



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **27 May, 2014**

Country: Republic of Moldova

Description of the assignment: International Consultant on developing a new Environmental Protection Framework Law for the Ministry of Environment

Project name: Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration

Period of assignment/services: June - August, 2014

Proposals should be submitted online by pressing the "Apply Now" button no later than 10 June, 2014.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: traian.turcanu@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.

1. BACKGROUND

Relations between the Republic of Moldova (RM) and the European Union (EU) formally started with the signing of the Partnership and Cooperation Agreement (PCA) in 1994 that entered into force in 1998. The PCA established the basic principles of cooperation between RM and EU and was designed for a 10 year period.

The Partnership and Cooperation Agreement will soon be replaced by an Association Agreement which includes a Deep and Comprehensive Free Trade Area (DCFTA). The documents provide for political association and economic integration and have been initialed in Vilnius in November 2013.

For the Republic of Moldova the AA represents a reform agenda which is based on a comprehensive program of legal harmonization with EU *acquis communautaire*.

The Association Agreement provides that the Parties shall develop and strengthen their cooperation on environmental issues, thereby contributing to the long-term objective of sustainable development and greening the economy. It is expected that enhanced environment protection will bring benefits to citizens and businesses in the Republic of Moldova and in the European Union, including through improved public health, preserved natural resources, increased economic and environmental efficiency, integration of the environment into other policy areas, as well as use of modern, cleaner technologies contributing to more sustainable production patterns. Cooperation shall be conducted considering the interests of the Parties on the basis of equality and mutual benefit, as well as taking into account the interdependence existing between the Parties in the field of environment protection, and multilateral agreements in the field.

UNDP and its international partners are committed to assist Moldova, through technical and financial assistance, in promoting costly legal and institutional reforms that the Association Agreement entails.

The Project “Building Institutional Capacity of the Ministry of Foreign Affairs and European Integration (MFAEI)” aims at strengthening the institutional capacity of the MFAEI as lead institution in the AA negotiation process. In the same context, the Project seeks to contribute to developing EU integration capacities of key line ministries, including the Moldovan Ministry of Environment (MoE). The immediate focus is currently the post-negotiation and implementation phases of the AA.

The objective of the ToR is to support the Ministry of Environment to implement its EU-integration related reform Agenda and in particular to assist the Ministry in developing the legal framework and capacities required for the implementation of the Association Agreement. Specifically, the project aims at developing a new Environmental Protection Framework Law in accordance with the environmental commitments in the Association Agreement and taking into account Moldova’s obligations to multilateral environmental agreements.

While some progress has been made in the approximation of EU environmental legislation in Moldova, an environmental protection law will provide for more detailed and wide ranging legal requirements in accordance with the Association Agreement commitments and for reformed environmental institutions with the capacity to implement and enforce new environmental laws.

Framework environmental protection legislation is a single law that provides the legal and institutional framework for environmental management without having to legislate comprehensively. Normally such legislation declares environmental goals and policy, and lays down basic legal principles and institutional arrangements. Relevant authorities are invested with wide regulatory powers to promulgate subsidiary legislation, addressing environmental issues.

Overall, the Environmental Protection Law along with the Environment Strategy for Moldova, recently approved by Government, are strategic documents setting out a road map for the approximation process in the environmental sector and setting priorities for approximate to EU and international norms and standards.

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

The Project will contract an International Consultant to provide assistance in strengthening and enhancing good environmental governance in order to enable the Moldovan Ministry of Environment to meet EU and international standards. The specific objective is the development of a new Environmental Protection Framework Law in accordance with the commitments in the EU Moldova Association Agreement and taking into account Moldova’s obligations to multilateral environmental agreements and best practice.

The expert will assess relevant Moldovan legislation in force, and develop a gap analysis/needs assessment for new Environmental Protection Law: develop Action plan for remedying gaps in the Moldovan legislation; assess and address the following key requirements for the new Law: 1. Principles and definitions of environmental law; 2. Environmental goals and policy including, but not limited, to the following areas: a) environmental governance and horizontal issues, including Environmental Impact Assessment and Strategic Environmental Assessment, education and training, environmental liability, combating environmental crime, trans boundary cooperation, access to environmental information, decision-making processes and effective administrative and judicial review procedures; (b) Air quality; (c) Water quality and resource management, including flood risk management, water scarcity and droughts;

(d) Waste and resource management and shipment of waste; (e) Nature protection, including conservation and protection of biological and landscape diversity; (f) Industrial pollution and industrial hazards; (g) Chemicals; (h) Noise pollution; (i) soil protection; (j) Urban and rural environment; (k) Environmental fees and taxes; (l) Monitoring and environmental information systems; (m) Inspection and enforcement; (n) eco-innovation including best available technologies ;(a) Mitigation of climate change; (b) Adaptation to climate change; (c) Carbon trading; (d) Research, development, demonstration, deployment and diffusion of safe and sustainable low-carbon and adaptation technologies; (e) Mainstreaming of climate considerations into sector policies; and (f) Awareness raising, education and training. Role of governmental and other stakeholders and their legal competences in the environmental field ; Institutional arrangements; The draft Law should conform to expected legal standards such as the appropriate structure of the law, the use of clear and precise language, coherence of provisions, compliance with Rule of Law standards, and practicability and enforceability of provisions. It should also confirm in respect of user standards of clarity and simplicity; Draft a new Environmental Protection Law based on the above requirements; Draft detailed explanatory notes to help applying these norms; Organise at least one workshops for the Ministry of Environment and other stakeholders to present the proposed draft Environmental Protection Law.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualification

- Master's Degree or equivalent 5 years of relevant professional experience, preferably in law and with specialisation in EU and international environmental legislation. Relevant PhD would be an asset.

Experience

- Good knowledge and minimum 10 years of experience in the field of environmental law drafting and analysis in the area of EU approximation.
- Proven work experience in at least 5 areas of EU environmental law, policies and instruments
- Experience in at least 5 projects related to environmental law reform
- Experience of drafting an environmental framework law in line with the requirements of the environmental acquis and/or the Association Agreement is preferable
- Experience in similar projects in the region and/or Moldova will be an advantage
- Demonstrated experience in delivering legal training on EU environmental law and policy.

Competencies

- Strong analytical and drafting skills;
- Ability to analyze, plan, communicate effectively with stakeholders and present ideas clearly and effectively
- Demonstrated interpersonal and diplomatic skills
- Ability to enter new environments, adapt quickly and produce immediate results.
- Computer literacy - competent user of Microsoft Office programs

Language requirements

- Fluency in written and spoken English. Knowledge of Romanian or Russian would be an asset.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

- **Proposal:** explaining why they are the most suitable for the work;

- **Financial proposal;** in (USD, specifying a total lump sum amount and the number of anticipated working days);
- **Personal CV** including past experience in similar projects and at least 3 references.

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 shall include a breakdown of this lump sum amount (including fee, taxes, 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.

Up to two travel missions are envisaged under this assignment, with a minimum 45 working days in Moldova.

6. EVALUATION

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

- Master's Degree or equivalent 5 years of relevant professional experience, preferably in law and with specialization in EU and international environmental legislation. Relevant PhD would be an asset.
- Good knowledge and minimum 10 years of experience in the field of environmental law drafting and analysis in the area of EU approximation.

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>		

Master's Degree or equivalent 5 years of relevant professional experience, preferably in law and with specialisation in EU and international environmental legislation. Relevant PhD would be an asset	Master's or equivalent 5 years of relevant professional experience, preferably in law and with specialisation in EU and international environmental legislation – 10 pts, PhD's – 20 pts	20
Good knowledge and minimum 10 years of experience in the field of environmental law drafting and analysis in the area of EU approximation	10 years – 35 pts, more than 10 years of experience – 3 pts, for each additional year of experience up to a maximum of 30 additional points;	65
Proven work experience in at least 5 areas of EU environmental law, policies and instruments	No – 0 pts, at least 5 areas – 30 pts; more than 5 areas – up to 50 pts;	50
Experience in at least 5 projects related to environmental law reform	No -0 pts, at least 5 projects – up to 30 pts, more than 5 projects – up to 50 pts,	50
Experience of drafting an environmental framework law in line with the requirements of the environmental acquis and/or the Association Agreement is preferable	No – 0 pts, to some extent – 10 pts, yes – 20 pts,	20
Experience in similar projects in the region and/or Moldova will be an advantage	No – 0 pts, to some extent – 10 pts, yes – 20 pts	20
Demonstrated experience in delivering legal training on EU environmental law and policy	No – 0 pts, to some extent – 10 pts, yes – 20 pts	20
Strong analytical and drafting skills; ability to analyse, plan, communicate effectively with stakeholders and present ideas clearly and effectively; demonstrated interpersonal and diplomatic skills; ability to enter new environments, adapt quickly and produce immediate results; computer literacy - competent user of Microsoft Office programs.	Max. 30	30
Fluency in written and spoken English. Knowledge of Romanian or Russian would be an asset	English- 10 pts; Romanian – 10 pts; Russian – 5 pts;	25
Maximum Total Technical Scoring		300
Financial		
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