



Government of Lesotho
Millennium Challenge Account – Lesotho Authority
(MCA-Lesotho)

Terms of Reference

Lesotho Land Administration Authority Director

1. Background & Context

The Millennium Challenge Corporation (“MCC”) and the Government of the Kingdom of Lesotho (the “Government”) have entered into a Compact for Millennium Challenge Account (“MCA”) assistance to help facilitate poverty reduction through economic growth in Lesotho (the “Compact”) in the amount of US\$ \$362.5 million (“MCC Funding”). The Government, acting through the Millennium Challenge Account Lesotho Authority (“MCA-Lesotho”), intends to apply a portion of the funds to eligible payments under the contract for which this RFQ is issued. Payment by MCC will be made only at the request of MCA-Lesotho and upon approval by MCC, and will be subject, in all respects, to the terms and conditions of the Compact, including restrictions on the use of MCC Funding and conditions to the disbursements.

1.1. The Land Component of the MCC Lesotho Compact

Specifically, the land component of the Compact is designed to address the following issues:

1. Modernization and Improvement of the Land Administration Services – MCC agreed to fund the development of a unified land administration agency which will be autonomous in nature, professionally managed and operated, provide cost effective and efficient services to the public, able to hire and retain qualified managerial and technical staff and be self-sustaining. The review process identified the Lesotho Revenue Authority, established in 2001, as a potential institutional model for this new agency.
2. Policy and Legal Reform – The MCC will fund technical assistance to the GoL to revise the current draft Land Bill and further develop aspects of land policy, promoting the use of land as an economic asset. The MCC will provide the GoL with technical assistance to draft other laws and implementing regulations as needed to realize GoL land policy.
3. Mass Regularization of Land in Urban Areas and Improvement of Rural Land Allocation Processes – The MCC will fund the regularization and physical planning of informal settlements in urban and peri-urban areas, beginning in Maseru and working in other cities and towns as funds are available. The MCC will further assist the Community Councils

to improve their records of rural land allocations and to support the GoL's efforts to train Community Councils and traditional authorities on the land allocation process.

4. Public Outreach and Training – The MCC will fund public outreach (sensitization) activities in support of the activities described above and provide for the training of land administration staff, community councils and traditional authorities in implementation of land administration reform in Lesotho.

1.2. Lesotho Land Administration Authority (LAA)

The Government of the Kingdom of Lesotho, with support from MCA Lesotho, is in the process of establishing a Land Administration Authority (LAA). The purpose of the LAA is to support Government and the private sector in land administration and development. The functions of the LAA shall combine cadastre registration with legal registration and geographic and cartographic information systems support. Further, the LAA shall be in charge of surveying and registering all land in the country.

As a legal entity the LAA will be set up as an off-budget public institution, with income and capital stemming from revenue generation intended to cover operating and capital expenses. It will need budget support for between 3 to 5 years until it can become sustainable from its own revenues. The formation process of the LAA shall commence as soon as relevant policy decisions are in place. In the start up phase, formation of LAA will be supported by a team of international and local consultants.

During the preliminary years of establishing the LAA, the Government of Lesotho will receive support from MCC/MCA Lesotho for designing and implementing the LAA and employing a team of high caliber consultants and legal specialists whose principal tasks will be:

- Supporting the Government with drafting enabling statute for the LAA;
- Conduct of Strategic and Financial Planning for LAA establishment and operations;
- Identifying and procuring hardware, software and specialized equipment for LAA's technical operations;
- Managing Human Resources (HR) and HR Development, i.e., preparing staff plans and assisting in staff recruitment, carrying out a Training Needs Assessment and designing training programs;
- Commencing systematic land registration/regularization; and
- Ongoing support on technical matters to the LAA after its establishment.

The LAA will be headed by a Director General who will function as the CEO of the Authority. The LAA will have a number of senior officers who are likely to include a Deputy Director, the Heads of the three LAA Departments¹: Cadastre, Land Registration and

¹ This structure is based on earlier reports. The final structure of LAA depends on the recommendations of the Consultant for Modernization and Improvement of the Land Administration in Lesotho and the Director General for the LAA.

Geomatics (Geodesy and Cartography), and a Chief Financial Officer. These senior officers will be hired soon after hiring of the Director General and will participate in the planning and establishment of the LAA.

A team of consultants will be contracted by MCA to assist the Director General and the LAA senior management engage in planning for the LAA and undertake operations to establish the Authority. The Consulting team will be expected to provide technical expertise and guidance in a wide variety of areas related to establishment of the LAA. It is expected that the Director General will work closely with the Consulting team as soon as it mobilizes. The remaining senior management team of the LAA should be hired and in place as soon as practical.

2. Scope of Work

The Director General will play a key role in supporting the initial establishment and operation of the Lesotho Land Administration Authority (LAA). Supporting implementation of the LAA, in line with the establishing legislation, will be the primary responsibility of the Director General once mobilized. Until the LAA is functionally able to assume full responsibility over land services and the registry the Director General will assume the role of chief planner for the LAA and the Commissioner of Lands and Deeds Registrar will continue to operate in their current role. The Director General shall work closely with the Ministry of Local Government and Chieftainship, the LAA Consulting Team (i.e., international and local consultants), land project technical assistance providers, and other stakeholder institutions to ensure effective coordination and planning for LAA operations.

Task 1 – Develop the strategic plan for the LAA

The Director General will lead the development of the overall strategic plan for the LAA using all available resources including the LAA Consulting Team. The strategic plan should identify the LAA strategic objectives. The plan should identify viable means for the LAA to increase formal land market activity and registration of rights in land by the LAA. It should place at a premium the cost effective, timely, and affordable delivery of land administration services to the private and public sector to ensure title security, to promote the use of land and real property as collateral, and to encourage increased investment in land and property.

Task 2 – Design recruitment and selection policies for the higher tier staff positions

The Director General, in cooperation with the Consulting team, will lead the development of position descriptions for the higher tier staff positions required for the effective management of the LAA. Upon achieving consensus on the skill sets required, the Director General will lead the recruiting and hiring process to its conclusion.

Task 3 – Design and maintain a transparent and equitable human resource policies for the agency

The Director General will lead the development and maintenance of employee compensation, career growth, and performance management policies. The policies shall be attractive enough to encourage qualified applicants to apply and to encourage their continued employment with the LAA. Additionally, the policies shall address training opportunities to allow for the advancement of employee skill sets.

Task 4 – Assist Senior Officers of the LAA in recruiting key staff for their departments

The Director General will achieve consensus with LAA Senior Officers on the number and skill sets of staff to be recruited for each department of the LAA. He/she will assist as needed in the drafting of position descriptions, setting salary ranges, and in the recruiting of qualified candidates.

Task 5 – Develop the LAA annual operational budget and determine the level of state budget support/subsidies needed and for what duration.

The Director General will support the Chief Financial Officer of the LAA in developing the LAA annual operational budget and will assist in training LAA personnel to conduct budgeting exercises annually. A key element of budget planning in the first few years of LAA operations is the development of a request for State budget support. The objective for the LAA is to reduce the amount of State subsidy each year until the LAA becomes fully self-sustainable (targeted to occur between years 3 and 5 of operations). The Director General will lead discussions with the Government on State budget support for the LAA.

Task 6 – Establish and maintain positive contacts with relevant public level officials and with the customers of the agency. Participate as a member of the LAA Board of Directors.

The Director General will establish and maintain positive communication channels with public level officials, the private sector, and customers of the agency to garner stakeholder support for the new agency and its objectives. He/she will also stay alert of any potential opposition to the agency and seek to address relevant grievances before they escalate. The Director General will, as defined in the LAA Act, be a member of the LAA Board of Directors, participate in Board decisions, and will report regularly to the Board members on the daily operations of the LAA and its progress in meeting its strategic objectives.

Task 7 – Complete the needs assessment and procurement of technical equipment and material supplies for optimum agency performance

The Director General will, in cooperation with the LAA Consulting Team, lead a comprehensive assessment of the status and availability of technical equipment needed to perform functions of land administration under the LAA. The assessment should include an examination of available and needed software, hardware, and specialized equipment needed for mapping, scanning, photogrammetry, and storage of electronic and hard copy data. The assessment should also determine needed supplies to ensure efficient operation of the LAA. Using recommendations resulting from such an assessment, the Director General will lead the timely competitive procurement of needed technical equipment within the available budget and ensure the provision of appropriate installation and training of LAA employees in the use of all equipment.

Task 8 – Develop operational procedures and manuals for the effective functioning of the LAA

The Director General shall lead the process of establishing appropriate operational procedures and documenting such to ensure clear standards for operations and performance of the LAA responsibilities by LAA staff. It is expected that the Director General will

oversee the drafting of procedural manuals and instructions to staff on the performance of LAA line duties and standards by which each employee's performance will be measured.

Task 9 – Identify and track key performance indicators and milestones to ensure the LAA is functioning according to plan

The Director General shall, in cooperation with the LAA Consulting Team, prepare objectively measurable quarterly and annual performance indicators for the first 3 years of LAA operations. Indicators should include operational, human resource (e.g., staff hiring and training), financial targets and average completion time of applications for registration. The Director General should also establish milestone dates for completion of major activities related to establishment of the LAA, including transfer of records from LSPP and Deeds Registry to the LAA and initiation of key services by the LAA. All indicators and milestones should be tracked and reported on to the LAA Board and MCA on a quarterly basis.

Task 10 – Develop a self-sustainability plan for the LAA

The LAA is intended to be a self-sustainable body within a period of three to five years after its establishment. The Director General should lead the process of developing and obtaining Board approval for a self-sustainability plan for the LAA. The Director General should use the technical and material resources available to form and obtain approval for the plan within a period of 24 months after his/her formal assignment.

Task 11 – Operate the LAA on a daily basis after its establishment with full accountability for its operations and progress in meeting LAA strategic objectives

The Director General shall be responsible for overseeing daily operation of the LAA after its establishment. Responsibilities will include management of staff, finances, and all operations. The Director General shall report to the Board of Directors on all operations as defined in the LAA Act and will undertake actions necessary to implement the strategic plan of the LAA.

Task 12 – Conduct other tasks as directed by the MCA or LAA Board and agreed to by the Director General in line with the overall objectives of this ToR

As part of the position, the Director General may be required to undertake additional activities and lead new initiatives to ensure the effective operation of the LAA. As needed the Director General will lead such initiatives and complete related actions.

3. Deliverables

The following are required deliverables for the assignment:

- Inception report and initial work plan;
- Monthly progress and management reports that report progress against all performance indicators and annual objectives, that identify potential issues, and provide remediation recommendations;
- Annual work plans that identify yearly objectives, timelines, and performance indicators that will be updated within monthly progress reports.

Monthly reports shall address progress on each of the tasks listed in the ToR and any additional tasks as may be agreed upon between MCA and the Director General. Monthly reports shall also describe problems or delays encountered as part of implementation and propose mitigating actions. All Reports shall be submitted to MCA-Lesotho through the designated Land Reform PIU official and copied to the LAA Board of Directors².

4. Consultant's Qualifications

The ideal candidate for the Director General position will have the following professional qualifications:

- 10+ years management experience in high-level positions in a public, para-statal or private enterprise or institution, with proven skills in public and/or business administration, HR management, institutional planning, including budget planning, financial management and public relations;
- Proven experience in establishing and building a new public or para-statal institution, including responsibilities for all staffing, operations, finances, and technology decisions;
- A minimum of seven (7) years of senior-level experience in the field of land administration;
- Academic achievement at least at the MSc or MA level (Business administration, economics, public administration, political or social sciences, geography, law, or similar);
- Demonstrated ability to communicate strategically and to dialogue at a high political level, i.e. with relevant ministries;
- Demonstrated sensitivity to customer relations, with the ability to establish and maintain positive relations with the agency's customers and with the public at large.

The Director General reports to the Board of Directors of the LAA and MCA. Apart from overall responsibility for the LAA, the Director General of LAA shall demonstrate the ability to lead the agency as follows:

- Across all thematic issues related to the tasks under the jurisdiction of LAA;
- With all institutional and management issues raised by a new agency that will function and be governed under commercial principles;

² The LAA Act or the Board of Directors may also require the Director General to regularly report to the Board.

5. Location and Proposed Timeline

The work will be conducted in Lesotho. It is expected that the work will commence by October 30, 2009 and continue for approximately 3.5 years according to the following schedule. The consultant is being hired as a full time resident advisor in Lesotho.

Period	Level of Effort
Year 2 of Compact	260 days
Year 3 of Compact	260 days
Year 4 of Compact	260 days
Year 5 of Compact	130 days

6. Reporting

A designated official from the Land Reform PIU shall serve as the Contracting Officer's Technical Representative (COTR) and shall have technical responsibility over the Consultant for purposes of the MCA Contract with the Director General.

7. Payment Schedule

Payments shall be made monthly based on acceptance of the monthly progress reports.

8. Services, Facilities and Materials to be Provided for the Director General

The Consultant engaged for Modernization and Improvement of the Land Administration in Lesotho, the LAA Consultant, shall provide the Director General with suitable office space with appropriate facilities until the time that the LAA is functioning. In the event that this appears to be impossible the Ministry of Local Government shall provide suitable office space with appropriate facilities, including access to the internet, printing and photocopying services, electrical points and telephone sockets within the LSPP or in another suitable location. Administrative staff of the LSPP will assist in the organization of necessary meetings with officials and representatives of main stakeholders, as necessary.

Evaluation criteria for the LAA Director	Points
1) Adequacy of the proposed technical approach, methodology and work plan in responding to the Terms of Reference	30
2) Qualifications and competence for the assignment (based on the following points):	70
a) 10+ years management experience in high-level positions in a public, para-statal or private enterprise or institution, with proven skills in public and/or business administration, HR management, institutional planning, including budget planning, financial management and public relations	16
b) Proven experience in establishing and building a new public or para-statal institution, including responsibilities for all staffing, operations, finances, and technology decisions;	21
c) A minimum of seven (7) years of senior-level experience in the field of land administration	16
d) Academic achievement at least at the MSc or MA level (Business administration, economics, public administration, political or social sciences, geography, law, or similar).	7
e) Demonstrated ability to communicate strategically and to dialogue at a high political level, i.e. with relevant ministries; and sensitivity to customer relations, with the ability to establish and maintain positive relations with the agency's customers and with the public at large	10
Total Points	100

Each application will be given a technical score based on the criteria and subcriteria listed in the table above. An application shall be rejected at this stage if it does not respond to important aspects of the Terms of Reference or if it fails to achieve the minimum technical score of *eighty (80) points*.

The Individual Consultant having the highest technical score will be invited to submit a financial proposal (fees and reimbursable expenses only) and to negotiate the contract. Should negotiations fail with the selected Individual Consultant, negotiations will be initiated with the other Consultants that submitted responsive application, in the descending order of their technical scores