



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 14 March 2014

Country: Republic of Moldova

Description of the assignment: National Consultant to develop a Methodology for developing opinions on draft legislation

Project name: "Improving the quality of Moldovan democracy through parliamentary and electoral support"

Period of assignment/services: 30 days within a 3 months assignment

Proposals should be submitted online by pressing the "Apply Now" button no later than [30 March, 2014](#).

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: sergiu.galitchi@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

Important notice

The applicant who has the statute of Government Official / Public Servant, prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the government, and;
- the applicant is certified in writing by the government to be on official leave without pay for the duration of the Individual Contract.

A retired government official is not considered in this case a government official, and as such, may be contracted.

1. BACKGROUND

Drafting of legislation represents a complex and responsible process, which involves several specific phases. These phases are determined by constitutional and legal rules, drafting techniques and procedures. The progress in the negotiations of the Association Agreement and DCFTA between the Republic of Moldova and EU has taken the Republic of Moldova to the stage of the implementation of these documents, which means that the Republic of Moldova is expected to

transpose and to absorb the extensive EU legal standards (Acquis Communautaire) in relatively short timeframe. The role of the Parliament in this ambitious task is of a crucial importance.

The existing cycle of a draft legislative act is described in the Parliamentary Rules of procedure act No.797 from April 2, 1996, starting from the right of legislative initiative and up to the phase of promulgation of the legal act by the President of the Republic of Moldova. According to the Rules each bill is subject to a number of activities related to registration, approval, review, vote, editing and signing, etc.

Parliamentary committees, senior management in Parliament and Parliament of Moldova Secretariat subdivisions are the main actors in the legislative process in Parliament. By verifying the form and content of legislative initiatives the Parliament exercises its legislative function. Before a draft legislative act is included in the Parliament's agenda it's compliance with international and constitutional requirements, correlation with the legal system in Moldova and the principles and norms of legislative drafting techniques are checked.

At the moment, there are no uniform methodological rules on how the parliament is delivering legal opinions on bills. In many cases the opinions submitted by standing committees are very formal, the proposed amendments are not analysed in terms of legality and systematic connection with other legislative acts. Therefore, in order to improve the quality of legislation and ensure a better law enforcement, the Parliament intends to develop and apply uniform rules on the preparation and delivery of legal opinions on bills.

In this context, the UNDP Democracy Programme/Parliament component is seeking to hire a national consultant who will develop a Methodology for developing opinions on draft legislation. The methodology will serve as a toolkit for standing committees and legal department and will offer practical guidance for MPs and parliamentary staffers to make the scrutiny of bills more efficient.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The expected output for the National Consultant's assignment is to develop a Methodology for developing opinions on draft legislation which would include a set of concise and practical instructions that describe the logical sequence of steps to be taken in the process of scrutiny of bills. For detailed information, please refer to Annex 1 – Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- University / Master degree in Law;

II. Years of experience:

- At least 5 years of relevant professional experience in drafting and scrutiny of bills and in preparing opinions;
- In-depth knowledge and understanding of the legislative process and techniques;
- Working experience with Parliament or Government sector;
- Experience in comparative analysis, research, assessment on the implementation of the international legislation and policies;

- Proven experience in working with the international organizations (successful experience in working with UN agencies is an asset);

III. Competencies:

- Strong analytical and drafting skills;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Availability to work with UNDP and Parliament during the indicated /approved period;
- Fluency in Romanian. Knowledge of English and/or Russian will be an asset;
- Computer literacy and ability to effectively use office technology equipment, IT tools.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Financial proposal in USD;
2. Personal CV including past experience in similar projects and at least 3 reference persons.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- University / Master degree in Law;
- At least 5 years of relevant professional experience in drafting and scrutiny of bills and in preparing opinions.

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts);

* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
1. University / Master degree in Law	Bachelor's – 20 pts, Master's/PhD – 30 pts	30
2. At least 5 years of relevant professional experience in drafting and scrutiny of bills and in preparing opinions	5 years – 50 pts, >5 years – 55-60 pts	60
3. Working experience with Parliament or Government sector	Large – 30 pts, to some extent – 10-20 pts, No – 0 pts	30
4. Experience in comparative analysis, research, assessment on the implementation of the international legislation and policies	Large – 40 pts., to some extent – 10-30 pts, No – 0 pts	40
5. Proven experience in working with the international organizations (successful experience in working with UN agencies is an asset)	Large – 20 pts., to some extent – 5-15 pts, No – 0 pts	20
6. Fluency in Romanian. Knowledge of English and/or Russian will be an asset	Romanian– 10 pts; English and Russian – 5 pts for each	20
7. Interview evaluation criteria: <ul style="list-style-type: none"> In-depth knowledge and understanding of the legislative process and techniques; Strong analytical and drafting skills; Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively; Availability to work with UNDP and Parliament during the indicated /approved period. 	<ul style="list-style-type: none"> 40 pts - In-depth knowledge and understanding of the legislative process and techniques; 20 pts - Strong analytical and drafting skills; 20 pts - Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively; 20 pts - Availability to work with UNDP and Parliament during the indicated /approved period. 	100
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS