



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **6 June, 2014**

Country: Republic of Moldova

Description of the assignment: International Consultant on legal framework for the security of ships and port facilities and safety management

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

Period of assignment/services: July-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. 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.

Republic of Moldova does not have direct access to the sea although 430 meters long stretch of the River Danube has been developed into the port of Giurgiulesti to provide a strategic asset for the country.

The Moldovan registered merchant fleet (~300 ships) is continuously in the black list of the Paris Memorandum of Understanding on Port State Control as a result of insufficient flag state control under the IMO conventions to which it is a party.

Though there are certain legal acts that may assist the implementation of the requirements of international conventions to which Moldova is a party, most deficiencies are caused by failure to implement and enforce existing commitments. A full scale, in depth review of working practice is urgently needed.

Moldovan authorities plan to reorganize the public institution - Giurgiulesti Harbor Master Service (GHMS) - and set up a Governmental Agency which will perform the port State control and the Flag state control functions. In this context, there is a need to establishment well documented processes for the reorganized institutions and draft a sound legislative framework necessary for the implementation and enforcement of relevant EU Directives and Regulations on security of ships and port facilities (such as Regulation (CE) 725/2004 and Directive 2005/65/CE) as well as on the implementation of the International Safety Management Code (ISM Code and Regulation (EC) No 336/2006).

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 (MTRI) in the area of approximation of EU legislation and procedures on security of ships and port facilities and safety management.

The expert will assess and report on current situation – legislation, draft amendments to legislative acts, institutional arrangements, national procedures and documentation in the area of security of ships and port facilities and safety management; develop, jointly with the MTRI and GHMS (hereinafter - the Beneficiaries), a mission action plan for remedying gaps; draft legislation/legislative amendments (including regulating institutional arrangements) and supporting documentation (e.g. legislative impact analysis) jointly with the Beneficiaries; draft a package of operational documentation, internal regulations, guidelines and manuals in compliance with EU requirements and EU best practices in the area of security of ships and port facilities and safety management and implementation of the

International Ship and Port Facility Security and International Safety Management Codes; present the final mission report during at least one 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 shipping or other relevant field. Bachelor's degree or Master's degree in Law would be an advantage;

Experience

- Minimum 5 years of work experience in the area of shipping and port operations;
- Experience in transposing EU requirements in the area of shipping and port operations;
- Minimum 3 years specific experience in developing, reviewing, or approving security plans for port facilities and vessels and safety management systems;
- Knowledge of and experience in assisting government institutions (in implementing EU legislation on shipping and port operations) 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 shipping or other relevant field. Bachelor's degree or Master's degree in Law would be an advantage;
- Minimum 5 years of work experience in the area of shipping and port operations.

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>		
Bachelor's degree in the field of shipping 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 5 years of work experience in the area of shipping and port operations	5 years – 25 pts, more than 5 years of experience – 6 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 3 years specific experience in developing, reviewing, or approving security	Less than 3 years - 15pts, 3 years – 25 pts, more than 3 years – 5 pts, , for	40

plans for port facilities and vessels and safety management systems;	each additional year of experience up to a maximum of 15 additional points	
Knowledge of and experience in assisting government institutions (in implementing EU legislation on shipping and port operations) 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 35 pts, yes – up to 60 pts	60
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
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