



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **5 June, 2014**

**Country:** Republic of Moldova

**Description of the assignment:** International Consultant on legal framework for the access to the railway market and safety on railways

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

**Period of assignment/services:** August - September, 2014

Proposals should be submitted online by pressing the "Apply Now" button no later than 20 June, 2014.

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

Exceeding the classical arrangements of free trade, DCFTA provides not only a mutual opening of markets for most goods and services but requires a gradual rapprochement of norms and standards such as quality standards and rules, sanitary rules, intellectual property rights, trade facilitation, public procurement and competition, energy trade and other.

Except for European Economic Area and EU candidate states, never before has the EU opened its internal market to such an extent to a third country. This reality is possible due to the commitment of the Republic of Moldova to take over the *acquis communautaire*.

In exchange to effective implementation of EU legislation Moldova will gradually become part of the EU internal market.

A deeper economic integration through DCFTA will boost the country's economic growth, will create business opportunities and promote real economic modernization and integration into the EU. The direct result of establishing free trade area with EU is that citizens will benefit from higher quality and safer goods and services while manufacturers will be supported to access international markets.

UNDP and its international partners are committed to assist Moldova, through technical and financial assistance, in promoting costly legal and institutional reforms that DCFTA 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 through aligning relevant policies, administrative and institutional arrangements, legislation, procedures and best practices to EU standards and requirements.

According to the Transport and Logistics Strategy 2013 – 2020, the main goal for development of the railway sector is converting the vertically-integrated state-established railways enterprise "Moldova Railways" (CFM) from the state-owned monopolistic system into the effective market-oriented industry attractive for private initiative and providing of the access to the infrastructure for the private operators.

Initial activities are started to reach this goal. CFM is working on separation of accounts of income and expenses for infrastructure, cargo and passenger transportation. Ministry of transport and Road Infrastructure has drafted amendments to the legal acts to establish a special governmental agency – Railway Agency which initially will perform the functions of the licensing and safety body and will prepare further activities for restructuring of railway system. The functions of an accident and incident investigating body will be performed by the separate state institution and necessary legal acts for that are on the final approval stage in the parliament.

External assistance is needed to consult the Ministry of transport and Road Infrastructure and the key persons from the Railway Agency to be established (hereinafter - Beneficiaries) and prepare necessary legislative and operational acts so that the new Railway Agency will be able to start its activities on 01.01.2015 in compliance with the EU requirements and best practices (Directives 95/18/CE and 2004/49/CE in particular).

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

The project will contract an International Consultant to consult the Ministry of Transport and Road Infrastructure in the area of approximation of EU legislation and procedures for access to the railway market and safety on railways.

The expert will assess and report on current situation – legislation, amendments to the legislative acts prepared, institutional arrangements, national procedures and documentation in the area of access to the railway market and safety on railways; on the basis of activity 1, develop, jointly with the Beneficiaries, a mission action plan for remedying gaps and lacks; together with the Beneficiaries draft a package of operational documentation internal regulations, guidelines and manuals in compliance with EU requirements and EU best practices for the new state institution - Railway Agency, planned to start their activities on 01.01.2015; together with the Beneficiaries draft further legislative acts/amendments and supporting documentation (e.g. legislative impact analysis) for remedying gaps and lacks on

implementation of EU requirements found out in activity 1; present the final mission report during a workshop with Beneficiaries and other relevant stakeholders.

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

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

#### Academic Qualification

- Bachelor's degree in the field of transport or other relevant field. Bachelor's degree or Master's degree in Law would be an advantage;

#### Experience

- Minimum 15 years of work experience in the railway area;
- Experience in transposing EU requirements in the area of shipping and port operations;
- Minimum 7 years specific experience in implementation of EU requirements (1st., 2nd and 3rd "Railway packages") in national legislation and/or relevant work experience at high level positions in governmental institutions responsible for access to the railway market and safety on railways in EU countries;
- Knowledge of and experience in assisting government institutions within projects funded by international organizations in the region, candidate or EU member states would be an asset;

#### Competencies

- 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.

#### 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 18 working days in Moldova.

## **6. EVALUATION**

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

- Bachelor's degree in the field of transport or other relevant field. Bachelor's degree or Master's degree in Law would be an advantage;
- Minimum 15 years of work experience in the railway area.

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.

<b>Criteria</b>	<b>Scoring</b>	<b>Maximum Points Obtainable</b>
<b><u>Technical</u></b>		
Bachelor's degree in the field of transport or other relevant field. Bachelor's degree or Master's degree in Law would be an advantage;	Bachelor degree - 10 pts, Bachelor's degree in Law – 15 pts, Master's – 20 pts, Master's degree in Law – 25 pts	25
Minimum 15 years of work experience in the railway area.	15 years – 25 pts, more than 15 years of experience – 2 pts, for each additional year of experience up to a maximum of 30 additional points;	55
Experience in transposing EU requirements in the area of shipping and port operations;	No -0 pts, to some extent – up to 25 pts, yes – up to 65 pts,	65
Minimum 7 years specific experience in implementation of EU requirements (1st., 2nd and 3rd "Railway packages") in national	Less than 7 years of experience – 15 pts, 7 years – 25 pts, more than 7 years of experience – 5 pts, for each	60

legislation and/or relevant work experience at high level positions in governmental institutions responsible for access to the railway market and safety on railways in EU countries;	additional year of experience up to a maximum of 35 additional points;	
Knowledge of and experience in assisting government institutions within projects funded by international organizations in the region, candidate or EU member states would be an asset;	No -0 pts, to some extent – up to 25 pts, yes – up to 40 pts	40
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- 15 pts; Romanian – 5 pts; Russian – 5 pts;	25
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></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**