



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **01 April 2014**

**Country:** Republic of Moldova

**Description of the assignment:** Legal consultant to assist the Central Electoral Commission of Moldova on alignment of the State Register of Voters legal provisions to the current normative framework

**Project name:** Democracy Programme/Elections

**Period of assignment/services:** 22 April -20 June 2014 (20 WD)

Proposals should be submitted online by pressing the "Apply Online" no later than 15 April 2014.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [beatricia.revenco@undp.org](mailto:beatricia.revenco@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.

Qualified women are encouraged to apply. Due to large number of applications we receive, we are able to inform only the successful candidates about the outcome or status of the selection process.

### 1. BACKGROUND

UNDP Moldova "Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support" is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (Programme) provides continuous assistance to the CEC towards:

- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies to enable them to deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process in Moldova.

In May 2008 the Parliament of Moldova approved Law #101-XVI (Law No. 101) on the Concept of the State Automated Information System "Elections" (SAISE) for the development of an integrated automated system for elections management, including the State Register of Voters. SAISE is a comprehensive election management system which integrates key IT tools and functions needed by the CEC to conduct elections. Law No. 101 is scheduled to be fully implemented by 2015 and envisages establishment of the State Register of Voters (SRV) to be maintained by the CEC. It states that "The State register of voters is a single integrated information system to record the voters in the Republic of Moldova, destined for collection, storage, updating and analysis of information about citizens of Moldova who have reached 18 years and are not legally restricted in their civil right" (Chapter 1, Para. 2).

One of the Programme's objectives is to assist the CEC with further development of SAISE and, specifically, the State register of Voters. Support will be provided through assistance with development and alignment of the new regulations on SRV to the existing normative framework and support to IT development.

In order to prepare detailed legal framework for implementation of the SRV, the CEC has established an internal Working Group on development of draft legislation and regulations on SRV based on the conceptual provisions of the Law 101, Electoral Code and current CEC internal Regulation on preparation and administration of voter lists.

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

The Program intends to contract an experienced legal consultant ("Consultant") to provide the CEC with the necessary support in finalization of development of the new legal provisions on SRV and its alignment to the existing national legal framework.

Specifically, the Consultant will:

- Review relevant existing legal framework and other available documentation, such as, Law No. 101, Electoral Code legislative and other relevant legal acts<sup>1</sup>.
- Participate in the WG meetings and individual meetings with CEC representatives;
- Assist CEC with drafting relevant parts of the draft legal provisions on SRV, in line with national legal techniques<sup>2</sup>;
- Assist CEC in the process of drafting the accompanying informative note for the regulation on SRV (including the assessment of the SRV's regulatory impact);
- Assist CEC with alignment of the produced draft regulation on SRV Law to the existing national legal framework;
- Advise CEC with regard to further implementation of the produced draft regulation on SRV;

For detailed information, please refer to Annex 1 – Terms of Reference.

## **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

- I. Academic Qualifications:
  - Master's Degree or higher in Law or other relevant field;
- II. Experience:
  - At least 5 years of experience in Legal drafting (e.g. laws, Governmental decisions, etc.);
  - Previous experience in working with Moldovan Central Public Administration institutions;
  - Experience in working with electoral legislation of Moldova;
  - Proven experience in dealing with international electoral standards and best practices will be a strong asset;
  - Experience in performing regulatory impact assessment of legal acts will be a strong asset;
  - Experience in drafting normative acts in elections related area will be a strong asset;
  - Previous experience in working within UNDP or other international organisations will be an asset;
- III. Competencies:
  - Proven knowledge of Moldovan Legal framework;
  - Strong analytical, organizational and interpersonal skills;

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<sup>1</sup> These include, among others, Electoral Code No. 1381-XIII (adopted November 21, 1997), Law No. 764 XV on administrative-territorial organization of the Republic of Moldova (adopted December 27, 2001); Law No. 436-XVI on Local Public Administration (adopted on December 28, 2006); Parliament Decision No. 290-XVI confirming the nominal composition of the CEC (November 11, 2005); Law No. 71-XVI on Registers (adopted March 22, 2007); Law No. 982-XIV on Access to information (adopted May 11, 2000).

<sup>2</sup> As specified in Law nr. 780 of 27.12.2001 on legislative acts and other relevant legislation.

- Knowledge of Romanian and Russian (verbal and written) is a must. Knowledge of English will be a strong advantage.

#### **4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

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

1. Proposal explaining why they are the most suitable candidate for the work including past experience in similar Projects (please provide brief information on each of the above qualifications, item by item);
2. Financial proposal;
3. Duly completed and signed P11 Form and personal CV.

#### **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 installments 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:

- Master's Degree or higher in Law or other relevant field;
- At least 5 years of experience in Legal drafting and aligning;
- Knowledge of Romanian and Russian (verbal and written).

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 shall be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<b>Technical</b>		
Master's Degree or higher in Law or other relevant field	Master's – 5 pts; PhD -10 pts	10
At least 5 years of experience in Legal drafting (e.g. laws, Governmental decisions, etc.);	5 years – 10 pts, each additional year – 10 pts, up to max. 40pts	40
Previous experience in working with Moldovan Central Public Administration institutions;	Less than 1 year – 0 pts, 1 years – 5 pts, each additional year – 5 pts, up to max. 20 pts	20
Proven knowledge of Moldovan Legal framework	Less than 2 years – 0 pts, 2-5 years – 10 pts, each additional year – 10 pts, up to max. 40pts	40
Experience in working with electoral legislation of Moldova	no – 0, less than 1 year – 2 pts, 1 year – 6 pts, each additional year – 2 pts, up to max. 20pts	20
Proven experience in dealing with international electoral standards and best practices will be a strong asset	no – 0, less than 1 year – 2 pts, 1 year – 6 pts, each additional year – 2 pts, up to max. 20pts	20
Experience in performing regulatory impact assessment of legal acts will be a strong asset	no – 0, 1 to 3 similar exercises – 10 pts, more than 3 exercises – 20 pts.	20
Experience in drafting normative acts in elections related area will be a strong asset	no – 0, yes – 10 pts	10
Previous experience in working within UNDP or other international organisations will be an asset	no – 0, yes – 10 pts	10
Knowledge of Romanian and Russian (verbal and written) is necessary. Knowledge of English will be a strong advantage	Romanian and Russian –5 pts; English – 10 pts	10
Interview (demonstrated technical knowledge and experience, strong analytical, organizational and interpersonal skills)	70 pts – demonstrated technical knowledge and experience; 30 pts – strong analytical, organizational and interpersonal skills)	100
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b>Financial</b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> 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.		<b>200</b>

### 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**