



Islamic Republic of Afghanistan
Ministry of Economy
Eshteghal Zaiee- Karmondena project (Ez-Kar)

REQUEST FOR EXPRESSIONS OF INTEREST
(CONSULTING SERVICES – Individual Consultant SELECTION)

Country: Afghanistan
Project: Eshteghal Zaiee – Karmondena Project (EZ-Kar)
Assignment Title: National Consultant (Legal Expert)
Procurement Reference: AF-EZ-KAR MOEC-PIU-129071-CS-INDV
Funding: IDA Grant D416-AF and ARTF Grant TF0A9092-AF to Ez-Kar
Expected duration of the assignment: 4 months
Reporting to: Program Manager, EZ-Kar MoEC PIU,
Duty Station: Based in Kabul, with travel to at least four cities within Afghanistan
Date of Issuance: September 17, 2019
Date of Closing: October 02, 2019

1. Background

In early 2017, the ‘Displacement and Returnee Executive Committee’ (DiREC), comprising members of the Government of Afghanistan and the donor community, agreed on a policy framework and a programmatic approach, to address the immediate/ emergency needs to long-term sustainable development and resettling of displaced population. All humanitarian and development efforts in and outside the country, affecting Afghan refugees, recent returnees and internally displaced persons (IDPs) were to be guided by this policy framework covering phased activities.

The Eshteghal Zaiee- Karmondena Project (EZ-Kar), with the name literally meaning job creation or finding employment in Dari and Pashtu respectively, was derived from the interlinked DiREC strategy and corresponding multi-ministerial technical working groups. The Project was formally approved in mid-December 2018 and formally signed and agreed upon between the World Bank and the Government of the Islamic Republic of Afghanistan (GoIRA) in early February 2019. The project’s development objective is to strengthen the enabling environment for economic opportunities in cities where there is a high influx of displaced people. This will be pursued by increasing the returnees’ access to civil documents, providing short-term employment opportunities, improving market enabling infrastructure, and supporting investor-friendly regulatory reforms. The Project targets Afghan refugees living in Pakistan and in 13 provincial capital cities with the highest influx of the recent returnees. The cities include: Kabul, Jalalabad, Kandahar, Herat, Puli Khumri, Maimana, Ferozkoh, Khost, Asadabad, Kunduz, Mehtarlam, Taloqan and Parun.

The project has five components as outlined below:

- a) Component 1: Regional and national integration of displaced persons: implemented by the Ministry of Foreign Affairs (MoFA) in close association with the Ministry of Refugees and Returnees (MoRR), primarily facilitating the voluntary return of Afghan refugees in Pakistan through issuance of travel documents/ passports and awareness raising;
- b) Component 2: Short term employment opportunities, reforms, market enabling infrastructure: implemented by the Independent Directorate of Local Governance (IDLG) allowing for maintenance and construction cash grants (MCCG) for paid labor to support poor households in an estimated over 1,100 communities; gozar and business gozar grants allowing for market-enabling infrastructure subprojects in 12 cities, and regulatory reforms at municipal level in select municipalities especially related to construction permits;

- c) Component 3: City investment priority projects: implemented by the Independent Directorate of Local Governance (IDLG) allowing for larger scale infrastructure and city development subprojects in the cities of Kandahar, Herat, Jalalabad and Khost Matun;
- d) Component 4: Market enabling infrastructure and regulatory reforms: implemented by the Kabul Municipality (KM) for Kabul city, and
- e) Component 5: Project coordination, red carpet and national level regulatory reform: implemented by the Ministry of Economy (MoEc)

2. Project Objectives:

The project's development objective is to strengthen the enabling environment for economic opportunities in cities where there is a high influx of displaced people.

3. Scope of Work:

- a. **General:** The consultant will be reviewing and assessing the gaps in the existing national level legal and regulatory frameworks related to construction permits for commercial properties (i.e. high-rise, warehouse, small commercial buildings, industrial buildings) and develop a national level regulatory reform action plan for filling the gaps.
- b. **Specific:**
 - Conduct a desk review to collect and assess all the information (including legal) related to construction permits in Afghanistan. This includes compiling, listing and summarizing in a tabular format all construction permits related policies, laws, regulations, procedures, guidelines, decrees, building codes, etc. and suggest amendments, modifications if needed
 - Coordinate and closely work with the Municipality Expert/Engineer to find existing gaps in legal and regulatory framework that are obstacles towards reduction in steps, costs, and time in construction permit issuance, and obstacles on implementing best practices.
 - Review and analyse current, procedures, and assemble data on construction permit issuance processes, in close consultation with the legal teams of EZ-Kar/MoEC, IDLG and KM.
 - Collaboratively assist in analysing the legal provisions related to construction permit and elucidate the legal aspects to Municipality Expert/Engineer when required for process mapping.
 - Collaboratively assist the Municipality Expert/Engineer in finding the challenges to current existing construction permitting processes and makes recommendations.
 - Review various forms, applications and plans related to construction permit.
 - Conduct process mapping where legal requirements versus actual practice are depicted, and redundant and non-value-adding steps as well as those that have no legal basis identified through meeting with relevant government stakeholders (IDLG, Private Sector Executive Committee, KM, Ministry of Urban Development and Land, etc.) and private sector (Afghanistan Chamber of Commerce and Investment, International Chamber of Commerce, Afghanistan Women Chamber of Commerce and Industry, etc.) in Kabul and other target cities, as and when required.
 - Assess the inspections of construction and propose simplified path for inspection of constructions (as per Doing Business report methodology – please see <https://www.doingbusiness.org/en/methodology/dealing-with-construction-permits>) and provide technical and legal recommendations on removing the redundant and unnecessary inspections of constructions. The consultant should also propose and assist in development of legal basis (drafting regulations, procedures etc.) and suggest amendments in legal and regulatory in this regard, if required.
 - Provide information of building permit requirements, inspection and general requirements of the construction permit process, obtain technical information from targetted municipalities regarding permitting needs, permit applications, building codes, and other related tasks.
 - Draft and finalize a comprehensive gap analysis report in consultation and close coordination with relevant Government stakeholders (IDLG, KM, MoUDL, PriSEC etc.) and private sector

representatives (ACCI, ICC, AWCCI, etc.). The report should provide comprehensive information about all legal and regulatory framework governing construction permits, identify gaps in existing framework, suggest amendments and/or drafting of laws, regulations, procedures etc. to streamline construction permitting procedures and apply international best practices in the country, and suggest timelines and estimated budgets for filling the gaps (amendments, development of laws etc.). The report should include clear recommendations on filling all existing gaps in legal and regulatory framework of the country governing construction permits.

- Travel to at least 4 target cities to meet with Municipalities and gather the gap analysis concerned information and data related to construction permit, and current practices.
 - Develop a detailed National Regulatory Reform Action Plan for Construction Permits based on the gap Analysis report to guide the reform efforts in construction permitting. The plan will include detailed recommendations for improvement / amending of existing national-level laws that are outdated and consolidation of laws/rules/regulations that are fragmented. The plan should aim at streamlining and simplifying the entire process at national level for construction permitting.
 - Regularly report on his/her work progress to the line Manager
 - Any other tasks that may be assigned by the line manager
- 4. Eshteghal Zaiee and Karmondena Project (Ez-Kar), MoEc, now invites eligible Individual Consultant to indicate their interest in providing the aforesaid services through submitting a Curriculum Vitae. Interested Individual Consultant should provide information demonstrating that they have the required qualification and relevant experience to perform the services.**

5. Qualification and Experience Requirements:

- Education: Bachelor's degree in Law is required. Master's Degree in Law is preferable.
- Work Experience: Bachelor degree with a minimum of 8 years' experience and master's degree with a minimum of 6 years work experience in legal and regulatory reforms preferably related to construction permits. At least 3 years working in positions involved with legal research/analysis, with government, donor agencies and international NGOs. Experience in conducting feasibility study and assessments is preferable.

Other Requirements:

- The consultant should have full familiarity of gap analysis, data collection, data analysis and planning.
- Ability to work under difficult circumstances and with changing priorities.
- Good English language skills, in both verbal and written communication.
- Working knowledge of Microsoft Office (Word, Excel and Power point) and Internet based communications (E.g. email, skype)

6. Legal References

The attention of interested Consultants is drawn to Section VII of The World Bank Procurement Regulation for IPF Borrowers: *Approved Selection Methods Consulting Services, July 2016 issued by World Bank Group*. In addition, please refer to the following information on conflict of interest related to this assignment as Rule 3.14 of *World Bank Procurement Regulation for IPF Borrowers*: All employees connected with this procurement, Evaluation Committee, Opening Committee, Award Authorities, Members of National Procurement Commission are required, prior to start or approval of any type of Procurement activity; to declare their state of Conflict of Interest in case such Conflict of Interest exist. The consultants are also required to maintain high standard of ethics throughout the procurement process.

The consultants can download The World Bank Procurement Regulation for IPF Borrowers from: www.worldbank.org/procurement.

7. Method of Selection

A Consultant will be selected in accordance with the **Selection of Individual Consultant** set out in Section VII of The World Bank Procurement Regulation for IPF Borrowers.

8. Submission of EOI

Expressions of interest must be delivered in a written form to the address below (in person, by mail, or by e-mail) latest by **02 /10/2019 at 04:00 PM** (Kabul Local Time). Further information in respect to this REOI can be obtained at the address below by email or in person during office hours [**i.e. 08:00 AM - 04:00 PM.**]

Attention: Procurement Management Unit Specialist, Hamed Hameedi

Eshteghal Zaiee – Karmondena Project (EZ-Kar)

Ministry of Economy

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