January 17, 2018

Dear Prospective Offeror:

SUBJECT: Request for Quotations Number# **complete legal services for the acquisition of two (02) additional land**

The United States Embassy in Ouagadougou invites you to submit a quotation for attorney services for real estate transactions.

Your quotation must be submitted in a sealed envelope marked "Quotation Enclosed" to the **David S, Stier, Contracting Officer, U.S. Embassy Ouagadougou, Secteur 53, Ouaga 2000 Avenue Sembene Ousmane, rue 15.873** on or before **1700 hrs** on **January 31, 2018**.

Direct any questions regarding this request for quotations to **David S, Stier, Contracting Officer, U.S. Embassy Ouagadougou, Secteur 53, Ouaga 2000 Avenue Sembene Ousmane, rue 15.873** by letter or by telephone **+226-25-4953-00** during regular business hours.

Sincerely,

**David S, Stier**  
Contracting Officer
The following services are required by the United States Government (USG) in relation to the acquisition of land.

1. **Within thirty (30) days of being retained**, deliver a detailed written explanation of the legal and administrative process for transferring real property (including any requirements that the USG notify local/regional/municipal governments of the transfer, and any additional host approvals or certifications that may be required by the local government, before, during and after the transfer); provide an estimate of how long it typically takes from contract signing to title transfer and registration; and identify actions mandatory under law as distinguished from actions done as matter of local custom or practice. The explanation should point out any land interests that are unique to the host country; for example, community land, king’s land, etc.

2. Define the legal interests in land that can be acquired by the USG under national and local laws.

3. Taking rights under international law, including the Vienna Conventions on Consular and Diplomatic Relations, and local law into account, advise whether the USG is entitled to any exemption, refund, reimbursement or other privilege regarding payment of any taxes, fees, costs, duties or charges. Assist the USG in applying for any waivers of the same as well as for registration, transfer, or sales taxes or charges to which the USG is entitled or eligible under the Vienna Conventions or local law.

4. Deliver a written opinion on title based on a title search of properties identified by the USG. Confirm that plot plans or surveys attached to the title deeds reflect accurately the description in the title deeds. Advise on whether the properties are free and clear of any encumbrances or other defects in title, whether or not registered, or identify in full any discovered encumbrances or defects in title of any kind. As necessary, the attorney shall retrieve requested title/deed/survey document(s) from the appropriate local authority in order to conduct and provide a written property title report.

5. As needed, review USG-supplied documents. Provide advice and comment on their acceptability under local law and local practice. Propose revisions as needed to make them comply with local laws and practices.

6. Draft a purchase contract or other conveyance vehicle that fully protects USG interests and forward the same for review to the USG points of contact listed below.

7. Provide advice on and support for changing or acquiring zoning status, development rights, land use rights, or additional entitlements, such as waivers. Deliver a written opinion on current zoning, and the process to change or acquire the appropriate zoning status, as provided by the USG, for a specific property.

8. As appropriate, assist the USG in providing required notifications to, and obtaining required permits and approvals from, the local government.
9. Identify costs paid by each party in a typical sale of real estate. Identify which costs are usually paid by each party under law, and which are negotiable and paid by local custom or practice. Suggest commonly used terms or cost sharing.

10. Identify and eliminate any potential charges to the USG for Value Added Tax in connection with the transfer and registration of title.

11. Provide advice and details on whether currency laws or other regulations restrict the ability of the USG to pay or remit funds within country or overseas in any currency.

12. Prepare and register the documents required for the transfer and registration of title in favor of the USG.

13. Participate in related meetings and/or negotiations, as needed.

14. Provide prompt written legal advice and opinions on specific questions presented by the USG from time to time during the purchase, title preparation, registration, closing and post-closing process.

15. Retain and fully compensate a qualified, certified translator to translate into English any of the transaction documents, including contracts, surveys, approvals, and registration materials, that are not originally drafted in English.

16. As necessary, and at the USG’s request, retain any technical specialists or other specialized attorneys required to complete the USG’s acquisition of real property. The cost of retaining additional professional assistance, if necessary, shall be a reimbursable expense provided that the cost is approved in advance by the USG.

17. Provide all other legal services that are not specifically noted above but are needed by the USG to contract for, receive approval of, and settle the proposed transaction.

18. Submit partial invoices on a timely basis to the USG for services rendered.

19. Prior to settlement, deliver to the USG a Pre-Purchase Certification stating that:

   a. the description of the property in the purchase contract corresponds exactly with the description in valid deeds and prior land surveys in the offices where conveyances, survey plats, and other instruments that affect title are officially recorded; and

   b. the field verification of the existing title records reveals that:

      (i) No discrepancies exist in measurement of boundaries or land areas; or

      (ii) There are conditions that might adversely affect the interests of the United States that do not appear in the abstract of title (list of such conditions as they exist); or

      (iii) a comparison of the field survey and title search reveals certain exceptions (to be listed if these exist) to a clear and unencumbered title that do not appear in the present title record but the Vendor, at its expense, has taken or is taking all steps necessary to clear any noted exceptions, and the proposed legal instrument of conveyance, as drawn by the local land title expert, will, under local law and custom, serve as a document of correction to the erroneous title record; and
c. there are no mortgages, liens, charges, incidents of tenure, encroachments, reserved strips of land blocking access to public thoroughfares, street widening or public improvement projects proposed or pending, or any other encumbrances or defects of any kind recognized by the laws of the country as affecting the title, and
d. the vendor has a perfect, exclusive, and unencumbered title to the property and full power to convey it to the United States of America.

20. Coordinate and attend the closing conference.

21. Assist and support Post with closing arrangements and documents.

22. **Within seven (7) days of the date of registration of title transfer to the USG**, deliver to the USG a **Post-Purchase certification** stating that:
   
a. The transfer and title deed(s) are in the form approved and uniformly used in the country;
b. The deed has been filed, recorded, and registered in accordance with local law and that the United States of America is now the legal owner of record; and
c. The attorney has taken all steps required to ensure a perfect, unencumbered title is registered on behalf of the USG.

**Qualifications required:**

- Applicant must be a certified Attorney and must be registered at the Burkina Faso bar of Lawyers.
- Must have at least five years’ experience in practicing as a lawyer and must have a thorough knowledge of the local real estate laws and regulations. Knowledge of the Vienna Convention would be an asset.
- Must have a previous experience in handling real estate transactions for an International Organization or a diplomatic entity.
- Please provide a detailed resume with experience and relevant qualifications.