



Government of Sindh
Sindh Peoples Housing for Flood Affectees
(SPHF)



REQUEST FOR EXPRESSIONS OF INTEREST

SELECTION OF CONSULTANTS

Name of country: Islamic Republic of Pakistan
Project: Sindh Flood Emergency Housing Reconstruction Project (SFEHRP)
Assignment of Title: Legal Framework Services Consultants
Activity No: PK-SPHFC-351769-CS-CQS
Date: 01 April 2023

1. The Government of Sindh (GoS) has received credit through EAD, Govt. of Pakistan from the International Development Association and intends to apply part of the proceeds of this credit or use GoS own financial resources to the payments under the contract for **Sindh Flood Emergency Housing Reconstruction Project** (the Project) to perform the consulting services.
2. The SPHF is now seeking to procure **Legal Framework Services Consultants** (the services) to extend legal services for preparation of complete legal framework for the smooth implementation of the Project/Program. The services are required for period of 06 Six months, will cover but not limited to the following scope:
 - a. identify the existing legal and administrative framework in respect of the implementation of the Program (including relevant constitutional principles and relevant pronouncements of courts relating to Islamic injunctions) and provide pros and cons of the various structures in light of the foregoing;
 - b. identify options available to SPHF for the acquisition of land from the Government and private parties (and shall also include an analysis of the Sindh Goth-abad (Housing Scheme) Act, 1987 and the rules formulated thereunder);
 - c. propose amendments to the existing legal and administrative framework for implementation of the Program;
 - d. identify options available to SPHF for transfer of Government owned and private owned land to Beneficiaries, including legal analysis of steps to be taken in respect of Supreme Court of Pakistan's decision in 2012 banning allotment of Government land;
 - e. propose the structure, powers, governance structure, administrative and funding framework of the new regulatory authority (including, exploring the possibility of the Client being the regulatory authority for the implementation of the Program); and
 - f. propose conceptual framework / roadmap, including options available to the Client for implementing the Program.
 - g. drafting the GoS policy for implementation of the Program
 - h. drafting the primary and secondary legislation for implementation of the structure including amendments to existing laws.



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3. The services are to be started in April 2023 and are expected to continue for a period of six (6) months.
4. The company - Sindh Peoples Housing for Flood Affectees (SPHF), Government of Sindh now invites consulting firms to indicate their interest in providing the required services. The interested firm are requested to provide information demonstrating that the firm has got the required qualifications and relevant experience to perform the Services.
5. Consultants may associate with other firms in the form of a joint venture or a sub-consultancy to enhance their qualifications.
6. A Consultant will be selected consistent with the Consultant's Qualification based Selection (CQS) method set out in the WB Procurement Regulations for IPF Borrowers (Procurement in Investment Project Financing, Goods, Works, Non-Consulting and Consulting Services - Fourth Edition, November 2020).
7. Further information can be obtained at the address mentioned below during office hours.
8. Expression of interest must be delivered in written form to the address below (in person, by courier, or through e-mail addressed to the Procurement Specialist procurementspecialist@sphf.gos.pk by **14 April 2023**).

(KHALID MEHMOOD SHAIKH)
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Sindh Peoples Housing for Flood Affectees

Legal Framework Services Consultants

(Activity Reference # PK-SPHFC-351769-CS-CQS)

Terms of Reference

Background

Pakistan experienced heavy monsoon rains between June and September 2022, which has severely affected millions of households, mainly in Sindh and Balochistan. Around 33 million people have been displaced and more than 13,000 kilometers of roads destroyed. The flooding has damaged 2.2 million houses, flooded around 9.4 million acres of crops, and has killed an estimated 1.2 million livestock. Moreover, limited access to input and output markets and temporary disruptions to supply chains have driven up food prices and added to existing price pressures resulting from reduced agricultural yields and the global rise of food prices. Preliminary estimates suggest that as a direct consequence of the floods, the national poverty rate may increase up to 4 percentage points, potentially pushing around 9 million people into poverty. The recently completed Post-Disaster Needs Assessment (PDNA) estimates total damages to be US\$14.9 billion, while total economic losses have reached about US\$15.2 billion. Estimated needs for rehabilitation and reconstruction are at US\$16.3 billion, not including new investments beyond the affected areas needed to strengthen Pakistan's resilience to future shocks.

Sindh has been disproportionately affected by the 2022 floods. According to the NDMA, 792 of the 1,731 nationwide casualties were in Sindh, including 336 children, with 8,422 people injured. Similarly, reports estimate that more than 4.9 million acres of agricultural land has been affected in the province, which is more than half of the nationwide total.¹ Vast areas in Sindh witnessed prolonged inundation lasting several weeks.²

According to the last pre-floods housing census from 2017, there were 2,756,499 katcha and 5,600,885 pakka housing units in Sindh, with the former concentrated mainly in rural areas and the latter more prevalent in the urban areas. While house ownership is higher in rural areas, housing with unclear ownership status is proportionately higher due to the relative informality of the housing sector in rural areas. Assuming linear growth between 1998 and 2017, the number of katcha houses in Sindh have grown at a rate of about 1.6 percent annually, while pakka houses have an annual growth rate of about 4 percent per year.

Project Description

i. Project Overview

For emergency rehabilitation to facilitate the flood affectees, the Government of Sindh has established a not-for-profit company 'Sindh Peoples Housing for Flood Affectees' (SPHF) to

¹ FAO Monsoon Flood Situation Update – Pakistan September 27, 2022.

² FAO Rapid Geospatial Flood Impact Assessment Pakistan, September 2022.

implement the Sindh Flood Emergency Housing Reconstruction Project (the **Project**), with technical and financial support of the World Bank. The Project design evolves from comprehensive discussions of the World Bank with the Government of Pakistan and the Provincial Government of Sindh. The reconstruction project aims to support (i) Housing subsidy cash grants for owner-driven reconstruction of multi-hazard resilient core housing units; (ii) Skill development of communities on multi-hazard resilient construction practices; and (iii) Technical assistance to Government of Sindh for design and delivery of the housing reconstruction program. It will involve construction of approximately two (2) million housing units. These houses will be spread over a vast geographical area, locations of which will be dependent upon the Post-Disaster Needs Assessment (PDNA).

ii. Project Development Objective

The project development objective is to support the Government of Sindh in the delivery of beneficiary-driven, multi-hazard resilient reconstruction of core³ housing units that were damaged by 2022 floods.

iii. Project Beneficiaries

The Project would have specific benefits for people living in the geographical locations who will be served through the housing subsidy grants for reconstruction/restoration of their damaged houses. Through a beneficiary-driven approach, approximately two (2) million multi-hazard resilient core housing units will be supported.. Roughly, half of these beneficiaries are estimated to be women, based on the demographic information available for these areas.

GENERAL RESPONSIBILITIES OF THE CONSULTANTS:

The Legal Consultant shall be responsible to:

- (i) Provide the Legal Consultancy Services in accordance with the terms and conditions of this Agreement;
- (ii) Depute such staff having the requisite expertise to carry out the Legal Consultancy Services; and
- (iii) Provide the Legal Consultancy Services with the highest standards of professional conduct.
- (iv) The Legal Consultant acknowledges that quality assurance is the essence of the Assignment and hereby undertakes to observe best quality assurance standards while discharging its obligations.

³ Consisting of a core unit of 250 sq. ft. built to multi-hazard resilient standards and equipped with water collection system, twin pit latrine and where possible solar home solutions.

- (v) The Legal Consultant shall ensure that during the performance of the Legal Consultancy Services, it shall take all reasonable steps to safeguard the interests of the Client in all respects in relation to the performance of the Legal Consultancy Services.
- (vi) The Legal Consultant shall not assign this Agreement without the Client's prior written consent.

SCOPE OF LEGAL CONSULTANCY SERVICES

The Legal Consultant shall provide the following services to the Client:

Phase I

(a) preparing a detailed report to, *inter alia*:

- (i) identify the existing legal and administrative framework in respect of the implementation of the Program (including relevant constitutional principles and relevant pronouncements of courts relating to Islamic injunctions) and provide pros and cons of the various structures in light of the foregoing;
- (ii) identify options available to SPHF for the acquisition of land from the Government and private parties (and shall also include an analysis of the Sindh Goth-abad (Housing Scheme) Act, 1987 and the rules formulated thereunder);
- (iii) propose amendments to the existing legal and administrative framework for implementation of the Program;
- (iv) identify options available to SPHF for transfer of Government owned and private owned land to Beneficiaries, including legal analysis of steps to be taken in respect of Supreme Court of Pakistan's decision in 2012 banning allotment of Government land;
- (v) propose the structure, powers, governance structure, administrative and funding framework of the new regulatory authority (including, exploring the possibility of the Client being the regulatory authority for the implementation of the Program); and
- (vi) propose conceptual framework / roadmap, including options available to the Client for implementing the Program.

Phase II

- (a) drafting the GoS policy for implementation of the Program;
- (b) drafting the primary and secondary legislation for implementation of the structure finalized in Phase I, including amendments to existing laws.

Duration of Assignment:

Time period for completion of Phase I: Two (02) months from the Effective Date.

Time period for completion of Phase II: Four (04) months from the completion of Phase I.

Total Duration: Six (06) months

Main Deliverables:

Phase I (02 months)

1. Submission of first draft of Phase I Report.
2. Submission of final draft of Phase I Report.

Phase II (04 months)

3. Submission of first draft of primary legislation.
4. Submission of final draft of primary legislation.
5. Submission of first draft of secondary legislation.
6. Submission of final draft of secondary legislation.

Consultant Qualification Criteria:

i. Experience:

The selected Firm / Consultant shall possess the following qualifications and experience:

- a) Prior experience of providing legal services in Pakistan.
- b) Registered as a law firm for a minimum of twenty (20) years.
- c) Bidder to share particulars of at least seven (7) transactions in the past ten (10) years showcasing its capabilities and expertise relevant to the Assignment

ii. Key Professional Staff:

The Bidder's proposed team should have a minimum of four (4) licensed lawyers, with at least:

- a) One (1) lawyer having post-qualification experience of fifteen (15) years; and
- b) One (1) lawyer having post-qualification experience of at least ten (10) years.
- c) The Key Professional Staff working on the Assignment should be registered with the Bar Council and licensed to practice in courts.

Procurement method:

Consultant(s) is being selected in accordance with the **Consultant's Qualification based Selection (CQS)** method set out in the WB Procurement Regulations for IPF Borrowers (Procurement in Investment Project Financing, Goods, Works, Non-Consulting and Consulting Services - Fourth Edition, November 2020).