



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **12 June, 2014**

Country: Republic of Moldova

Description of the assignment: International Consultant on EU approximation of legislation relating the control of major accident hazards involving dangerous substances for the Ministry of Environment

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

Period of assignment/services: July -August, 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 *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.

Industrial hazards come under the Environment Chapter of the Association Agreement. Directive 96/82/EC on the control of major accident hazards involving dangerous substances, is also called the Seveso II Directive named after the Italian town which suffered exposure to an accidental release of dioxin in 1976, which then led to the adoption of the Seveso I Directive 82/501/EEC. The 'Seveso' directive now applies to around 10,000 industrial establishments where dangerous substances are used or stored in large quantities, mainly in the chemicals, petrochemicals, storage, and metal refining sectors.

Under the Association Agreement the following provisions and timeline for implementation apply to this Directive :

- adoption of national legislation and designation of competent authority/ies (within 4 years of the entry into force of the Agreement).
- establishment of effective coordination mechanisms between relevant authorities(within 4 years of the entry into force of the Agreement)
- establishment of systems for receiving notifications with information about relevant Seveso establishments and for reporting on major accidents (Articles 6, 14, and 15) (within 7 years of the entry into force of the Agreement).

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

The Project will contract an International Consultant to consult and develop the capacity of the Ministry of Environment and relevant subordinate institutions in the area of upgrading and EU approximating national legislation, institutional arrangements, procedures and best practices in the area of industrial hazards in relation to Directive 96/82/EC on the control of major accident hazards involving dangerous substances.

The expert will assess and report on current legislation, institutional arrangements, national procedures and documentation based on EU requirements set out in the Association Agreement for Directive 96/82/EC on the control of major accident hazards involving dangerous substances; based on Directive 96/82/EC on the control of major accident hazards involving dangerous substances articles specified in the Association Agreement, undertake a gap analysis, including a Table of Concordance, and needs assessment for the harmonization of the current relevant legislation and procedures in Moldova; draft a report and Action Plan on the detailed, step by step actions needed to align Moldovan legislation and procedures with the requirements of Directive 96/82/EC; review the gap analysis and needs assessment and draft findings with the Beneficiary and key stakeholders; prepare drafts of key legislation for transposition of the Directive and procedural documents as identified and agreed with the Beneficiary; draft a presentation on the specific procedures in the field of control of major accident hazards involving dangerous substances and submit it to the Beneficiary for approval, and deliver the presentation during a one-day workshop with representatives of key stakeholders (including representatives of the Centre for Legal Approximation).

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualification

- Relevant University degree in Law or other related field. Relevant Master's Degree or PhD would be an asset.

Experience

- Good knowledge and minimum 5 years of experience in the field of environmental law drafting and analysis in the area of EU approximation.
- Proven work experience in at least 3 projects of EU environmental law, policies and instruments
- Specific experience of Directive 96/82/EC would be an advantage;
- Knowledge of and experience in assisting government institutions within projects funded by international organizations in the region of Central and Eastern Europe (experience in countries with economies in transition would be an asset).

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 20 working days in Moldova.

6. EVALUATION

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

- Relevant University degree in Law or other related field. Relevant Master's Degree or PhD would be an asset.
- Good knowledge and minimum 5 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>		
Relevant University degree in Law or other related field. Relevant Master's Degree or PhD would be an asset.	University degree - 10 pts, Master's – 20 pts, PhD's – 30 pts	30
Good knowledge and minimum 5 years of experience in the field of environmental law drafting and analysis in the area of EU approximation	5 years – 35 pts, more than 5 years of experience – 7 pts, for each additional year of experience up to a maximum of 35 additional points;	70
Proven work experience in at least 3 projects of EU environmental law, policies and instruments	No -0 pts, to some extent – up to 25 pts, yes – up to 50 pts,	50
Specific experience of Directive 96/82/EC would be an advantage	No -0 pts, to some extent – up to 25 pts, yes – up to 40 pts,	40
Knowledge of and experience in assisting government institutions within projects funded by international organizations in the region of Central and Eastern Europe (experience in countries with economies in transition would be an asset.	No -0 pts, to some extent – up to 25 pts, yes – up to 45 pts,	45

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. 40	40
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