

Ministry of Climate Change, Environment and Energy

Republic of Maldives

REQUEST FOR PROPOSAL

(IUL)438-ENV/438/2023/542

Consultancy for a Legal Specialist/Agency (National)

for

"Integrated, Sustainable and Low Emission Transport in the Maldives Project"

Issued on: 04th January 2024

Issued By: Integrated, Sustainable and Low Emission Transport in the Maldives – Project Management Unit

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SCHEDULE OF CRITICAL DATES

ACTIVITY	ACTION DATE
Advertisement for proposals	4 th January 2024
Last day to submit queries	1200hrs 14 th January 2024
Deadline to submit proposals	1000hrs 21st January 2024

SUBMISSION REQUIREMENTS

- 1. The following related documents shall be submitted for the bids to be considered sufficiently responsive.
- 2. Applicants should submit their proposals containing the following documents and applicable Technical Proposal Standard Forms and Financial Proposal Standard Forms under ANNEX A.

Technical Proposal – Standard Forms

- 1. Completed Proposal submission form (Tech Form 1)
- 2. A summary of the work plan for the deliverables in chapter 4 of this TOR, must be presented in the format in Work Schedule (Tech Form 2) showing in the form of a Gant chart, the timing proposed for each activity.
- 3. Curriculum Vitae (CV) of the Consultant (required experiences and other experiences relevant to this TOR must be specified clearly or highlighted in the format given) (Tech Form 3)
- 4. Letter of commitment to undertake the project (signed by the Team Leader and Team members (Tech Form 4 and 5).
- 5. Copies of academic certificates and work references letters of Consultant.
- 6. Copy of Business (sole proprietorship/company/partnerships/institutions/joint venture) registration certificate
- 7. Tax Registration documentation
- 8. SME Registration documentation
- 9. Joint Venture Partner Information form if applicable (Tech Form 6)
- 10. If more than one party wishes to show interest as a JV, Joint Venture or Association Agreement between the parties needs to be provided
- 11. Copy of GST Registration certificate issued by Maldives Inland Revenue Authority

<u>Financial Proposal – Standard Forms</u>

- 1. Completed proposal submission form (Fin Form 1)
- 2. Completed financial breakdown form (Fin Form 2)
- 3. Financial Situation (Fin Form 3) (If applicable)
- 4. Average Annual Turnover (Fin Form 4) (If applicable)
- 5. Financial Resources (Fin Form 5) (If applicable)
- 6. Line of Credit Letter (Fin Form 6) (If Applicable)
- 7. Financial Statement of the business for the year 2021,2022 (If applicable) Business entities that have not completed one year (from the date of business registration to date of bid

announcement) are required to submit the bank statement of the business's bank account. (Bank statement should be from the date of account opening to date of bid announcement)

8. FIN FORM -7 Current Contract Commitments / Work in Progress

<u>Note</u>

- 1. All bidders should clearly identify a key person (herein referred to as the 'Consultant') for carrying out the task. For bids submitted by joint venture/company/partnerships/institutions, the key person signed in Tech Form 4 and 5 will be considered for the evaluation process.
- 2. If a Sole Proprietorship is interested in submitting proposal for this assignment the proposed Key person should be the owner of the Sole Proprietorship.
- 3. If bidder fails to submit any of the above listed document, their proposal will not be considered for further evaluation.

1. INTRODUCTION

The Government of Maldives has received funding from the Global Environment Facility (GEF) for the project "Integrated Sustainable and Low Emission Transport in the Maldives". The Government intends to apply part of the proceeds towards hiring a Legal Specialist (National) for the Project.

The objective of the project is to promote an integrated, sustainable and low-emissions transport system and reduce GHG emissions and air pollution from the transport sector as well as address energy security by reducing fossil fuel imports. The project will result in an integrated urban and transport plan that leads to enhanced coordination among various government stakeholders and development of projects to enhance mobility for the residents with public and low emission transport infrastructure. The visibility of demonstration of the projects for e-buses and e-bike sharing schemes backed with the campaigns to create awareness of users, the benefits for sustainable low-emission transport options is expected to create a buyin among policy makers and stakeholders to scale of investments in sustainable low emission transport options. The project will support development of measurable, reportable, and verifiable (MRV) system to measure emissions and reduction. This system will track and assess the benefits/ impacts of sustainable low-emission transport options. This increased information and its tracking on use of sustainable low-emission transport will create greater awareness of benefits in policy makers and users to continuously integrate new and emerging sustainable and low-emission transport options. Information from demonstration projects and tracking of information on use of sustainable low-emission transport will create greater awareness of benefits in policy makers and users

The proposed project is structured across three components, which are necessary to address the barriers and facilitate the successful implementation of the baseline efforts to achieve an integrated, sustainable, and low-emissions transport system:

- Component 1: Institutionalization of integrated sustainable low-carbon transport and development of regulatory framework and policies
- Component 2: Short-term barrier removal and scaling-up investments through low-emission sustainable transport demonstrations
- Component 3: Preparing for scale-up, monitoring, awareness creation and replication of integrated sustainable low-emission transport

2. OBJECTIVE OF THE CONSULTANCY

The main objective of this consultancy service is for the Legal Specialist or an Agency to support the Project Management Unit (PMU) and the expertise hired in handling the legal aspects of the project. The role of the legal expert shall include analysing the rules and working mechanism created for implementation of the projects and providing legal support for the proper functioning. The legal expert shall also support during procurement of technologies and project execution. The Legal Specialist or an Agency (National) will be contributing to Component 1 and Component 2 of the GEF project.

The Consultant/Agency should guide the PMU and experts working in the Project in all possible legal gaps related to the project and the transport sector as a whole so that final outcome can become workable by removing all gaps and obstacles.

3. SCOPE OF WORK

The consultancy involves the following roles, responsibilities and deliverables:

- 3.1 Advise the PMU and experts working with the project on drafting The Frame Work of the National Mobility Plan, Policy Recommendation, implementation of non-fiscal policies for low-emission transport (eco-labelling, etc), considering the country's legal framework and government procedures, etc.
- 3.2 Support on legal framing of Inter-department National Mobility Task Force
- 3.3 Advice on legal aspects of implementation and enforcement of regulations for transforming to low-emission transport.
- 3.4 Advice on the legal matters related to procurement and demo project execution contracts including but not limited to, E-Bike usage, Charging Infrastructure and all related set ups.

4. EXPECTED DELIVERABLES

- 4.1 Legal document for adoption of the Framework of National Mobility Plan.
- 4.2 Legal document for adoption of the E-Mobility Plan.
- 4.3 Guideline for implementation of non-fiscal policies and outputs for low-emission transport such as, E-Bike usage, Charging Infrastructure and all related set ups, eco-labelling, etc, considering the country's legal framework and government procedures.
- 4.4 Legal recommendations on final project documents.
- 4.5 Develop all the contracts and legal documents to handover work and assets procured under the project

This assignment is designed to be delivered within the total project period on tasks basis. Thus, the final work plan will be decided during the contract negotiation period based on the consultant recommendations and the needs of the tasks.

5. QUALIFICATION AND EXPERIENCE

- (5.1) To be eligible for this assignment, the consultancy firm must demonstrate past experience in performing the services (description of similar assignments, Value of such assignments). The Firm shall have carried out a minimum of five (5) similar assignments with an average contract value of MVR fifty thousand (MVR 50,000) within the past three (3) years.
- (5.2) In executing this TOR, the consultancy is expected to meet the following eligibility criteria and should provide CVs and commitment letters of team member(s) meeting the following requirements:

#	Post	Nos
1	Lead Legal Expert	1
2	Legal Support Staff	1

- Details of any other support persons and positions must be included in Technical Form 3,4 and 5.
- The consultancy team should include at least one local specialist (Maldivian) present in the team.
- A designated team leader should be proposed within the specialist team/or additional team leader
 can be added separately; who will be responsible for all the deliverables, who would also be the
 main focal point for all the communications.

1) Lead Legal Expert

Minimum Qualifications:

- Minimum post-graduate degree in the field of Law.
- o Minimum 5 years of work experience in the field of Law.

Other Qualifications:

- Successful completion of similar assignments of drafting bills or regulations will be an added advantage.
- Outstanding legal drafting and analytical skills and willingness to render advice to safeguard legal risk.
- Proven ability to deal with a wide range of partners, including government offices and independent institutions through the completed projects.
- Preferably experienced in public international law and with legal work for Multilateral Development Banks (MDBs) or International Organizations.

- o The ability to control the consultation process and create synergy of the groups.
- Creativity skills to produce, disseminate and channel the information and messaging required.
- The ability to work with international experts, to meet strict deadlines and plan the work according to priorities;
- o The ability to adapt to related work environments.

2) Legal Support Staff

Minimum Qualifications:

- o Minimum under-graduate degree in the field of Law.
- o Minimum 2 years of work experience in the field of Law.

Other Qualifications:

- Successful completion of similar assignments of drafting bills or regulations will be an added advantage.
- Proven ability to deal with a wide range of partners, including government offices and independent institutions through the completed projects.

6. Evaluation criteria

Criteria, sub-criteria, and point system for the evaluation of Full Technical Proposals are:

The following criteria will be applied during the evaluation of the proposals and attention should be paid while preparing the proposals. Points will be awarded only for assignments with supporting documents.

Technical Score:

	MAXIMUM
DETAILS	POINT
	S
(A) Company Profile:	[100]
Company Profile	[10]
Organizational Structure of the firm/JV	[10]
Tentative Work Schedule	[10]
No. of similar project / assignments	[70]

(14 marks per assignment, full marks will be achieved for those that have	
conducted 5 or more assignments in the past 03 years)	
Total A=	[]

(B) Project team	[100]
Lead Legal Expert	[80]
Legal Support Staff	[20]
Total B=	[]

The number of points to be assigned to each of the above positions or disciplines shall be determined considering the following three sub criteria and relevant percentage weights for each position. Only Specialists who meet the minimum qualification requirements will be qualified for technical evaluation.

Specialist Team (per team member)	
Relevant education and qualifications	[40%]
[40%] to be awarded for minimum education and work experience stated in 5.2	
Experience in similar assignments	[60%]
20% will be awarded for each previously completed similar assignments with proof of completion, up to a maximum of three assignments [60%].	

Technical score (St) = A/100*[W1] + B/100*[W2]

Weight distribution

W1	Company profile with relevant to similar or related assignments	[40]
W2	Project team	[60]

Only the proposals that will obtain a minimum of 60% out of 100 obtainable points in the Technical Score will be qualified for the financial evaluation.

Financial Score:

The formula for determining the financial scores is the following:

Sf=100 * Fm / F, in which Sf is the financial score, Fm is the <u>lowest price</u> and F is the price of the proposal under consideration.

Financial Situation evaluation

• To be eligible the financial statements of the bidding party must show, minimum annual turnover of MVR 50,000.00 (fifty thousand), for the year 2022,2021 and 2020. (Submit Form FIN-4 Annual Turnover)

(OR)

• To be eligible the financial statements of the bidding party must show, Minimum value of MVR 50,000.00 (fifty thousand), for liquid asset, for the year 2022,2021 and 2020. – (Submit Form FIN -3: Financial Situation)

(OR)

Business entities that have not completed one year (from the date of business registration to
date of bid announcement) are required to submit the bank statement of the business's bank
account. (bank statement should be from the date of account opening to date of bid
announcement). To be eligible the business's bank statement must show a credit balance of
minimum MVR 50,000.00 (fifty thousand)

(OR)

• If bidding party is unable to meet any of the above requirement they shall submit 'Line of Credit Letter' As per the template in fin form 4. Credit limit shall be no less than MVR 50,000.00 (fifty thousand) – (Submission Form Fin -6: Line of Credit Letter)

7. WORKING ARRANGEMENT

The Consultant/Agency's work under this project will be supervised by the National Technical Coordinator and will work closely with designated officials from the Project Management Team (PMU).

The consultant should carry his/her task with the Project Management Unit and MCCEE to update on the progress of consultancy works. The consultant should carry out his/her tasks in accordance with the rules and procedures of the Government of Maldives.

All meetings should be held with the related authorities/agencies and stakeholders physically or virtually if a physical meeting is not possible.

8. DURATION OF THE CONSULTANCY

The Consultant must be available to commence the services from the date of contract signing and will be hired for a period of Four (4) calendar months within the duration of the Project as different tasks needs to be provided during different stages of the project.

If required, the contract can be extended for a period agreed between both the client and the consultant.

9. DUTY STATION

If required, the consultant will be provided with work station in the Project Management Team (PMU) for the Integrated, Sustainable and Low Emission Transport in the Maldives' project under the Ministry of Climate Change, Environment and Energy (MCCEE) and will be provided with all working hardware and necessary support.

10. QUERIES

For any queries, please email to <u>procurement@environment.gov.mv</u> copied to <u>islet@environment.gov.mv</u> before 12:00hrs of 14th January 2024

11. ADDITIONAL INFORMATION

Documents and data provided by the government for the purpose of this assignment which is not of public nature shall be considered confidential and should not be disclosed to any other party. All products produced as part of this assignment and shall be handed over to the PMU at the completion of the contract and will become the sole property of MCCEE.

12. SUBMISSION

ACTIVITY	ACTION DATE
Advertisement for proposals	4 th January 2024
Last day to submit queries	1200hrs 14 th January 2024
Deadline to submit proposals	1000hrs 21st January 2024

Bid Submission	On or Before 21st January 2024 – 10:00hrs local time
Bid Opening	On or Before 21st January 2024–10:05hrs local time
	Proposals will be opened in the presence of the proponents' representatives who choose to be present at the address below at the time of proposal opening.
Submission Instruction	Proposals must be delivered in sealed envelopes titled "Do not Open Before 21st January 2024 10:05 hours —
	Consultancy for a Legal Specialist/Agency (National) for
	Integrated, Sustainable and Low Emission Transport in the Maldives Project" and the submitting party's name and address"
	Late proposals will be rejected.
Submission address	Procurement Section
	Ministry of Climate Change, Environment and Energy
	Green Building, Handhuvaree Hingun, Maafannu
	Male', 20392, Republic of Maldives
	Email: procurement@environment.gov.mv
	Website: www.environment.gov.mv
	Project Name: Integrated, Sustainable and Low Emission Transport in the
	Maldives

ANNEX A

TECH FORM 1 – Proposal Submission Form

[Location, Date]
To: [Name and address of Client]
Dear Madam/Sir:
We, the undersigned, would like to express my Interest for the position of 'Consultancy for a Specialist Legal Specialist/Agency (National) for "Integrated, Sustainable and Low Emission Transport in the Maldives Project" in accordance with your Request for Proposal Ref: (IUL)438-ENV/438/2023/56, dated 4 th January 2024.
We are hereby submitting my Proposal, which includes all required documents as per Request for Proposal.
We hereby declare that all the information and statements made in this Proposal are true and accept that any misinterpretation contained in it may lead to our disqualification.
If negotiations are held during the period of validity of the Proposal, we undertake to negotiate on the basis of the proposed fees. The Proposal is binding upon us and subject to the modifications resulting from Contract negotiations.
We undertake, if our Proposal is accepted, to initiate the services and fulfil the terms and conditions related this contract.
We understand you are not bound to accept any Proposal you receive.
We remain,
Yours sincerely,
Authorized Signature [In full and initials]:
Name and Title of Signatory:
Name of joint venture/company/partnerships/institutions/sole proprietor:
Address
Integrated, Sustainable and Low Emission Transport in the Maldives 12 P a g e

TECH FORM 2 – Work Schedule

Work Schedule for Consultancy for a Legal Specialist/Agency (National)																	
Description	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17
Activity																	

TECH FORM 3 – Curriculum Vitae (CV) (Strictly follow the format given)

- **1.** Name of Company: [Insert name of company proposing the staff (if applicable)]:
- **2.** Name of staff: [Insert full name]:
- 3. Date of birth:
- **4.** Education [Indicate college/university and other specialized education, giving names of institutions, degrees obtained, and dates of obtainment]:
- 5. Membership of professional associations:
- 6. Other Training:
- **7.** Languages [For each language indicate proficiency: good, fair, or poor in speaking, reading, and writing]:
- 8. **Experience/ employment record** [Starting with present position, list in reverse order every employment held since graduation, giving for each employment (see format here below): dates of employment, name of employing organization, positions held.]
 - a. From [Month/Year] To [Month/Year]:
 - b. Employer:
 - c. Positions held:

9. Summary of projects/assignments undertaken/ role

- a. Name of project/assignment:
- b. Experience classification: General / specific
- c. Scope of project/ assignment:
- d. Role/Position undertaken:
- e. Period of Consultation:

10. Past commitments in projects with the Ministry of Environment Climate Change and Technology

- a. Name of the Contract/Project:
- b. From [Month/Year] To [Month/Year]:
- c. Positions held:
- d. Summary of role:

TECH FORM 4 – Letter of Commitment (Lead Legal Consultant)

[Location, date]
To: [Name and address of Client]
Ref no:
Dear Sir/Madam,
We are/I am writing to confirm my availability to provide services as the Lead Legal Consultant to for "Consultancy for a Specialist Legal Specialist/Agency (National) for Integrated Sustainable and Low Emission Transport in the Maldives", Project – Ref: (IUL)438-ENV/438/2023/56, dated 4 th January 2024 for the Ministry of Climate Change, Environment and Energy.
I undertake, if this proposal is accepted, to complete and deliver the whole of the services assigned to me in the scope of services.
I undertake, if this proposal is accepted upon receipt of the Ministry of Climate Change Environment and Energy's notice, to commence performance of the services with due expedition and without delay.
Yours sincerely,
Name:
National ID No:
Date:
Signatory:

TECH FORM 5: Letter of Commitment (Legal Support Staff)

[Location, Date]	
To: [Name and address of Client]	
Ref no:	
Dear Sir/Madam,	
	ty to provide services as the Legal Support Staff to "Consultancy for (National) for Integrated, Sustainable and Low Emission Transport
	Climate Change, Environment and Energy.
I undertake, if this proposal is accept in the scope of services.	ed, to complete and deliver the whole of the services assigned to me
	ed upon receipt of the Ministry of Climate Change, Environment and rmance of the services with due expedition and without delay.
Yours sincerely,	
Name:	
ID card No:	
Date:	
Signatory:	

TECH FORM 6 – Joint Venture Partner Information Form

[The Bidder shall fill in this Form in accordance with the instructions indicated below].

Date: [insert date (as day, month and year) of Bid Submission]

Procurement Reference No.: [insert reference]

Page ____ of ___ pages

1.Bidder's Legal Name:	{insert Bidder's legal name}			
2.JV's Party legal name:	{insert JV's Party legal name}			
3.JV's Party Country of Registration:	{insert JV's Party country of registration}			
4.JV's Party Year of Registration:	{insert JV's Part year of registration}			
5.JV's Party Legal Address in Country of Registration:	{insert JV's Party legal address in country of registration}			
6. JV's Party Authorized Representative Information				
Name:	{insert name of JV's Party authorized representative}			
Address:	{insert address of JV's Party authorized representative}			
Telephone/Fax numbers:	{insert telephone/fax numbers of JV's Party authorized representative}			
Email Address:	{insert email address of JV's Party authorized representative}			

^{7.} Attached are copies of original documents of: { check the box(es) of the attached original documents}

⁻ Articles of Incorporation or Registration of firm named in 2, above.

⁻ In case of government owned entity from the Republic of Maldives, documents establishing legal and financial autonomy and compliance with commercial law.

FIN FORM 1 – Financial Proposal Submission Form

[Location, Date]

To: [Name and address of Client]

Dear Madam/Sir:

We, the undersigned, offer the Express of Interest for the "Consultancy for a Specialist Legal Specialist/Agency (National) for Integrated, Sustainable and Low Emission Transport in the Maldives", - Ref: (IUL)438-ENV/438/2023/542 dated 4th January 2024 in accordance with your Request for Proposal dated [xxx] and Technical Proposal. The attached Financial Proposal is for the sum of [Insert amount(s) in words and figures in MVR]. This amount is inclusive of the all local taxes.

The Financial Proposal shall be binding upon myself subject to the modifications resulting from Contract negotiations, up to expiration of the validity period of the Proposal.

We undertake, if my Proposal is accepted, to initiate the services and fulfil the terms and conditions related this contract.

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

We remain,

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of joint venture/company/partnerships/institutions/sole proprietor:

Address:

FIN FORM 2 - Financial Breakdown Form

No.	Description	MVR
1	Legal document for adoption of the Framework of National Mobility Plan.	
2	Legal document for adoption of the E-Mobility Plan.	
3	Guideline for implementation of non-fiscal policies and outputs for low- emission transport such as, E-Bike usage, Charging Infrastructure and all related set ups, eco-labelling, etc, considering the country's legal framework and government procedures.	
4	Legal recommendations on final project documents.	
5	Develop all the contracts and legal documents to handover work and assets procured under the project	
6		
7		
8		
	Total	
	Tax	
	Total with Tax	

The quotation is valid for 90 days from the date of bid opening.

Note: Indicate the total cost with detail cost to be paid in Maldivian Rufiyaa (MVR).

Note: The total contract price should be quoted inclusive of all taxes as per the GST Legislation and Circulars where applicable.

Authorized Signature and Stamp:

FIN FORM 3 – Financial Situation

Each Applicant must fill in this form

	Year 2022:	Year 2021:	Year 2020:
	1		
Formation from Balan	nce Sheet		
Total Assets			
Total Liabilities			
Net Worth			
Current Assets			
Current Liabilities			
Working Capital			
Total Revenues Profits Before Taxes			
Profits After Taxes			

FIN FORM 4 – Average Annual Turnover

Each Bidder must fill in this form

Annual Turnover Data for the Last 3 Years				
Year	Amount	MVR		
Tear	Currency	Equivalent		
2020				
2019				
2018				
A	verage Annual Turnover			

The information supplied should be the Annual Turnover of the Bidder in terms of the amounts billed to clients for each year for contracts in progress or completed at the end of the period reported.

FIN FORM 5 – Financial Resources

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the total construction cash flow demands of the subject contract or contracts as indicated in Section 3 (Evaluation and Qualification Criteria)

Fina	Financial Resources			
No.	Source of financing	Amount (MVR equivalent)		
1				
2				
3				

FIN FORM 6 – Line of Credit Letter

[letterhead of the Bank/Financing Institution/Supplier]
[date]
To:[Name and address of the Contractor]
Dear,
You have requested {name of the bank/financing institution/supplier issuing the letter) to establish a line of credit for the purpose of executing {insert Name and identification of Project}.
We hereby undertake to establish a line of credit for the aforementioned purpose, in the amount of {insert amount}, effective upon receipt of evidence that you have been selected as successful bidder.
This line of credit will be valid through the duration of the contract awarded to you.
Authorized Signature:
Name and Title of Signatory:
Name of Agency:

FIN FORM 7 – Current Contract Commitments / Work in Progress

Current Contract Commitments/Works in Progress

Tenderers and each partner to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

No	Name of contract	Employer, contact address/tel/fax	Value of outstanding work (current MVR equity)	Estimated completion date	Average monthly invoicing over last six months (MVR/month)
1.					
2.					
3.					
4.					
5.					