



SPECIFIC PROCUREMENT NOTICE (SPN)

Procurement Name: **External Legal Counsel**

Project Name: Millennium Challenge Account-Benin II

Type of Notice: Request For Proposals (RFP) - QCBS

General Information

Country: Benin

City/Locality: Cotonou

Notice/Contract Number: RFP/ PP4-CIF-ADM-23

Publication Date: September 6, 2017

Deadline: October 10, 2017

Funding Agency: Millennium Challenge Corporation (MCC)

Buyer: Millennium Challenge Account-Benin II

Original Language: English

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Type of Procurement: Services

Procurement Code : 79100000: Legal services;
79110000: Legal advisory and representation
services

Main Text:

1. The Millennium Challenge Corporation (“MCC”) and the Government of Benin (the “Government” or “GoB”) have entered into a Millennium Challenge Compact for Millennium Challenge Account assistance to help facilitate poverty reduction through economic growth in Benin (the “Compact”) in the amount of three hundred seventy-five million United States Dollars (375 000 000 USD), (“MCC Funding”). The Government, acting through Millennium Challenge Account-Benin II (the “MCA Entity”), intends to apply a portion of the MCC Funding to eligible payments under a contract for which the Request for Proposals is issued. Any payments made under the proposed contract 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 the MCA-Benin II shall derive any rights from the Compact or have any claim to the proceeds of MCC Funding.
2. The Benin power program consists of four (4) projects: (i) Policy Reform and Institutional Strengthening Project; (ii) Electricity Generation Project; (iii) Electricity Distribution Project; and Off-grid Electricity Access 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 Benin. The Compact Program will be executed over a period of five (5) years upon Entry into Force (EIF) of the Compact. The Power Compact of Benin entered into force on 22th June, 2017.
3. This RFP follows the General Procurement Notice N°4 and its amendment N°2 that appeared in dgMarket and the MCA Entity website www.mcabenin2.bj on July 13, 2017, UNDB Online on July 18, 2017, and local newspaper “la Nation” on July 18, 2017 and “le Matinal” on July 20, 2017.
4. MCA-Benin II, acting on behalf of the Government of Benin, now invites Consultants to provide the consultant services for **External Legal Counsel**. More details on these consultant services are provided in the Terms of Reference.
5. The Request for Proposal (RFP) is open to all eligible entities (“law firms”) who wish to respond. Law firms may only associate with each other in the form of a joint venture or in a sub-consultancy agreement to complement their respective areas of expertise to enhance their capacity to successfully carry out the assignment and so long as any association is otherwise formed in accordance with the terms of the RFP.
6. The consultant services, and the contract expected to be awarded is for an estimated duration of **59** months are divided into the following Phases:
 - **A Base Contract** with a duration of approximately seven (7) months ending 21 June 2018
 - **A first Optional Period** (if MCA-Benin II exercises this option) will cover twelve (12) months ending 21 June 2019.
 - **A second Optional Period** (if MCA-Benin II exercises this option) will cover twelve (12) months ending 21 June 2020.

- **A third Option Period** (if MCA-Benin II exercises this option) will cover twelve 12 months ending 21 June, 2021; and
- **A close-out Option Period to cover the remaining duration of the Compact, plus 120 days to cover the Compact's close-out ending 19 October, 2022.**

The MCA-Benin II shall determine at its sole discretion whether to exercise each Option Period regardless of the performance of the Counsel

7. A Consultant will be selected under the Quality and Cost Based Selection (QCBS) method, the evaluation procedure for which is described in sections of the RFP in accordance with "MCC Program Procurement Guideline" which are provided on the MCC website www.mcc.gov.
8. The RFP Document includes the following Sections: **PART 1 - PROPOSAL AND SELECTION PROCEDURES - Section I - Instructions to Consultants** : This section provides information to help potential Consultants prepare their Proposals; it also provides information on the submission, opening, and evaluation of Proposals and on the award of the proposed contract; **Section II - Proposal Data Sheet** : This section includes provisions that are specific to this procurement and that supplement Section I, Instructions to Consultants; **Section III - Qualification and Evaluation Criteria** This section specifies the qualifications required of the Consultant and the criteria to be used to evaluate the Proposal; **Section IV A - Technical Proposal Forms** : This section provides the Technical Proposal Forms which are to be completed by a potential Consultant and submitted in a separate envelope as part of a potential Consultant's total Proposal; **Section IV B - Financial Proposal Forms** : This section provides the Financial Proposal Forms which are to be completed by a potential Consultant and submitted in a separate envelope as part of a potential Consultant's total Proposal; **Section V - Terms of Reference**: This Section includes the detailed Terms of Reference that describe the nature, tasks, and duties of the consulting services to be procured ; **PART 2 - CONDITIONS OF CONTRACT AND CONTRACT FORMS - Section VI Contract Agreement and General Conditions of Contract** : This section contains the form of Contract proposed to be entered into between the MCA Entity and Consultant; **Section VII Special Conditions of Contract and Annexes to Contract**: This section contains the form of those clauses of the Contract that supplement the GCC and that are to be completed by MCA Entities for each procurement of Consulting Services. This section also includes Annexes to the Contract.
9. Consultants interested in submitting a Proposal should register their interest by sending an e-mail, giving full contact details of the Consultant, to the Procurement Agent through info-benin@charleskendall.com and must be copied to info@mcabenin2.bj so, that the document may be issued in PDF format by e-mail. Upon receipt the RFP please inform us in writing, or by electronic mail, at the address below:
 - (a) that you have received the RFP; and
 - (b) you will submit a proposal alone or in association.
10. A pre-proposal meeting will be held at Cotonou, Benin in MCA-Benin's Conference room on **September 14, 2017 at 10:00 a.m Cotonou time** specified in the Proposal Data Sheet.

11. The closing date and time for receipt of proposal is **October 10, 2017 at 10:00 a.m.** Proposals received after this time and date shall not be considered and will be returned unopened. Consultants should be aware that distance and customs formalities may require longer than expected delivery time.

MCA-Benin II Address:

Millennium Challenge Account - Bénin II (MCA-Benin II),

Immeuble Kouglénou, 3eme étage,

Domaine de l'OCBN, Derrière la Compagnie Territoriale de Gendarmerie du Littoral

01 BP 101 - Attention: Procurement Agent,

Email: info-benin@charleskendall.com and must be copied to info@mcabenin2.bj.

Gabriel DEGBEGNI
Acting National Coordinator