



**REPUBLIC OF MOZAMBIQUE
MINISTRY OF STATE ADMINISTRATION AND PUBLIC SERVANT
MOZAMBIQUE URBAN DEVELOPMENT AND DECENTRALIZATION
PROJECT**

**PROJECT MANAGEMENT UNIT - PMU
Project ID N.º P163989 – Grant N.º IDA-D6490**

**REQUEST OF EXPRESSION OF INTEREST – FIRMS
SELECTION**

Reference N.º – MZ-MAEF-264468-CS-QCBS

**CONSULTANT SERVICES FOR REVIEW OF THE TERRITORIAL
PLANNING LEGISLATIVE PACKAGE AND THE URBAN LAND
REGULATION**

= EXTENSION OF SUBMISSION DEADLINE =

1. The Government of Mozambique, represented by the Ministry of State Administration and Public Servant (MAEFP) has received financing from the World Bank, toward the cost of the Mozambique Urban Development and Decentralization Project and intends to apply part of the proceeds for procurement the Consultant Services to assist the Ministry of Land and Environment in the review of the Legislative Package on Territorial Planning.
2. The country approved through Resolution No.18/2007 of 30 May, the Territorial Planning Policy and Law No.19/2007 of 18 July, on Territorial Planning - LTP, instruments that seek to establish the main guidelines and fill gaps now existing in the exercise of the organization and management of land in the country, and Decree No. 60/2006 of 26 December, on the Regulation of Urban Land. The Law proceeded with the legal framework of the Territorial Planning Policy and established the bases of the legal regime of Territorial Planning (TP) instruments, with a view to ensuring rational and sustainable occupation and use of natural resources, promoting national cohesion, enhancing the various potentials of each region, improving housing conditions, infrastructure, urban systems and the safety of populations most vulnerable to natural disasters.

3. The detailed Terms of Reference (TOR) for the assignment can be found at the following website: <https://www.pdul.gov.mz/Anuncios/Concursos> or should be requested by E-mail at the address given below.
4. The MAEFP – PDUL/PMU now invites eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The shortlisting criteria are: *(i) General Experience in Elaboration of Normative Documents of Legal Nature and (ii) Specific Experience in Legal Reform*. The main specialists will not be evaluated in the pre-selection phase.
5. The attention of interested Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank’s “Procurement Regulations for IPF Borrowers” July 2016, revised November 2017 and August 2018, setting forth the World Bank’s policy on conflict of interest.
6. Consultants may associate with other firms to enhance their qualifications, in the form of a consortium or a sub consultancy but should indicate clearly whether the association is in the form of a joint venture and or sub consultancy. In the case of a joint venture, all the partners in the joint venture shall be jointly and severally liable for the entire contract, if selected.
7. A Consultant will be selected in accordance with the Quality and Cost Based Selection (QCBS) method set out in the World Bank Procurement Regulations.
8. Further information can be obtained at the address below during office hours **09H00am to 03H00pm** Mozambique Time. The ToR and other relevant project documents can be found at <https://www.pdul.gov.mz>.
9. Expressions of interest in English must be delivered in a written form to the address below (in person, or by mail or by e-mail) by **February 11, 2022, at 3:00 p.m. The submission deadline is extended to 11 March, 2022, at 3:00 p.m**

Ministry of State Administration and Public Servant
Mozambique National Urban Development and Decentralization
Project Management Unit – Procurement
COWORKLAB–02Office
Rua 1301, no 61, Sommerschield, Maputo
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REPUBLIC OF MOZAMBIQUE

MINISTRY OF STATE ADMINISTRATION AND PUBLIC SERVICE
PROJECT MANAGEMENT UNIT - PMU

URBAN AND LOCAL DEVELOPMENT PROJECT

TERMS OF REFERENCE

CONTRACTING CONSULTING SERVICES FOR:

**THE REVIEW OF THE TERRITORIAL PLANNING LEGISLATIVE
PACKAGE AND THE URBAN LAND REGULATION**

Tender Nr. MZ-MAEFP- 264468-CS-QCBS

Maputo, January 2022

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1. Introduction

The Government of Mozambique has received financing resources in a form of grants to implement the Urban and Local Development Project (PDUL) that was designed with the aim of strengthening institutional performance and providing basic infrastructures and services to participating local entities. The Project effectiveness date 08 October, 2020 with the expected closing date 31 December, 2025.

The PDUL aims to strengthen institutional performance and provide basic infrastructure and services to participating local entities. PDUL is funded by the World Bank (P163989) in the equivalent amount of US\$ 117 million, which became effective in October 2020, and has a closing date of December 31, 2025.

PDUL is structured in components, sub-components: Component 1 - Urban Infrastructure and Municipal Services (US\$92 million); Component 2 - Decentralization Policy Reforms and Institutional Capacity Strengthening (US\$20 million); Component 3 - Project Management (US\$5 million); and component 4 - Contingency Emergency and Recovery (US\$0 million).

The overall implementation of the PDUL is coordinated by the Ministry of State Administration and Public Service (MAEFP), in close collaboration with the Ministry of Economy and Finance (MEF), Ministry of Land and Environment (MTA), Ministry of Public Works, Housing and Water Resources (MOPHRH).

A Project Management Unit (PMU) was established to manage the preparation, implementation and closure of the PDUL. The PMU consists of a Project Coordinator, fiduciary teams (Procurement, Finance, environmental and social safeguards, monitoring and evaluation) including technical managers for maximization of financing for urban development and for COVID-19. The PMU is also supported by senior technical managers, and Provincial Technical Teams (ETPs) in Gaza, Zambezia, Sofala, and Niassa composed of engineers, architects, public finance officers, and officers in social and environmental safeguards, to support, monitor and supervise the implementation of the PDUL in participating municipalities.

2. Rationale

The country approved through Resolution No.18/2007 of 30 May, the Territorial Planning Policy and Law No.19/2007 of 18 July, on Territorial Planning - LTP, instruments that seek to establish the main guidelines and fill gaps now existing in the exercise of the organization and management of land in the country, and Decree No. 60/2006 of 26 December, on the Regulation of Urban Land. The Law proceeded with the legal framework of the Territorial Planning Policy and established the bases of the legal regime of Territorial Planning (TP) instruments, with a view to ensuring rational and sustainable occupation and use of natural resources, promoting national cohesion, enhancing the various potentials of each region, improving housing conditions, infrastructure, urban systems and the safety of populations most vulnerable to natural disasters.

The territory, the population that inhabits it and the existing natural resources are dynamic realities, in a process of transformation, which need the discipline that regulates and guides the process of occupation of space, the territorial planning. As mentioned above, Territorial Planning, due to the dynamic nature of space, must also be dynamic and subject to change over time.

After about 15 years of implementation of the TP Legislation and the Regulation on Urban Land and due to the increasing need for its implementation, several aspects have proved to be inadequate to the changes operated in the socio-economic fabric of the country, requiring adjustments and improvements to respond to the current socio-economic situation of the country and the concerns of safeguarding the public interest.

The activity of Territorial Planning and land management is, by nature, multidisciplinary, and most human activities have spatial implications and, therefore, need a discipline that promotes the concertation of interests of the various stakeholders to ensure the rationalization of the occupation of space and define new guidelines to be followed by public agents and society in general. The implementation of Territorial Planning Instruments (TPIs) still constitutes a challenge and therefore more restrictive measures should be triggered to ensure that the occupation of the territory takes place in an orderly manner and in strict compliance with the law.

Similarly, public spaces in urban centres are places of fundamental importance for citizens to meet, talk and socialise, essential for the humanisation of the city. However, in our cities, it is common to see public spaces transformed or occupied for purposes other than those defined by TPIs, in clear violation of the legislation.

It was in this context that the Government of Mozambique, through the Ministry of Land and Environment and with funding from the World Bank, through the Urban and Local Development Project, carried out the [Diagnostic Assessment on the Territorial Planning Legislative Package](#) (Law, Regulation and Policy on Territorial Planning) and the Urban Land Regulation, which contains the national and international Guidelines and Recommendations for the review of the legal framework on Territorial Planning.

The Diagnostic allowed to identify gaps and positive points that need improvement, as well as relevant recommendations to be taken into account in the Review of the Territorial Planning Legislative Package and the Regulations of Urban Land, which will allow to implement a more robust and efficient system of management of the territorial development of Mozambique, facilitate the achievement of the goals of social equality, increased cultural value and sustainability of systems and natural resources of the country and create, in the long term, a system that will allow to advance in the construction of citizenship.

In addition to the Diagnostic of the Territorial Planning Legislative Package, some resources that will serve as a fundamental basis for the consultancy were developed by the MTA, with financial support from the Project, namely:

- Seminar on [National and International Guidelines and Diagnosis of the Territorial Planning Legislative Package](#); and
- [Technical Guides](#) for Territorial Planning and Urban Land Management.

3. Purpose of the Consultancy

The consultancy will support the Mozambican Government, through the Ministry of Land and Environment in the review of the Legislative Package on Territorial Planning. Specifically, the consultancy is expected to undertake the following activities and stages:

- (i) Review of the [Territorial Planning Policy](#) (Resolution nº18/2007 of 30 May);
- (ii) Review [of the Territorial Planning Law](#) (Law 19/2007 of 18 June);
- (iii) Review of the [Regulation of the Territorial Planning Law](#) (Decree nº23/2008 of 1 July);and
- (iv) Review of the [Urban Land Regulation](#) (Decree nº 60/2006 of the 26th December).

4. Scope of the Consulting Services

The consultancy will be responsible for the following activities and products:

Activity 1: Carry out the public consultation process on the Territorial Planning Legislative Package

The consultation process on the Territorial Planning Legislative Package should involve, mobilize and train key actors on the methodology and communication strategy of the consultation process, holding meetings in various formats, such as conferences, seminars, workshops, involving the various constituencies that should be engaged in the consultation process at all levels and in a broadly participatory manner;

- Opening of virtual spaces dedicated to consultation and reception of contributions on the matters under review, as well as the capitalisation of virtual meetings (*zoom*, *skype* and others) for occasional technical discussions.
- The consultation methodology should be as transparent and inclusive as possible to give greater legitimacy to the resulting legislation.

To this end, public consultations should cover, inter alia:

- ✓ community-based structures;
 - ✓ Private sector;
 - ✓ educational and research institutions;
 - ✓ civil society organisations (including associations specialising in land issues and Territorial Planning;
 - ✓ state institutions;
 - ✓ multilateral partners; and
 - ✓ the general public.
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- Public consultations are to take place in the provincial capitals, through meetings, including consultations and key messages based on the main recommendations of

the Diagnostic of the Territorial Planning Legislative Package and the Regulation on Urban Land.

Products:

- *Simultaneous Public Consultation Report on the four legal provisions (Policy, Law and Regulation on Territorial Planning) and the Regulation on Urban Land.*

Activity 2: Technical Review of the Territorial Planning Legislative Package (Policy, Law and Regulation) and the Urban Land Regulation.

Following the public consultations and based on the recommendations of the Diagnostic of the Territorial Planning Legislative Package and other relevant documents, the draft documents integrating all Territorial Development scenarios will be prepared, including:

- the alignment of the Territorial Planning Law and the Land Law;
- the alignment of the Regulation of the Territory Planning Law and the Regulation on the Land Law;
- aggregation of the Regulation of the Territorial Planning law into a single legal provision with the Regulation of Urban Land;
- integration in the Territorial Planning Legislative Package, legal concepts and philosophy of the State that support the action of public bodies, and clearly parameterize the action, natural or collective private actors in the sphere of Territorial Planning;
- ecological, cultural, socio-economic and financial aspects, collecting all the elements and instruments that allow the participation of actors at all levels of the State, the materialization of public objectives in the sphere of territorial planning;
- simplification of the Law on Territorial Planning (LTP) and the respective Territorial Planning Instruments (TPI) at the various levels of governance;
- integration of Territorial Planning in the context of the administrative decentralization of the country.

Products:

Preliminary report on the new proposal for the following legal provisions:

- *Territorial Planning Policy;*
- *Territorial Planning Law;*
- *Territorial Planning Law Regulation and Urban Land Regulation in a single legal provision.*

Activity 3: Presentation of the Preliminary version of the new Territorial Planning Legislative Package, based on the Diagnosis, including contributions from the Public Consultations on the Territorial Planning Legislative Package

This stage comprises the holding of provincial seminars with the main stakeholders, for the presentation of the document produced on the basis of the Diagnostic, including all the contributions obtained during the provincial public consultations.

Products:

- *Report with proposals for new instruments (Policy, Law, Regulations of the Law on Territorial Planning that integrates the Regulations of Urban Land;*

Activity 4: Final Review of the Territorial Planning Legislative Package with integration of the Urban Land Regulation into a single legal instrument.

The final document will be commented by the client and all stakeholders and presented in Sessions to the collegial bodies of the Government.

Products:

- *Final Report on the New Territorial Planning Legislative Package (Policy, Law and Regulation on Territorial Planning integrating the Urban Land Regulation into a single legal instrument.*

Activity 5: Approval of the new Territorial Planning Legislative Package (Policy, Law and Regulation on Territorial Planning integrating the Urban Land Regulation.

Review the document at central level with the inclusion of all comments to the final document on the new Territorial Planning Legislative Package that will be submitted to the following collegial bodies:

- Council of Ministers for the positive consideration of the Territorial Planning Legislative Package;
- National Assembly for the consideration and approval of the new Law on Territorial Planning and
- Council of Ministers for approval of the Policy and the Regulation of the Law on Territorial Planning, integrating the Regulation of Urban Land into a single legal instrument.

Products:

Report on submission of the new legal instruments, and subsequent approval by the collegial bodies referred above:

- *Territorial Planning Law;*
- *Territorial Planning Policy;*
- *Regulation of the Territorial Planning Law integrating the Urban Land*
- *Regulation into a single legal provision.*

Activity 6: Dissemination of the New Territorial Planning Legislative Package integrating the Regulation on Urban Land into a single legal instrument

After the approval of the new legal provisions, the process of their dissemination will follow, through the following actions:

- Provincial Seminars;
- Seminar in the nation's capital;

- Traditional media, such as national and community radios; television and press;
- Social networks (through the opening of virtual spaces especially dedicated to dissemination).

Products:

Consultation report on the new Territorial Planning Legislative Package (Policy, Law and Regulation on Territorial Planning integrating the Urban Land Regulation into a single package.

For all the products of the consultancy and on request, the consultant must make a presentation at every stage to the collegiate councils of the MTA.

5. Work Schedule

The contract duration is for a period of 2 (two) years. In Year 1, it shall focus fundamentally on the following activities: (i) **Activity 1** - Conducting the public consultations and (ii) **Activity 2** - Technical Review of the Territorial Planning Legislative Package (Policy, Law and Regulation) and of the Urban Land Regulation aggregated to the Territorial Planning Regulation.

In year 2, the consultancy should carry out the subsequent activities, namely: (iii) **Activity 3** - Presentation of the Preliminary version of the new Territorial Planning Legislative Package, containing the contributions of the Public Consultations and the Diagnosis of the Territorial Planning Legislative Package; (iv) **Activity 4** - Final Review of the Territorial Planning Legislative Package, which includes the Urban Land Regulation, (iii) **Activity 5** - Approval of the New Territorial Planning Legislative Package, (iv) **Activity 6** - Dissemination of the New Territorial Planning Legislative Package.

During the contract implementation period of **2 (two) years**, the estimated level of effort are 56 person/month. The Consultancy will be carried out in an intermittent way in terms of allocation of effort of the experts.

6. Delivery and Payment Schedule

The schedule of deliveries and payments will be made upon approval by the client, the Ministry of Land and Environment, of the final version of the proposed products, observing the following schedule:

Activity	Products	Schedule												Payments
Year 1		M	M+1	M+2	M+3	M+4	M+5	M+6	M+7	M+8	M+9	M+10	M+11	
	Advance Payment													10%
Activity 1	Public Consultation Report													25%
Activity 2	Report on the Technical Review of the Territorial Planning Legislative Package (Policy, Law and Regulation) and the Regulation on Urban Land													25%
Year 2														
Activity 3	Presentation Report of the Preliminary version of the new Territorial Planning Legislative Package, containing the contributions of the Public Consultations and the Diagnosis of the Territorial Planning Legislative Package													
Activity 4	Report on the Final review of the new Territorial Planning Legislative Package integrating the Regulation on Urban Land													25%
Activity 5	Report on the Approval of the new Territorial Planning Legislative Package integrating the Regulation on Urban Land													
Activity 6	Report on the Dissemination of the New Territorial Planning Legislative Package integrating the Regulation on Urban Land													25%

The logistical costs for holding the public consultations and presentation of the draft version of the new Territorial Planning Legislative Package (travel expenses for participants, expenses for holding the public meetings, room rental, accommodation, per diems for participants, etc.) will be covered by the MTA, with coverage from the Project.

The products should be presented in the Portuguese language and in editable digital versions (*MS Word, MS Excel, MS Power Point, PDF*, etc.), and in 3 printed copies duly bound and accompanied by a digital version for printing in PDF.

7. Contract Conditions

The lead consultant should contribute with at least 50% of the technical team, including the team coordinator. The team of the lead consultant can be a company staff or can be hired in the market, but will be contractually part of the lead company, supervised and paid by the lead company. All documentation should be presented in the technical proposal as evidence of this commitment.

8. Responsibilities

The MTA, through the Technical Unit to be created in the National Directorate of Land and Territorial Development, will be responsible for receiving, analysing and producing technical opinions on the various phases of the consultancy development and monitoring the consultations of the different stakeholders.

The PMU, in coordination with the Technical Unit, will be responsible for monitoring the progress of the work, organizing and facilitating the public consultation meetings, as well as the presentation of the draft, facilitating the availability of information, preparing credentials for the consultant and proceeding with payment of the products after approval by the Technical Unit.

9. Consulting Firm Profile

The tasks subject of the Terms of Reference will be carried out by a firm or consortium with relevant experience in the areas of:

- a) Elaboration of normative documents of legal nature;
- b) At least ten (10) years of experience in reviewing and drafting legal provisions and legal order;
- c) Present the minimum technical team necessary for the implementation of the activities described in these Terms of Reference, including at least:

Key posts	Description
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Team Coordinator	<ul style="list-style-type: none"> ▪ Master's degree in Physical Planning, Land Management, Environmental Law, Planning and Land Management or related areas. ▪ Minimum of 10 (ten) years of experience leading projects for development of technical, methodological, institutional or legal instruments; ▪ Minimum of 05 (five) years of international experience leading review processes of Territorial Planning instruments; ▪ Knowledge of Portuguese and English .
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Key posts	Description
Urban Planning Specialist	<ul style="list-style-type: none"> ▪ Degree in architecture and physical planning; ▪ At least 5 (five) years of experience in the development of institutional technical methodological instruments, preferably in the area of territorial planning; ▪ At least 3 (three) years of specific experience in the development of Territorial Planning instruments; ▪ In-depth knowledge of relevant Mozambican legislation; ▪ Knowledge of Portuguese language
Sociologist	<ul style="list-style-type: none"> ▪ Degree in Sociology or Social Sciences, anthropology, geography and other related areas, with a sound knowledge of social issues, and post-graduate studies in social development is desirable; ▪ At least five (5) years proven experience in social impact assessment and management activities or projects, especially in public urban or rural development projects; ▪ In-depth knowledge of relevant Mozambican legislation; ▪ Knowledge of Portuguese language.
Land Management Specialist	<ul style="list-style-type: none"> ▪ Degree in Geography, Territorial Planning, Urban Planning; ▪ At least five (5) years of experience in Land Management activities, as well as in the development of institutional methodological instruments and of regulatory or normative nature; ▪ In-depth knowledge of relevant Mozambican legislation; ▪ Knowledge of Portuguese language
Environmental lawyer	<ul style="list-style-type: none"> ▪ Bachelor's degree in law, with specialization in Environmental law ▪ At least 10 (ten) years of experience drafting technical-legal instruments, preferable in Portuguese; ▪ Extensive knowledge of Mozambican legislation and experience with Territorial Planning instruments will be considered an advantage; ▪ Knowledge of Portuguese language is necessary, and knowledge of English is desirable.; ▪ Mastery on writing professional documents.

Land specialist lawyer	<ul style="list-style-type: none"> ▪ Bachelor's degree in law, with specialization in land and territorial law ▪ At least 10 (ten) years of experience drafting of technical-legal instruments, preferable in Portuguese. ▪ Extensive knowledge of Mozambican legislation and experience with land laws and regulations; ▪ Knowledge of Portuguese language is necessary, and knowledge of English is desirable. ▪ Mastery on writing professional documents.
Socio-Environmental Specialist	<ul style="list-style-type: none"> ▪ Bachelor's degree in Environmental Engineering and Management or related; ▪ At least 5 (five) years of experience in Environmental Impact Assessment (EIA) studies; ▪ Proven experience in the development of didactic methodological tools for environmental management and natural disasters; ▪ Knowledge of the relevant Mozambican legislation. ▪ Knowledge of Portuguese is necessary, and English is desirable.