



## **JAMAICA: FOUNDATIONS FOR COMPETITIVENESS AND GROWTH PROJECT**

Loan No.:8408-JM – Component:

**Assignment Title: Software Selection Consultant**

**Reference No.** (as per Procurement Plan): FCG/CON/075

### **Terms of Reference**

#### **1. BACKGROUND**

The Government of Jamaica (GOJ) has secured a US\$50 million loan from the World Bank to finance a project entitled Foundations for Competitiveness and Growth (FCG). The Project Executing Agency is the Planning Institute of Jamaica (PIOJ) with key Project Components to be implemented by JAMPRO and the Development Bank of Jamaica (DBJ) as the Lead Coordinating Agencies. The overall objective of the project is to strengthen the business environment in Jamaica for private sector investment by promoting broad-based private sector-led growth, improving the investment climate, modernizing infrastructure and logistics, as well as enhancing entrepreneurship and competitive industries. Component 1 of the project, which is coordinated by JAMPRO, seeks to enhance competition in the business environment, including through initiatives geared towards enhancing improve the registration of property process in Jamaica.

GOJ is currently exploring viable options that will improve the registration of property process in Jamaica, as a part of its overall efforts to enhance the experience doing business in Jamaica and encouragement of new investors. Within the FCGP, Implementation of Electronic Titles in Jamaica is envisioned as a critical component to Jamaica's achievement of long term goals. Land registration and management is viewed globally as a critical component of economic development and receives strong support from international organizations such as the UN, European Commission and World Bank. The World Bank has supported land and real estate reforms across a wide range of countries, and since 2015, it has included 'Registry of Property' as a key index in its annual Doing Business Report.

The Jamaica National Development Plan - ***Vision 2030 Jamaica*** provides the framework for the transformation of the Jamaican society and economy by 2030. One of the National Goals within Vision 2030 – ***Goal 3: Jamaica Will Be Prosperous.***

As part of the plan to achieve ***Goal 3 of Vision 2030*** this goal, the enhancement of systems for land ownership, titling and transfer was identified under National Outcome 8 as follows:

***National Outcome 8: An Enabling Business Environment***

***National Strategy: Ensure a Facilitating Policy, Regulatory and Institutional Framework for Business Development***

***Sector Strategy: Improve processes related to land ownership, titling and transfer***

Land registration in Jamaica is governed by the Registration of Titles Act (1889). The Registration of Titles Act (“RTA”) provides the legislative framework for the operation of the Torrens system, the Jamaican land registration system. The National Land Agency (NLA) is the government agency with responsibility for maintenance of the Title Registry, as well as other functions pertaining to the management of government lands as well as maintenance of a national cadastre and valuation roll.

Currently, the registration process is done via an automated registration system known as the Aumentum Registration 3.0 System, whereby a registered proprietor lodges an instrument (paper document) for registration along with the duplicate Certificate of Title, which is how the Torrens system operates: two Certificates of Title are issued per parcel of land, one is always kept at the Office of Titles (the "original Certificate of Title). The other is given to the owner of the relevant parcel of land (the “Duplicate Certificate of Title”). The registration of any dealings in relation to the relevant parcel of land is endorsed on both the original and duplicate Certificates of Title. The data from said instrument is entered manually into the automated registration system. Where the instrument meets the legal and procedural requirements of the RTA, the signature of the Registrar of Titles is affixed electronically and the endorsement is then printed on the Original and the Duplicate Certificates of Title. The original Certificate of Title and instrument is then scanned via a Document Scanning System which retains the most updated image of the Title.

The Document Scanning System together with the Aumentum Registration 3.0 System allows the National Land Agency (NLA) to provide customers instant access to land titles and related documents via the *Elandjamaica* portal. This is a web-based e-commerce application offered by the NLA.

With regard to the registration of transfers of land ownership, this information is submitted to the Land Valuation Division to update the Land Valuation System. This system is a Valuation Database and Case Management system which is manually updated.

A registration system based on paper certificates of title, limits the capability to reduce processing time and thus adversely impacts on efficiency. The existence of duplicate Certificates of Title also increases the potential for fraud. Despite the introduction of security paper and electronic signatures, duplicate certificates of title are manipulated with the intention of defrauding an unsuspecting purchaser. Production costs relating to the procurement of security paper will be eliminated by the implementation of an electronic titling system. Additionally, there is a substantial requirement for storage space owing to the existing statutory requirement to keep paper records. It is anticipated that challenges will storage space will multiply exponentially, if the current issuance rate of titles continues.

A system of electronic titles will reduce the time and human resources required to facilitate the endorsement of transactions on original and duplicate Certificates of Title. This will result in an improvement in the efficiency of the land registration process, from the point of application (registration) through to issuing of a legally binding proof of title. Other benefits include:

- Enhancement in collection of property transfer related taxes by improved validation of self-declared transfer values;
- Faster processing of transactions through improved integration of MDAs involved in the processes;

- Improved capacity, speed and service levels for NLA Land Titles Division;
- Decentralization of processing, leading to increased access to services by the public;
- Reduction of fraud;
- Increased information sharing between MDAs;
- Increased accountability of service providers (attorneys and surveyors);
- Reduction of internal costs;
- Improved ability to recover from catastrophic events;
- Improved system stability, speed, reliability and availability

In order to commence this process, NLA was granted funding under FCGP in 2017 to carry out an initiative referred to as ‘Project Scoping for The Implementation of Electronic Titles in Jamaica’. Under this project a Consultant was engaged to carry out assessment activities and to produce a number of outputs, among them being a Business Case to be submitted to the Project Management Secretariat (PIMSEC). This has been completed and a Project Concept has been approved by the Project Management Secretariat. Another consultancy is currently underway, which examines the development of recommendations for legislative amendments to facilitate an e-land titling system. The consultancy seeks to detail the existing pieces of Jamaican legislation which govern certificates of title and identify the other Torrens based jurisdictions which have progressed to e-Titling. Other support to be provided include technical assistance for solution selection, procurement of supporting components (hardware, software, telecommunications, infrastructure, supporting services etc.), Data Clean-Up and Conversion/Migration, Project Management and Agile Training and Information Technology Strategy and Security Audit.

## **2. RELATED PROGRAMMES**

The following projects are related to the purpose of this contract:

- Finalization of a National Investment Policy
- *Preparatory Consultancies to Support an Electronic Land Titling:*
  - Consultancy to Develop Project Plan to Implement Electronic Titles in Jamaica
  - Development of recommendations for legislative amendment to support Electronic Land Titling.
  - Consultancy to develop drafting instructions for Legislative Support For Electronic Land Titling

## **3. OBJECTIVE(S) OF THE ASSIGNMENT**

The FCG Project Development Objective of which this contract will form a part is, “*to strengthen the business environment in Jamaica for private investment*”.

The purpose of this contract to procure the services of a consultant to provide technical support to the National Land Agency for the selection and procurement of an Electronic Land Titling solution provider. This will include the development of the Terms of Reference, Request for Proposals, evaluation criteria and support of the NLA team throughout the evaluation, selection and negotiation phases.

The Results to be achieved by the Consultant are:

- Software Selection Plan for Electronic Land Titling Solution
- Terms of Reference for procurement of an Electronic Land Titling solution
- Request for Proposal for an Electronic Land Titling solution
- Criteria for Evaluation for an Electronic Land Titling solution
- Points for Negotiation with the successful firm
- Successful negotiation of contract

#### **4. SCOPE OF SERVICES, TASKS (COMPONENTS) AND EXPECTED DELIVERABLES**

The Consultant will be required to prepare requisite documents that are required for the procurement process, conduct necessary due diligence on shortlisted firms, provide an evaluation criteria and scoring system, participate actively in the evaluation and selection process, as well as the negotiation/contracting process for an Electronic Land Titling System.

The Consultant will be required to perform the following tasks:

- i. Participate in an Inception Meeting with the NLA to discuss the proposed project activities and project execution, including providing an indication of documents required from the NLA and/or other stakeholders.
- ii. In consultation with the NLA, relevant Government Agencies, solution providers and guided by the Project and Implementation Plans, Baseline Systems Analysis Report and Recommendations and Technical Specifications document, prepare a Software Selection Plan for the Electronic Land Titling Solution, including pre and/or post- qualification steps.
- iii. In consultation with the NLA and JAMPRO, determine evaluation criteria and scoring.
- iv. Prepare the relevant GOJ procurement documentation, including a) the Request for Proposal for an Electronic Land Titling solution, b) Advertisement for media placement and c) any other relevant documentation, based on the procurement methodology agreed by NLA in keeping with the Procurement Guidelines
- v. Lead discussions for the pre-proposal conference; organize software demonstrations; and provide clarifications to bidders on the Electronic Land Titling solution.
- vi. Provide technical support for the evaluation of the bidders' documents and the development of the Evaluation and Tender Reports.
- vii. Actively participate in the presentation of the Evaluation and Tender Reports to appropriate Procurement Committees in Government, including the relevant Sub-Committee of Cabinet.
- viii. Work with the NLA and JAMPRO to provide technical support for contract negotiations with software vendor, including preparation of negotiation briefs and the negotiation report/minutes.

#### 4. QUALIFICATION REQUIREMENTS AND CHARACTERISTICS OF THE CONSULTANCY

- Bachelor of Science Degree in Computer Science, Management Information Systems (MIS), or any other related discipline. [15]
- At least seven years' experience with solicitation and vendor evaluation on public and/or private sector IT projects. [15]
- Demonstrates experience in successfully leading all phases of a public sector vendor selection, evaluation and contracting processes for at least three similar projects.[25]
- Demonstrates seven years' experience in developing/creating public sector procurement documents (e.g., RFPs, evaluation guide, criteria and scoring) and related acquisition documents for software products and services.[25]
- Demonstrates experience in negotiating software and services contracts for at least three similar projects.[20]

##### Characteristic of the Consultancy

- Type of Consultancy – Individual
- The intended start date is January 2020 and the period of implementation of the contract will be fifteen (15) months from this date or to June 30, 2021 or upon Contract finalisation with the approved Bidder, whichever is earlier.

#### 5. REPORTING REQUIREMENTS AND TIME SCHEDULE FOR DELIVERABLES

The Planning Institute of Jamaica is the Contracting Authority and shall approve any contractual amendments and payments.

The Firm will report to the National Land Agency, the Supervising Entity. The Supervising Entity shall be responsible for general oversight of the project, the approval of deliverables and payment requests. The designated representative of the Supervising Entity is the Registrar of Titles/Director Land Titles. Final approval of the deliverables resides with the Chief Executive Officer of the National Land Agency.

The firm will be required to provide the following outputs:

<b><u>Name of report</u></b>	<b><u>Minimum Content</u></b>	<b><u>Time of submission</u></b>	<b><u>Review Period</u></b>	<b><u>Payment %</u></b>
Deliverable 1: Software Selection Strategy	The Software Selection Strategy should include summary of software needs, market analysis including list of potential vendors, procurement methodology, vendor engagement methodology, including demo script, selection methodology (including evaluation criteria and scoring), timelines/workplan and budget.	No later than 6 weeks after commencement	2 weeks	20%

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Deliverable 2: Pre-Qualification Report and Final Terms of Reference	Prequalification criteria used to shortlist bidders. Details on pre-qualification process in accordance with GOJ reporting standards. Finalised Terms of Reference approved by Steering Committee and IFC.	No later than 10 weeks	2 weeks	10%
Deliverable 3: Request for Proposal, including Evaluation Criteria and Advertisement	The Request for Proposal should be developed in line with requirements of the funding agency. It should include evaluation criteria and scoring and other required documentation.	No later than 14 weeks commencement	2 weeks	15%
Deliverable 4: Notes of Pre-Proposal Meeting and Clarification to Bidders	The notes should detail all the questions and responses to bidders provided by the consultant and GOJ stakeholders and summary of demos by vendors.	No later 18 weeks	1 week	10%
Deliverable 5: Tender Evaluation Reports and Support of Approval Process	The Selection Report is a brief on the output of the evaluation process, including an Annex of the Tender Report. Participation in the various meetings throughout the Approval Process.	No later than 25 weeks after commencement	2 week	15%
Deliverable 6: Negotiation Script	Describe negotiation points that will guide negotiations between the Vendor and NLA.	No later than 36 weeks after commencement.	2 weeks	10%
Deliverable 7: Final Report	Description of achievements, problems encountered and recommendation. Annexes should include the final negotiation report and presentation/report(s) made to Procurement Committees in the process of award of Contract, as applicable.	No later than 1 month after award of contract to the vendor	2 weeks	20%

Reports may be submitted in soft/electronic copy using Microsoft Word and Adobe PDF. The Final Report and PowerPoint Presentation shall be delivered by electronic copy as above, via email and in one (1) hard copy – the last two (2) formats upon sign off on the final deliverable.

## **6. CLIENT'S INPUT AND COUNTERPART PERSONNEL**

All day to day operations and communication regarding the implementation of activities under the contract will be handled by the Supervising Entity – National Land Agency (NLA).

The Consultant will be home based and will only be accommodated at the NLA as needed. Services, facilities, reports and property to be made available to the Firm by the NLA:

- a)** Office space, internet, telephone, fax.
- b)** Professional and technical support personnel to be assigned by the NLA as focal point.