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Resilient nations.*

TERMS OF REFERENCE

Job Title: International Consultant (Team Leader) to develop (a) RIA of prospective Law and (b) draft Law on the Technological Transfer and Innovations Fund

Type of Contract: Individual Contract (IC)

Duty Station: Chisinau, Moldova

Expected workload: 40 working days

Duration: November-December, 2013

BACKGROUND

The overall goal of the Innovations Fund Project of UNDP Moldova is to support Ministry of Economy as main economic policy actor and other relevant governmental authorities in designing policy interventions aimed at bolstering innovative approaches towards country's development, in facilitating transfer and adoption of the best practices and models to Moldova. With limited funds available, the Project is supporting innovative policy thinking needed to catalyze the inclusive and sustainable development in Moldova and providing models for future comprehensive and full-fledged policy interventions in the area. From the human development perspective, the Project seeks to ensure that such a development leads to more equitable outcomes for both current and future generations of Moldovan people, i.e. that benefits brought by it are distributed widely across the Moldovan society and are sustained in the mid- and long-term perspective. The project's goals are thus fully complementary to the implementation of the National Development Strategy Moldova 2020.

In 2012, the Project supported the development of a new Innovations Strategy for the Republic of Moldova that would reflect the status of the national innovations system and design key intervention areas and activities to be undertaken to consolidate it, by making best usage of the available resources and the competitive advantages of the country.

CONTEXT

The most recent independent evaluations, conducted by national or international teams of consultants, on the current national system for the promotion of innovations at national level reveal important gaps and malfunctions, particularly in terms of legal and institutional frameworks. Local innovation activities could bring about more and better results, with more creative products. The UNDP supported the initiative of the Ministry of Economy to develop a modern Innovation Strategy for the Republic of Moldova, which would build upon the existing or foreseen strengths and weaknesses of the national system, and thereby tackle some of the key existing gaps in a comprehensive manner. The conducted SWOT analysis of the current system reveals that the key current strengths are relatively strong state financial support for the education system, high level of the development of the digital infrastructure, relatively high percentage of employment in knowledge-intensive sectors, high number of inventions, among others. Key weaknesses are mainly related to policy framework and result in an underdeveloped infrastructure conducive to promotion of innovations, underdeveloped research institutions, and low private investments in research and development, excessive centralization of the national R&D system, insufficient protection of the right of investors and so on. In this context, the Government is engaged to undertake consistent reforms of the legal system to ensure a comprehensive framework of horizontal policies that would increase the international competitiveness of the country and build a knowledge-based economy. The currently endorsed strategic vision of the Government until 2020 is to re-think the national

innovations system through consolidating the capacities of the national companies connected via innovation partnerships with academia and research institutions at home and abroad. This would ultimately translate in more and better jobs and making local population resilient to various existing risks, such as poverty, scarcity of resources, including human resources, environmental degradation, among others.

Based on the current Code on Science and Innovations, the key competencies to coordinate the national innovations system are with the Moldovan Academy of Sciences. In particular, the Academy is responsible for development and promotion of strategies in the area of science and innovations, implements the state policies in these areas, coordinates the development of national programmes and mechanisms for their implementation. The newly developed national Innovations Strategy underlines the need to reform the national system and rethink the role the Academy of Sciences should play as part of the system. The national Agency for Innovations and Technological Transfer, subordinated to the Academy of Sciences, is responsible for the coordination, facilitation and implementation of mechanisms to stimulate innovations and technological transfer. The Agency collects technological transfer projects, coordinates the selection and financing process, monitors the implementation progress, and evaluates results. To support innovations, the Agency is making use of only two available instruments, i.e. innovation and technological transfer projects and support to scientific and technological parks and innovation incubators. As the entire national innovations system will be reformed based on modern best practices, including the experience of the EU countries, the Agency for Innovations and Technological Transfer will be also modernized and reformed into an institution established by the Government, as an implementing structure for the promotion of innovation policies. This would imply the creation of a Technological Transfer and Innovations Fund, to be managed by the Agency. The named Fund shall be institutionalized by law and will function based on a tailored financing mechanism, being governed by a Council of Directors.

OBJECTIVES OF THE CONSULTANCY ASSIGNMENT

The specific objectives of the consultancy are, as per below.

- Develop a robust Regulatory Impact Analysis to assess the prospective impact of a new law to institutionalize the Technological Transfer and Innovations Fund; based on the results of RIA, the consultant shall proceed with all of the below items;
- Analyze and share with local counterparts the experience and existing best practices in designing and implementing similar legislative acts from the EU and CIS countries;
- Contribute to the drafting of the Law for the institutionalization of the Technological Transfer and Innovations Fund;
- Contribute to the national consultative process around the draft Law and finalization of the document after conducting ;
- Develop a Road Map for the implementation of the Law, to contain also an estimation of the costs and resources needed for the implementation.

The international consultant will be supported by a national consultant, who will have the following responsibilities:

- Substantially contribute to the development of a robust Regulatory Impact Analysis to assess the prospective impact of a new law to institutionalize the Technological Transfer and Innovations Fund; based on the results of RIA, the consultant shall proceed with all of the below items in tandem with the international expert;
- Develop a thorough gap analysis of the current legislative framework and share with the international consultant and key national counterparts the main findings;
- Contribute to the drafting of the Law for the institutionalization of the Technological Transfer and Innovations Fund;
- Coordinate the national consultative process around the draft Law and finalization of the document;
- Contribute to the development of a Road Map for the implementation of the Law, to contain also an estimation of the costs and resources needed for the implementation; develop the financing regulation for the Fund and the regulation on the management structure.

SCOPE OF WORK AND EXPECTED OUTPUT

The International Consultant, as Team Leader and being supported by a national consultant, will be responsible to provide the below mentioned deliverables.

KEY EXPECTED DELIVERABLES

Deliverable(s)	Deadline (preliminary draft)
1. Regulatory Impact Analysis to assess the prospective impact of a new law to institutionalize the Technological Transfer and Innovations Fund;	10 November, 2013
2. Public presentation of the results of RIA;	15 November, 2013
3. Incipient joint report analyzing available/existing best practices in the region related to the design and implementation of legislative acts governing the activity of public or mixed funds for technological transfer and innovations;	22 November, 2013
4. Develop and consult the draft Law for the institutionalization of the Technological Transfer and Innovations Fund;	5 December, 2013
5. Consult the draft Law with all relevant national stakeholders and to various national commission in charge to evaluate relevance and compliance of respective legislation;	15 December, 2013
6. Finalize the Law for the institutionalization of the Technological Transfer and Innovations Fund and develop a Road Map for the implementation of the Law, to contain also an estimation of the costs and resources needed for the implementation; develop the financing regulation for the Fund and the regulation on the management structure.	27 December, 2013

METHODOLOGY

The team of consultants shall fully utilize all available tools for conducting the RIA. Furthermore, they shall review the current legislations in developed countries, including EU and CIS, that directly or indirectly tackle the promotion of innovations by means of institutionalization of public or mixed innovation funds and funds that support technological transfer, regulations on financing infrastructure and management of similar funds in the region.

In order to consult the key deliverables envisaged by the current ToR, the team of consultants is advised to use focus groups, in-depth interviews or other means to share information and collect feedback. The draft Law shall be developed in a consultative and participatory manner, so that to ensure that all key stakeholders participate to the extent possible to the process.

ORGANIZATIONAL SETTING

The consultants will work under direct supervision of UNDP Policy Unit. Technical assistance and logistical support to the consultants will be provided in the framework of the Innovations Fund Project of UNDP Moldova. The Ministry of Economy will provide necessary assistance in the facilitation of the consultative process, liaising with relevant public actors, including various commissions, among others.

SKILLS AND EXPERIENCE REQUIRED

- Advanced degree in Economics, Social Science or other relevant fields;
- At least 7 years of proven analytical skills and previous experience in policy analysis, development of comprehensive analytical reports in socio-economic field; previous extensive experience in drafting

regulatory acts and laws, experience in conducting extensive national level consultations for validation of draft legislative documents;

- Familiarity with the situation in the national innovations system in the Republic of Moldova; knowledge of the Moldovan context would be a strong advantage;
- Knowledge of the EU regulations, including institutional, legal and policy frameworks, in the area of innovation and technological transfer;
- Excellent analytical and writing skills;
- Strong communication and teamwork skills;
- Fluency in English is mandatory. Knowledge of Romanian and/or Russian is an advantage.

PERFORMANCE EVALUATION

Contractor's performance will be evaluated against timeliness, responsibility, initiative, communication, accuracy, and overall quality of the delivered products.

FINANCIAL ARRANGEMENTS

Payments will be disbursed in several installments, upon submission and approval of deliverables mentioned in the Section "Key expected deliverables" and certification by UNDP Project Manager that the services have been satisfactorily performed.