



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **17 September, 2014**

**Country:** Republic of Moldova

**Description of the assignment:** International Consultant on Implementation of Environmental Impact Assessment (EIA) Law for the Ministry of Environment of the Republic of Moldova

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

**Period of assignment/services:** October-December, 2014

Proposals should be submitted online by pressing the "Apply Now" button no later than 1 October, 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The Partnership and Cooperation Agreement has recently been replaced by an EU Moldova Association Agreement which includes a Deep and Comprehensive Free Trade Area (DCFTA).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 and signed in Brussels in June 2014.

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 institutional capacities required for the implementation of the Association Agreement. The project aims to support the implementation of the new Environmental Impact Assessment Law No 86 in accordance with the environmental commitments in the Association Agreement and taking into account Moldova’s obligations to international conventions and multilateral environmental agreements.

The Law on Environmental Impact Assessment No 86 of May 29, 2014 transposes the provisions of the Directive No 2011/92/EU set out in the Association Agreement. The law will enter into force on January 4th 2015. According to Article 29 of the Law No. 86 the MoE will develop Guidance to implement the procedures on EIA by the 4<sup>th</sup> January 2015. A legal EIA requirement in Moldova was first introduced the Law on Ecological Expertise and Environment Impact Assessment (1996). Since 1993 the country is also party to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (entered into force in 1997) which requires it to notify neighbouring countries of all major projects under consideration that are likely to have a significant transboundary environmental impact.

The aim of the EIA Directive is to ensure that projects which are likely to have a significant effect on the environment are adequately assessed before they are approved. The purpose of an Environmental Impact Assessment (EIA) is to provide information for decision-makers and the public on the environmental consequences of proposed actions and to promote environmentally sound development through the identification of appropriate enhancement and mitigation measures. Consultation of the public is inherent in the EIA Directive and has been reinforced by the amendments to the EIA Directive. For more than 25 years in the EU Member States, the EIA Directive has helped ensure that environmental considerations are integrated into decision-making for projects. This has improved the sustainability of countless projects, while also empowering citizens and ensuring that they are informed and consulted before decisions are made.

EIA has a role in aid effectiveness and investment projects funded by International Financial Institutions (IFIs) are subject to EIA. The Paris Declaration on Aid effectiveness noted that international donor community has made considerable progress in harmonization around EIA, and looks to future strengthening of the application of EIA. Even before the Declaration IFIs collaborated in pursuing this Agenda and in 2005 published a common set of principles for Environmental Impact Assessment.

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

The Project will contract an International Consultant to strengthen and enhance good environmental governance in order to enable the Moldovan Ministry of Environment to meet EU and international standards in relation to the implementation of Environmental Impact Assessment. Specifically, the project has three aims (I) developing an Action Plan , (II) new EIA Guidance (III) Prepare draft project Fiche for Institutional

Twinning, to support the implementation of the new Environmental Impact Assessment Law No 86 in accordance with the environmental commitments in the Association Agreement and taking into account Moldova's obligations to international conventions and multilateral environmental agreements.

The expert will identify the necessary actions to ensure EIA implementation meets EU requirements including institutional framework, roles and responsibilities, procedures, systems and resources. Account should be taken of the future establishment of an Environmental Protection Agency in Moldova, clearly define actions, and propose timetable for implementation including milestones and deadlines, organize a workshop to present Action Plan for Implementation of Environmental Impact Assessment to MoE and other stakeholders.

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

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

#### Academic Qualification

- Master's Degree or Bachelor Degree + equivalent professional experience of at least 2 years in law, environment, public administration or other related field.

#### Experience

- Good knowledge and minimum 7 years of experience in the field of environment and analysis in the area of EU approximation.
- At least 5 years' experience in EU accession related to environment sectors particularly horizontal legislation.
- Demonstrated experience of EIA implementation process according to EU EIA Directive
- Practical experience in providing technical assistance for approximation of the EU legislation in EU Member States and/or Candidate/Accession/ Association Countries.
- Experience in similar projects in the region and/or Moldova will be an advantage

#### 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 30 working days in Moldova.

## 6. EVALUATION

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

- Master's Degree or Bachelor Degree + equivalent professional experience of at least 2 years in law, environment, public administration or other related field.
- Good knowledge and minimum 7 years of experience in the field of environment 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:

- responsive/compliant/acceptable, and
- 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
<b><u>Technical</u></b>		
Master's Degree or Bachelor Degree + equivalent professional experience of at least 2 years in law, environment, public	Master's Degree or Bachelor Degree + equivalent professional experience of at least 2 years – 20 pts	20

administration or other related field		
Good knowledge and minimum 7 years of experience in the field of environment and analysis in the area of EU approximation	7 years – 35 pts, more than 7 years of experience – 5 pts, for each additional year of experience up to a maximum of 35 additional points;	70
At least 5 years' experience in EU accession related to environment sectors particularly horizontal legislation	5 years – 35 pts, more than 5 years of experience – 5 pts for each additional year of experience up to a maximum of 25 additional points	60
Demonstrated experience of EIA implementation process according to EU EIA Directive	No – 0pts, at some extent – up to 20pts, yes – up to 45 pts;	45
Practical experience in providing technical assistance for approximation of the EU legislation in EU Member States and/or Candidate/Accession/ Association Countries.	No – 0pts, at some extent – up to 20pts, yes – up to 35 pts;	35
Experience in similar projects in the region and/or Moldova will be an advantage	No – 0pts, yes – up to 15 pts;	15
Relevant Technical proposal (justification of being suitable for the work, vision and working approach). Proven report writing skills.	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**