



THE AFGHANISTAN INVESTMENT CLIMATE PROGRAMME
(HARAKAT-AICP)

Request for Expressions of Interest

Assignment Title: **Consultancy Services for implementation of the Legal & Regulatory Reform and Investor Facilitation pillars of the Harakat Afghanistan Investment Climate Programme**

Reference: 001/2017-**LRR REoI**

Date of Issue: 31st March 2017

Submission Deadline: ~~15th April 2017~~ Extension Granted April 22nd 2017

Preamble

Harakat is an independent, non-profit, Afghan-managed organization that aims to improve Afghanistan's business environment. It is registered with the Ministry of Economy, Government of Afghanistan, as a non-profit organization. Harakat concentrates its efforts on creating an enabling environment for a strong, active, and viable private sector committed to contributing to Afghanistan's economic growth agenda.

Afghanistan's private sector continues to face critical investment climate constraints, which restrain gains in investment and productivity. To address these constraints, Harakat Afghanistan Investment Climate Programme (Harakat-AICP herein after referred to as "Harakat"), has been instituted to support initiatives to increase private sector investment and economic growth in Afghanistan through facilitating the removal of investment climate constraints.

Background

The Government of Afghanistan is currently implementing initiatives to enhance provisions for private sector investors while supporting legal and regulatory reform across sectors affecting the commercial sectors. One such initiative is a one-stop-shop model called Asan Khedmat, initiated at the Ministry of Finance. AssanKhedmat's mandate includes serving the private sector in areas that include, business and license registration, work permits, tax submissions and payments, protection of investor rights, contract enforcement, and property rights. In addition, there will be mechanisms to build on Harakat's previously implemented initiatives in the areas of land leases, credit and collateral registration, and the Afghanistan Center for Dispute Resolution.

Asan Khedmat serves as the vehicle through which services are offered in a centralized location and is tasked with identifying and proposing reforms required across related Government agencies and institutions.

In addition, the Ministry of Commerce is leading the implementation of requisite legal and regulatory reforms that promote an enabling environment for commercial sector growth, many of which will be integrated within Asan Khedmat.

It is against this background and pursuant to Harakat's mandate to support an enabling environment for the private sector, Harakat is seeking to contract the services of a firm (hereinafter referred to as "Consultant") to (1) support its investor facilitation program by providing technical support to the Ministry of Finance in implementing Asan Khedmat's mandate, and (2) to support legal and regulatory reforms in commercial sectors through the Ministry of Commerce.

Objectives of the Assignment

The overall objectives of this assignment are to manage an entire range of activities that will support Asan Khedmat's mandate in providing services for the private sector while enhancing legal and regulatory reform in areas that affect commercial and private sector growth.

Scope of Services:

The services to be provided through the Consultancy include:

- Identification, prioritisation and implementation of a range of initiatives that effectively achieve the main objectives affecting Asan Khedmat and the legal regulatory reform necessary for private sector growth as well as activities that fall under Asan Khedmat's private sector service provisions;
- Customization and localization of the Azerbaijan Asan Khedmat software systems within the Afghanistan context and Asan Khedmat requirements
- Process simplification and integration of activities between Asan Khedmat and related institutions, which include inspection reform, digitizing business licenses, streamlining export procedures and furthering land reform
- Software and hardware assessments, design and procurement of required hardware
- Customization and deployment across related institutions to enhance legal and regulatory reform and support Asan Khedmat's roll-out
- Capacity building for Asan Khedmat staff and program deliverables
- Developing a legal framework for Asan Khedmat and developing a strategic policy and governance framework as well risk assessment and mitigation framework, all designed to provide independence, transparency and efficiency in service provisions
- Identifying and implementing regulatory modernization including red tape, instituting checks and balances to ensure a level playing field for investors and incentives for private investment
- Institution building to ensure effective design and implementation of reform including key line ministries, government agencies and market facilitators

- Enhancement of existing and development of new laws and regulations that promote industrial and trade policies for the country through the Ministry of Commerce
- Relationship building with key public and private sector entities to generate needed buy-in, ownership and support for the reforms and their inclusive engagement in the identification and monitoring of reform priorities;
- Relationship building with other stakeholders to mitigate overlapping on similar activities
- Identification and addressing capacity building needs of key local actors and institutions that would help ensure effective and sustainable activity delivery;
- Strict monitoring and evaluating of the range of activities undertaken with a process in place to promptly address challenges and potential delays;
- Effectively communicating the outcomes and impacts of activities to Harakat and other audiences.
- Effectively linking activities with the other Harakat pillars to achieve greater synergy and impact.

The implementation period for this assignment will be for a period of two years with the opportunity for renewal of engagement subject to performance.

Expertise Required:

Harakat now invites eligible service providers to indicate their interest in providing these services. Interested service providers must provide information indicating that they are qualified to perform the services (brochures, description of similar assignments, possessing experience in similar conditions, required technical knowledge, general qualifications and number of key staff, etc). Service providers may associate to enhance their qualifications.

The service providers shall be short-listed based on the following criteria:

- *Must possess at least 5 (five) years of relevant experience (with reference to specific projects completed in the past) and focused in the areas of legal and regulatory reform and investor facilitation within a one-stop-shop framework similar to Asan Khedmat.*
- With respect to legal and regulatory reform, expertise should include:
 - Worked on legal and regulatory modernization, including red tape and instituting checks and balances for private sector development and growth;
 - Developed Process simplification for business services serving the private sector, including digitalization of licenses and permits, procedures streamlining in areas that include exports, and land reform to further agriculture investments, coops and value chains;
 - Worked on institution building mechanisms for effective design and implementation of legal and regulatory reform concerning the private sector.
 - Worked on commercial legal and regulatory reform, including developing laws, regulations, and policies that enhance industries and trade
- With respect to investor facilitation, expertise should include:

- Worked on developing and/or supporting one-stop-shop models;
 - Solid experience with process simplifications, information technology systems and accompanying software/hardware assessments, developments and deployment;
 - Capacity Building with results and impact through developing of curriculum in areas of human resources and IT, legal and policy frameworks;
 - Experience in developing strategic and policy frameworks for enhancing private sector experiences under one-stop-shop models.
- Demonstration of adequate size, structure, staffing, facilities and financial standing to provide comprehensive services related to development and execution of the job. A project Organizational Chart should be submitted;
 - Demonstrated understanding of private sector enabling environment constraints, achievements and reform opportunities in Afghanistan;
 - *Excellent technical and project management capacities to ensure smooth and high quality service delivery;*
 - *Experience in working with Afghanistan government agencies and/or other international donors is preferred;*
 - *The Consulting firm should have an average annual turnover of at least \$2.7 million or equivalent in the last 3 years.*

Expressions of interest (EOI) must include the following:

- Submission letter on letter head (with complete contact details – name of contact person, mailing address, telephone, fax, email etc) explaining how the firm is best suited to deliver the consultancy assignment;
- Organization profile(s);
- Commitment letter(s) from the partners of Joint Venture / Consortium, if any;
- Last Two years annual report and last 3 years financial statement;
- Details of similar projects implemented by the Consultancy Firm pertaining to the short listing criteria;
- The EoI should contain sufficient supporting document to substantiate the claim of the Consultant towards their qualification as per the short listing criteria.

A Service Provider shall be selected in accordance with the Quality and Cost Based Selection Method as set out in the Request for Proposal, which shall be sent to the short listed service providers, upon completion of EoI evaluation process. Please note that no technical or financial proposals are called for at this stage.

Interested Consultants may obtain further clarification, by e-mail.

Expressions of Interest shall be in English and must be delivered in hard copies (one original and two copies) and clearly marked “**Consultancy Services for implementation of the Legal & Regulatory Reform and Investor Facilitation pillars of the Harakat Afghanistan Investment Climate Programme**” to the address below in person.

Expressions of interest must be delivered to the address below by 5pm on 15th April 2017.

Mr. Muhammad Juma

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