy advocacy studies and analyzing community based urban land development projects	1
2	Economist	At least a Master's degree in land economics, urban economics, economics, property valuation or any related field	At least 3 years' experience in similar assignment (economic and financial analysis of land and property value with regard to land development projects)	1



S/N	Position	Qualification	Experience	Number
3	Legal and policy expert	At least a bachelor degree A0 degree in Law, policy analysis or any related field	At least 5 years' experience in similar assignment (analysis of legal and policy impact and feasibility of land swapping operations, participatory land development projects and/or drafting policy instruments)	1

- c. Bid validity: Three Months starting from the date of bid opening
- d. Bid security: Not applicable
- e. Tender fee: Not applicable
- f. Sub-Contracting: Not applicable
- g. Performance security: Not applicable

The offer must comprise:

1. The required administrative documents and the bid submission letter
2. Technical proposal indicating:
 - Description of the consulting firm and its experience in the concerned domain.
 - Overall understanding of the assignment (critical analysis with inputs if deemed useful)
 - Indicative methodology and work plan to guide the assignment along with the distribution of tasks among the consultants
 - CVs of proposed consultants detailing their contact details, their professional pertinent experience and qualifications, focusing on skills and experience applicable to this task
 - Signed commitment letter of each of the proposed consultants to guarantee attachment to the consulting company and availability for the assignment
 - Provision of two (2) certificates of good completion
3. A financial proposal based on a clear cost breakdown separating core expert service cost aligned to various assignment deliverables (separated per each expert involved) to logistic or miscellaneous costs (travel, accommodation, printing, etc). The consultant fees shall be calculated in terms of man/work days and all due taxes must be considered in the price quotation. N.B: the currency of the price quotation is Rwandan Francs.

VI. Gender-sensitivity and inclusion

The RALGA has adopted gender, youth and people with disability mainstreaming strategies in 2018 and 2019. The expert is requested to consider inclusivity principles promoted by these strategies as they conduct the assessment (focus on inclusivity in selecting respondents and analysis along the assessment process). As the consultants compile a report on lessons



learnt attention should also be given to inclusion explaining who was included, which citizen groups, how were they included, what was the profile of the land owners, the profile of the occupants and what were the major lessons in terms of including all citizen groups.

VII. Anti-corruption measures

- The bidders must abstain from any attempt to obtain any information not disclosed in the present Terms of Reference (ToR) from RALGA personnel in case such information might compromise the competition principle and can induce corruption. Any proved attempt of this kind will lead to immediate debarment of the concerned bidder without prior notification. Likewise, the consultant must report immediately to RALGA any attitude or attempt by any RALGA personnel that can be associated with corruption.
- The consulting firm managing director must notify RALGA management (as part of the bid submission letter) of any RALGA staff member who has incompatibility to participate in the award of the procurement of the tender S/he is competing for.

VIII. Evaluation criteria

- **Qualification of key personnel (40 points):**
 - Urban planner and project coordinator (1): 15 points
 - Economist (1): 12.5 points
 - Legal and policy expert (1):12.5 points
- **The company experience: at least 3 years in the same domain (community based project land development assessment and urbanization policy analysis and research): substantiated with the provision of 2 certificate of good completion (20points)**
- **Relevance of the proposed methodology (35points)**
 - Critical analysis of the ToRs (10)
 - Study design, methods, approaches, stakeholder engagement, etc (20)
 - Work breakdown structure and division of labour (5)
- **Extent of participation of nationals in the team of consultant proposed (5 points).**

Total points (100%)

IX. Period for the consulting services

The period of executing this assignment will cover 30 working days effective from the time of signing the contract. The assignment is expected to be executed during the period extending from August until September 2020.



X. Selection methodology:

The minimum technical score required is **70%**.

The formula for determining the financial scores is the following:

$S_f = 100 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration. The weights given to the technical and Financial Proposals are: Technical = 0.7, and Financial = 0.3

N.B: Selection method is Quality and Cost-based (QCBS). The procurement method to be used is competitive bidding (open tender).

Submission

This request for proposals is open to all interested and qualified consultancy firms (publicized via RALGA website: www.ralga.rw and media outlets).

The consulting firms fulfilling the above requirements shall address to RALGA Secretary General the technical and financial proposal and submit them to RALGA offices, in Masaka Sector, Kicukiro District, and P.O.Box 7249 Kigali – Rwanda.

The offer must comprise two (2) copies (one being marked as original while the other being marked as a copy) of the following:

- A technical proposal including the required administrative documents and signed bid submission form;
- A financial proposal in a separate and sealed envelope;

XI. Deadlines

The deadline for submission of technical and financial proposals is **10th August 2020 at 2:00 pm**. The opening of the technical proposals will take place thereafter at **2.30 p.m.**

Done in Kigali, on 14th July 2020



Ladislas NGENDAHIMANA
Secretary General



TECHNICAL PROPOSAL SUBMISSION FORM

[Location, Date]

To: [Name and address of the Procuring Entity]

Ladies/Gentlemen:

We, the undersigned, offer to provide the consulting services for [Title of consulting services] in accordance with your Request for Proposal dated [Date] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal, and a Financial Proposal sealed under a separate envelope.

If negotiations are held during the period of validity of the Proposal, i.e., before [Date] we undertake to negotiate on the basis of the proposed staff. Our Proposal is binding upon us and subject to the modifications resulting from Contract negotiations.

We understand you are not bound to accept any Proposal you receive.

We remain,

Yours sincerely,

Authorized Signature and stamp:

Name and Title of Signatory:

Name and legal status of the Consultant:

Address:

