



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **30 July 2012**

Country: Republic of Moldova

Description of the assignment: National Consultant to ensure the quality control of the drafts of legal acts submitted for approval to the State Chancellery

Project name: "Transitional Capacity Support for the Public Administration of Moldova"

Period of assignment/services: 10 months (August 2012 -June 2013)

Proposals should be submitted by email to vacancies-moldova@undp.org, no later than **12 August 2012**.

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

The project "Transitional Capacity Support for the Public Administration of Moldova" was designed upon the request of the Government of Moldova to enhance capacities of the Moldovan Central Public Administration in order to accelerate the reform process and achieve Moldova's short-and medium term development goals. The project seeks to address urgent short-term capacity needs of the public administration at a time when Moldovan central government institutions face serious financial and human resources gaps. In addition to helping the Government pursue critical reform priorities, the intervention is designed to catalyze the on-going implementation of central public administration reform. It is coordinated and managed by the United Nations Development Programme (UNDP) and the State Chancellery of Moldova and will complement on-going work by other donors.

The Moldovan diaspora and non-governmental sector, including the private and civil society sectors, would be the main source for such consultants. They would not be expected to become permanent staff of the civil service, but instead, based on a competitive process, would be hired for a defined period. Capacity building consultants could be tasked to establish and implement processes and procedures that an administrative unit is expected to perform on a regular basis in the future, for capacity building often needs to start by "showing by doing". Capacity building consultants would be engaged and their TORs defined in a way that would protect the integrity of the civil service and work to strengthen its intrinsic capacity. The project needs to guard against subtracting capacity from the civil service. In most cases, the sub-projects will be composed of national consultants – professionals who provide advice, coaching, and skills that are not expected to be performed on a permanent basis by the civil service. They could also temporarily assume specific responsibilities and tasks expected to be taken over by public institutions.

According to the 2011 – 2014 Government Activity Program 'European Integration: Freedom, Democracy, Welfare' and the Justice Sector Reform Strategy 2011-2016, a special attention is drawn to build a state governed by law promoting structural and procedural reforms in justice. The following objectives were

formulated in this respect:

1. Creation of a judicial system in line with the European aspirations of the republic of Moldova;
2. Reformation of the judicial systems in order to create independent, unbiased, functional and transparent institutions;
3. Improving integrity and professionalism of the judicial system;
4. Ensuring a stable and efficient financing system for the judicial system.

To achieve these objectives, the Government will take the following priority actions:

- Reform the judicial self-management and organizational system;
- Reform the prosecution system;
- Reform the procedural legislation;
- Reform the law enforcement institutions of the state.

Both, the new Activity Program of the Government and the results of the negotiations of the future EU-RM Association Agreement, indicate clearly important sectors like agriculture, energy, trade, infrastructure, consumer protection, environment, public health, taxation, informational technologies, non-discrimination, etc, in which gradual legal approximation with the EU acquis shall be carried out. These objectives, together with the commitments that will be undertaken by the Moldovan Government in the context of the negotiations on future Deep and Comprehensive Free Trade Area, will undoubtedly lead to an increased number of drafts aiming at transposition of the EU law. In such circumstances, there is a need for higher degree of specialisation which will ensure a high quality of the legal approximation process even when facing an increased workload.

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

The scope of this assignment is to provide support to the Prime Minister and the General Secretary of the Government in ensuring the quality control of the drafts of legal acts submitted to the State Chancellery for approval. The national Consultant is expected to analyze the drafts of normative acts and provide comments regarding their compliance with the EU standards and the national norms on the legislative techniques.

In order to achieve the stated objectives, the National Consultant will have the following responsibilities:

- Provide consultancy to the State Chancellery in drafting legislative and normative acts in compliance with EU acquis - communautaire;
- Formulate proposals and strategic advices in the area of legal reforms in line with the best practices of the European Union and the Council of Europe;
- Provide legal assistance to the Prime Minister and the General Secretary of the Government in the implementation of the legislative and normative acts by the Government;
- In terms with " National Plan for harmonization legislation for 2012, no. 962 of 19/12/2011 " National Consultant will provide comments and recommendations to improve the draft laws and decisions submitted for approval to the State Chancellery before their examination at the Governmental meetings;
- Monitoring the implementation of the Justice Sector Reform Strategy 2011-2016 and its Action Plan, and formulating proposals in order to accelerate the completion of planned activities in the areas with significant deficiencies
- Provide appropriate advice and solutions in cases of complex legal disputes (litigations) involving Government and State Chancellery;

- Advice on alternative methods of streamlining the cooperation between the Government, the State Chancellery and the Parliament of the Republic of Moldova, Constitutional Court, Superior Council of Magistrates, General Prosecutor's Office, Ministry of Justice and other relevant bodies;
- Provide advice to the Prime-Minister and the General Secretary of the Government on the institutional reorganization issues, based on the provisions of the Government Program and with consideration of the recommendations of the CPA's Functional Review;
- Assisting the Government in providing advice to the UNDP and other donors on the most relevant and appropriate areas of further UNDP assistance contributing to the advancement of the judicial reform;
- Perform any other activities related to the legal approximation process in the context of the future EU-RM Association Agreement which may emerge during the course of time.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Relevant academic qualification in law or other relevant field ;

II. Years of experience:

- 3 years of relevant work experience;

III. Competencies:

- Extensive knowledge of the Moldovan Government setup and good knowledge of legislation and legal regulations on government operations (constitution, government law, civil service act, public procedural law);
- Experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations;
- Relevant European best practice knowledge on legislation with specific focus on *acquis communautaire*;
- Ability to work effectively with high-ranking national and regional government officials, to advise and interact with all levels of management and staff;
- Prior professional experience working on international, regional, or bilateral donor-funded projects (e.g. UNDP, World Bank, USAID, DFID etc.) or private sector;
- Ability to form effective working teams and lead/guide the teams' activities towards accomplishing established goals;
- Ability to effectively communicate and write in Romanian and English languages;
- Computer proficiency, including knowledge of MS Office products (Word, Excel, Power Point).

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 for the work;
- Provide a brief methodology on how they will approach and conduct the work (if applicable);

2. Financial proposal;

3. Personal CV including past experience in similar projects and at least 3 references.

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).

6. EVALUATION

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

- University degree in law or other relevant field;
- At least 3 years of relevant work experience.

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 – 70% (350 pts);

* Financial Criteria weight – 30% (150 pts).

Only candidates obtaining a minimum of 245 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
• Relevant academic qualification in law or other relevant field	(under-Master's – 20 pts, Master's – 40 pts; PhD – 50 pts)	50
• 3 years of relevant working experience	(3 years – 30 pts, >3 years – 40 pts)	40
• Knowledge of the Moldovan Government setup, of legislation and legal regulations on government operations (constitution, government law, civil service act, public procedural law)	(no – 0, to some extend – 20; yes – 40 pts.)	40
• Experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations	(no – 0, to some extend – 20; yes – 40 pts.)	40
• Relevant European best practice knowledge on legislation with specific focus on aquis-communitaire;	(no – 0, to some extend – 20; yes – 40 pts.)	40
• Ability to work effectively with high-ranking national and regional government officials, to advise and interact with all levels of management and staff;	(no – 0, to some extend – 20; yes – 40 pts.)	40
• Interview (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness)	(60 – demonstrated technical knowledge and experience; 15 – communication/ interpersonal skills; 15 – initiative; 10 – creativity/resourcefulness)	100

Maximum Total Technical Scoring	350
<u>Financial</u>	
Evaluation of submitted financial offers will be done based on the following formula: <u>$S = F_{min} / F * 150$</u> 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.	150

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