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INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **9 October 2014**

Country: Republic of Moldova

Description of the assignment: One (1) International Consultant on the tariffs, taxation for social security of justice system related professions

Project name: Support to Justice Sector Reform in Moldova

Period of assignment/services: October 2014 – March 2015 (up to 50 working days)

Proposals should be submitted online by pressing the "Apply Now" button no later than **23 October 2014**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: alexandru.cocirta@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 Justice Sector Reform Strategy for 2011 – 2015¹ had been approved in 2011. The Strategy and achieved progress in its implementation was one of the main conditions for the successful negotiation and signature in 2014 of the EU-Moldova Association Agreement. EU had provided the Sector Budget Support and four technical assistance projects to assist the Government of Moldova in the implementation of the Strategy. However, the tasks, as set forth in the Strategy, are very ambitious, and although other international partners (USA, CoE, Romania, Norway and others) also provide support, it is still not sufficient to achieve the planned progress. The Ministry of Justice had indicated a number of drawbacks in the implementation of the particular actions as per the Strategy's Action Plan, which impede the progress.

One of these priority issues stated in the Ministry of Justice's request is linked to the current status of the services provided in the justice sector by various justice system related professions (defence lawyers, notaries, bailiffs, judicial experts, mediators, translators/interpreters etc.). The **tariffs** (pricing for the provided services) are established arbitrary by the service providers, without having a methodology to make the calculations based on clear criteria and indicators. On the other hand, the **taxation** of the justice system related professions is based on different regulations, is complicated and difficult to monitor the implementation. The same situation exists in the area of the **social security** (pension fund, medical insurance, etc.) of the justice system related professions. All these lead to over-pricing of the services, hiding of income by representatives of justice system related professions to avoid paying taxes, and in general limit access to legal services and to justice for the population that cannot afford high costs. The absence of a clear, transparent and an uniform methodology makes justice system related professions

¹ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf

prone to corrupted behaviours, lack of integrity and infringement of the Codes of Ethics, making this part of the justice system a weak link that negatively affects the system in general and people's trust in it.

The Ministry of Justice requested UNDP to provide the international expertise that would support the process of analysing of the situation in the pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension payments systems in relation to the justice system professions, of formulating the recommendations for the improvement and streamlining of the system based on options existing in other countries and in drafting the methodology for establishing the tariffs in a transparent and justifiable way and the methodology for the establishment of the uniform taxation and social security, medical insurance and pension payments systems for the justice system related professions.

The task is in line with the mandate and objectives of the UNDP, since its implementation would contribute to preventing corruption and corrupted behaviours in the Justice System, would make it more transparent, accountable and would ensure accessible legal services for people. The task will be implemented in a participatory way through a series of consultations with the representatives of the justice system related professions and their associations.

2. OBJECTIVE:

The main objective is to support the Ministry of Justice in the implementation of the Justice Sector Reform Strategy and its Action Plan regarding the intervention area 3.2.3. "Development of integrated, clear and accurate pricing mechanisms for services rendered" and the intervention area 3.2.9. "Establish a single tax regime, social security and medical insurance for the representatives of the justice system related professions".²

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

The **scope of work** of the International Consultant will be:

- To analyse the situation in and to present studies on the **a) pricing mechanisms (tariffs), b) tax regime, social security, medical insurance and pension payments systems (taxation), in relation to the justice system related professions** (notaries, defence lawyers, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters);
- To formulate recommendations for the improvement and streamlining of the system based on options existing in other countries for the elaboration of the efficient, viable, clear, fair and predictable mechanism of tariff settings and taxation system;
- To facilitate the discussions of the proposed options with the representatives of the justice system related professions and their associations;
- To draft a methodology for establishing the tariffs in a transparent and justifiable way;
- To draft a methodology for the establishment of the taxation for the justice system related professions.

In order to achieve the objective the International Consultant shall:

- Elaborate methodology for the studies on the current pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems for the representatives of the justice system related professions (notaries, defence lawyers, bailiffs, judicial experts, mediators, authorised administrators, authorised translators/interpreters), including in terms of comparison with other countries' legislation and systems, in coordination with the MoJ;

² http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/PA_SRSJ_adoptaten.pdf

- Conduct a study and develop recommendations on the current pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems with the reflection of the practice, policies, successes, deficiencies in these sphere in the Republic of Moldova compared to the most efficient systems in EU countries;
- Collaborate with the staff of the MoJ responsible for the respective profession, with the representatives of the justice system related professions and their associations;
- Present the study and the recommendations, debate it publicly with the participation of the representatives of the justice system related professions and their associations;
- Adjust the recommendations (including on the amendments of the normative framework) following the debates and submit it to the MoJ and UNDP, attaching the materials used for the elaboration of the study and schedule of meetings held;
- Elaborate Methodological recommendations concerning the pricing mechanisms for the services provided by the representatives of each of the professions related to justice system;
- Elaborate Methodological recommendations concerning the tax regime, social security, medical insurance and pension systems for the representatives of the justice system related professions and submit the methodologies to the MoJ and UNDP;
- Work closely with the National Consultant contracted for the purposes of the assignment;
- Undertake other related tasks for the purposes of the assignment.

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

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in law, public administration, economy, finance or other relevant fields;

II. Years and sphere of experience:

- At least 5 years of proven professional experience in the area of justice system related professions, tariffs, taxation or other relevant fields;

III. Competencies:

- Demonstrated commitment to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Professional understanding of the issues of pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems, especially in relation to the justice system related professions;
- Experience in working on similar assignments, including successful experience in working with UN agencies, is a strong asset;
- Experience in analysing, generalizing, and systematizing information, drafting studies;
- Excellent communication presentation skills, ability to facilitate discussions;
- Proven ability to work in a team;
- IT skills including word processing, presentation software and use of other relevant applications;
- Fluency in English;
- Knowledge of Romanian and/or Russian is a strong asset;

IV. Personal qualities: responsibility, creativity, flexibility and punctuality.

The United Nations in the Republic of Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information in English to demonstrate their qualifications:

1. Cover letter:

- (i) Explaining why they are the most suitable for the work, incl. a list of analytical documents on pricing, taxation, reports, methodologies, capacity building activities, or other task related documents the applicant has elaborated or contributed to;
- (ii) Provide a brief methodology on how they will approach and conduct the work;

2. Financial proposal as a **lump sum** in US Dollars, preferably split per each deliverable (which includes the fee, and all travel costs for two short missions to Moldova). For detailed information on travel requirements, please, refer to Annex 1 – Terms of Reference;

3. Personal information (as a detailed CV or as a Personal History Form / P11) including records on past experience in similar projects/assignments and concrete outputs obtained, including 3 reference persons and their contacts.

6. 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).

Payment will be made in two instalments: one following the completion of the 1st and 2nd activities, based on the study and recommendations submitted to the UNDP Moldova Justice and Human Rights Programme Analyst, and the second, following the completion of 3rd and 4th activities based on the methodologies and a final report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

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.

7. EVALUATION

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

Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in law, public administration, economy, finance or other relevant fields;

Years and sphere of experience:

- At least 5 years of proven professional experience in the area of justice system related professions, tariffs, taxation or other relevant fields.

The short-listed individual consultants will be further evaluated based on the following methodology:

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

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.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master's Degree or equivalent (5-year university education) in law, public administration, economy, finance or other relevant fields	(Master – 20 pts., PhD – 40 pts.)	40
At least 5 years of proven professional experience in the area of justice system related professions, tariffs, taxation or other relevant fields	(5 years – 30 pts., 3 – 6 years – up to 35 pts., 6 – 10 years – up to 50 pts., more than 10 years – up to 60 pts.)	60
Professional understanding of the issues of pricing mechanisms (tariffs), tax regime, social security, medical insurance and pension systems, especially in relation to the justice system related professions	(no – 0 pts., to some extent – up to 25 pts., yes, advanced – up to 50 pts., in relation to the justice system related professions – up to 30 additional pts.)	80
Experience in working on similar assignments, including successful experience in working with UN agencies, is a strong asset	(0-3 years – up to 20 pts., 3 – 5 years – up to 30 pts., 5 – 10 years and more – up to 50 pts.)	50
Experience in analysing, generalizing, and systematizing information, drafting studies	(no – 0 pts., to some extent – 20 pts., yes – up to 40 pts.)	40
Knowledge of English, Romanian and Russian	(English, Romanian, Russian – 10 pts. each)	30
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 REFERENCE (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS