

**UNDP MOLDOVA**  
**PUBLIC PRIVATE PARTNERSHIP DEVELOPMENT PROJECT**

**Terms of Reference**

**2 Consultants to assist LPAs to initiate and develop the Public-Private Partnership projects**

|                           |  |
|---------------------------|--|
| Post Title:               | Short-term consultant                  |
| Project Title:            | Public Private Partnership Development |
| Type of Appointment:      | Short-term                             |
| Expected workload:        | Not exceeding 30 man-days              |
| Period of implementation: | September-December 2010                |
| Duty Station:             | Republic of Moldova                    |

**A. Background**

Generally a Public-Private Partnership is recognized by many sources as a contractual agreement between a public agency (central or local) and a private sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares the potential risks and rewards in the delivery of the service and / or facility.

PPP Development Project is designed as a complementary facility to the many existing initiatives and institutions, and works with a variety of partners at national and local levels with the purpose to increase the capacity of central and local governments to promote, develop, operate and manage public-private partnership projects for infrastructure development and the provision of basic services.

The PPP legal framework in Republic of Moldova includes the approved in 2008 Law on PPP and a series of laws that contain basic provisions to allow the development of PPP projects. Among these laws can be mentioned the law on concessions, leasing, public services of communal utilities, administration and transfer of public property, local public administration. Now, once in July 2010 the Law on modifications in several laws that bring these laws in accordance with PPP Law was approved by the Parliament we can expect that all barriers related general legal framework was removed. Also the main element of institutional framework - the Public Property Agency was charged with responsibilities and competencies stipulated in the PPP Law through adopting the Government Decision #339 from 28.04.2009.

At the same time, considering that PPP concept is relatively new for our country, there are very low capacities for the implementation of PPP projects by public authorities, either local or central. This refers to the low level of understanding of PPP concept, insufficient knowledge of mandatory and voluntary procedures related to the design of PPP projects, and usually the low level of public management development.

In these conditions, PPP Development project is seeking a team of 2 consultants that will assist local public authorities to initiate and implement PPP projects, ensuring value for money and complying with the current legal provisions.

**B. Objective**

The main objective of this assignment is to assist local authorities in the process of identification and preparation of the PPP projects for fulfillment of community development priorities according to new PPP legal requirements.

**C. Scope of work, tasks and responsibilities:**

The team of 2 consultants will assist local public authorities in the development of PPP projects. Consultants will work at the beginning with 5 LPAs that can be at different levels of understanding, willingness, capacity for implementations or even different stages of implementation of PPP projects. The consultants will participate in the screening of needs, potential projects or projects that are in the process of implementation in order to evaluate their capacity for implementation of PPP projects and appropriateness of proposed projects to the PPP concept. Depending on the real situation of each LPA the consultants will assist them in setting up the necessary institutional framework, grant support and consultancy for development and implementation of the PPP projects.

In that regard, the team of consultants' scope of work will consist of the following tasks:

- a) Based on strategic objectives and current needs of local communities assist the local authorities to identify and select the most appropriate projects to be developed by PPP arrangements;
- b) Assist LPAs in developing of concept for 2 identified PPP projects;
- c) Assist in elaboration of the plan (road map) for initiation and procurement of identified PPP projects;
- d) Assist in elaboration of needed documents and institutional settings at the level of LPA as to ensure compulsory procedures for initiation and procurement of PPP projects according with the law on PPP and other related laws;
- e) Assist and provide the necessary consultancy to the LPA related to the whole process of development of PPP projects.

#### **D. Deliverables**

The Consultants shall deliver the following outputs:

1. A report on the PPP development in each selected LPA, including: assessment of needs based on existing papers, identification of potential PPP projects, analysis of the institutional and regulatory PPP frameworks and elaboration of solutions and recommendations for projects implementation.

#### **E. Inputs:**

The PPP Development project staff will provide the team of consultants with the existing preliminary list of local authorities that have requested the assistance in developing PPP projects. The LPAs will provide the inside information, data and technical documentations needed for carrying out this assignment.

#### **F. Implementation time**

The activities under the present assignment are supposed to commence at the 15th of September and be completed by the 15th of December 2010.

#### **G. Organizational Setting**

The experts will work under the direct supervision of the UNDP Project Manager. The consultants will work outside/ or inside the project office and will have trips in to the territory. All expenditure related to trips will be covered by the PPP Development Project.

#### **H. Qualifications and skills**

These positions require the services of local consultants with knowledge and experience of PPP, legal, policy and institutional framework, public service delivery, PPP project identification, screening and selection, feasibility analysis (economic, tariff, and project financing), public

awareness and stakeholder consultations related to developing of projects for public authorities, public-private partnership issues.

The following qualification criteria will be applied during the selection of the consultant:

*Education and Experience:*

For Consultant on PPP projects development.

- Advanced university degree in public administration, finance, economic or other relevant fields;
- At least 3 years proven experience of projects development in the field of public utilities and services (water, sewerage, waste collection and recycling/storage, area/territory development);
- At least 5 years total experience in public management, management of public utilities/services, or consulting sector related public management and public utilities/services.

For Consultant on legal issues related with development of PPP projects.

- University degree in law, a postgraduate degree would be a strong advantage;
- At least 3 years proven experience as legal advisor in public utilities and services, public procurement, public services and infrastructure regulation, development of projects (public/business);
- At least 5 years total experience in legal field related public management, management of public utilities/services, or consulting sector related public management and public utilities/services.

*Abilities:*

- Strong analytical and drafting skills
- Ability to work in a team
- Good project development skills
- Innovative and creative in problem solving
- Good PC skills, ability to use Internet
- Fluency in Romanian, knowledge of English is an asset.

*Personal qualities:* responsibility, punctuality and self-discipline.

## **I. Evaluation Criteria**

A two-stage procedure will be used in evaluating the candidates:

- A) Technical evaluation (max 350 points) – 70%,
- B) Financial evaluation (max 150 points) – 30%.

The **technical proposal** is evaluated on the basis of its responsiveness to the Term of Reference (TOR) and 350 points is the obtainable score in the evaluation of the technical proposals.

Only candidates who have passed over the mandatory criteria and have accumulated at least 245 points under technical evaluation will be pre-selected and qualified for the next round of **financial evaluation**. Only **pre-selected candidates** will be requested to provide the financial offer.

**Interviews** with the pre-selected candidates might be organized aiming at revealing the personal qualities (communication, interpersonal skills etc.), or confirming, as well, the expertise and capacities competencies (maybe insufficiently) described in the applications.

The following **evaluation criteria** will be applied on technical and financial proposals:

| <b>Evaluation criteria</b>  | <b>Maximum Points Obtainable</b> |
|---|----------------------------------|
| <b>TECHNICAL EVALUATION</b>   |                                  |
| 1. Relevant University Degree (under-Master's – 30 pts, Master's – 35pts, PhD - 40pts)  | 40                               |
| 2. At least 3 years of proven experience of projects development in the field of public utilities and services (water, sewerage, waste collection and recycling/storage, area/territory development, etc) | 110                              |
| 3. At least 5 years total experience in public management, management of public utilities/services, or consulting sector related public management and public utilities/services                          | 100                              |
| 4. Previous experience in working with international organizations and UN agencies in particular  | 40                               |
| 5. Availability to work during the indicated /approved period   | 30                               |
| 6. Proficiency in Romanian, English and Russian (Romanian - 20 pts, English + 5 pts, Russian + 5 pts)   | 30                               |
| <b>TOTAL technical score</b>  | <b>350</b>                       |
| <b>FINANCIAL EVALUATION</b>   |                                  |
| <b>Budget</b> - Financial proposal, fee per day   | 150                              |
| <b>Total points for Budget</b>  | <b>150</b>                       |
| <b>TOTAL EVALUATION SCORE</b>   | <b>500</b>                       |

The contract will be awarded to the **winning candidate** who has obtained the highest cumulative score calculated as:

$$\text{Total score} = T_x + (\text{Lowest}/F_x) * 500,$$

where  $T_x$  – technical score for Offeror  $x$ ,  $F_x$  – financial offer for Offeror  $x$ , *Lowest* – the lowest financial offer, of all evaluated bid prices among responsive bids.