



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **30 October 2014**

Country: Republic of Moldova

Description of the assignment: Two (2) National Consultants to draft methodological guidelines for the investigation of individual corruption cases

Project name: Strengthening Rule of Law and Human Rights Protection in Moldova

Period of assignment/services: November 2014 – December 2015 (up to 150 working days for each consultant with the possibility of extension)

Proposals should be submitted in person online by pressing the "Apply Now" button no later than 6 November 2014, specifying the position candidates apply for.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: natalia.voronova@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 Republic of Moldova is facing with a number of problems which are negatively impacting the democratic governance, including corruption in the judiciary, insufficient respect of the rule of law and gaps in the human rights protection. These problems are officially recognised and specific national strategies and plans were elaborated in order to address them comprehensively.

Thus, the Government programme *"European Integration: Liberty, Democracy, Welfare"*¹ 2011-2014 and its *Action Plan 2011-2014*² are providing that the Moldovan government shall ensure the observance of the principle of separation and independence of the legislative, executive and judicial powers, as well as efficient fight against corruption and even and correct enforcement of laws. Strengthening the democratic governance in the Republic of Moldova is a priority for both the Austrian Development Agency enshrined in its *Country Strategy 2011-2015*³ and for the UNDP Moldova enshrined in the *United Nations Partnership Framework 2012-2017*.⁴

The *Justice Sector Reform Strategy 2011-2016*⁵ and its *Action Plan* foresees large-scale reforms to address many legal, economic and social bottlenecks to the development of Moldova in order to ensure that the justice system is independent, efficient, incorrupt and accessible to all. The *Pillar II of the Strategy* – "The

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<http://www.gov.md/download.php?file=cHVibGljL3B1YmxpY2F0aW9ucy8yNjkyNDQ1X2VuX3Byb2dyYW1fZGVfZ3V2LnBkZg%3D%3D>

² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337937>

³ See Area 2.1.3: http://www.entwicklung.at/uploads/media/CS_Moldova_2011-2015_01.pdf

⁴ See Pillar 1: Democratic Governance, Justice, Equality and Human Rights: <http://www.un.md/publicdocget/42>

⁵ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf

Criminal Justice” requires an efficient and effective criminal investigation procedure complying with international standards; usage of modern methods of criminal investigation and prosecution; enhanced professional capacities of persons involved in activities of criminal investigation and prosecution.

The government of the Republic of Moldova needs to be supported in the implementation of reforms using and applying best international practices and experiences. One of the major priorities of the *Association Agenda between the European Union and the Republic of Moldova*, implemented in the period 2014-2016, is 2.1 *Political dialogue and reform*, which urges to “strengthen the coordination and information exchange between the authorities responsible for the fight against corruption, putting in place a functional framework for efficient financial investigations and asset recovery”. This priority action could be supported by using efficient measures on investigating corruption cases, which should be acquired along with the EU standards and best practices.

Corruption in the justice sector violates the right to a fair trial, undermines the protection of property rights, prevents long term investments and business activity thus violating human rights and slowing down economic development. In 2013 the Parliament has approved a package of anti-corruption legislation (laws on testing the professional integrity of the justice sector actors, on criminalization of illicit enrichment, and on extended confiscation) in order to strengthen the legislative framework for fighting corruption. The Action Plan of the Justice Sector Reform Strategy further stipulates in the point 4.1.3 (6) a need in the “Development of methodological guidelines for law enforcement in corruption cases”.

The Strengthening Rule of Law and Human Rights Protection Mechanisms in Moldova Project is funded by the Federal Ministry for Europe, Integration and Foreign Affairs of Austria, co-funded and implemented by the United Nations Development Programme in the Republic of Moldova (UNDP Moldova) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

2. OBJECTIVE:

The main objective is to strengthen the legal framework and knowledge to combat corruption in the justice sector by strengthening the legislative framework and enhancing law enforcement staff knowledge and capacities to combat corruption.

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

The **scope of work** of the National Consultants will be:

- Providing expertise, including theoretical and practical knowledge for drafting of methodological guidelines for the investigation of individual corruption cases by law enforcement professionals;
- Providing expertise aimed at capacity building and training of the professionals from the National Anti-corruption Centre and Prosecutors Office and other relevant actors and stakeholders based on the methodological guidelines for investigation of individual corruption cases.

In order to achieve the objectives and to implement the abovementioned activities the National Consultants shall work together as a team to:

- Provide professional expertise on the rules and procedures, theory and practice, international and national experience and best practices for the investigation of individual corruption cases taking into account human rights principles;
- Identify actors and stakeholders (e.g. the National Anti-corruption Centre and Prosecutors Office) that are responsible for investigation of corruption and implementation of the methodological guidelines for investigation of individual corruption cases;
- Conduct mixed focus-group consultations for drafting and testing of the guidelines with the identified actors and stakeholders (e.g. the National Anti-corruption Centre and Prosecutors Office)

responsible for investigation of corruption and implementation of the methodological guidelines for investigation of individual corruption cases;

- Incorporate feedback received throughout the mixed focus-group into the methodological guidelines for investigation of individual corruption cases;
- Develop training curriculum and materials for training courses for the National Anti-corruption Centre and Prosecutors Office, (and other stakeholders if deemed necessary) on the methodological guidelines for investigation of individual corruption cases;
- Organise and conduct pilot training courses, including developing and preparing in a timely manner, presentations and facilitating further exercises/discussions, for the National Anti-corruption Centre and Prosecutors Office on the methodological guidelines for investigation of individual corruption cases;
- Conduct a review of the pilot training courses and incorporate feedback into the training curriculum on the methodological guidelines for investigation of individual corruption cases;
- Cooperate with national counterparts (General Prosecutor's Office, National Anti-corruption Centre and Prosecutors Office, other partners) and other relevant stakeholders for the purposes of the assignment;
- Develop and present a final report on the consultancy undertaken;
- Undertake other tasks related to the assignment as requested.

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

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS:

Qualifications	Consultant on law and methodologies	Consultant on law and investigation
I. Academic Qualifications:		
Master's Degree or equivalent (5-year university education) in Law, Criminal Law, Criminology, Human Rights or other relevant field	√	√
II. Years and sphere of experience:		
At least 3 years of proven professional experience:	In drafting legislation, methodologies, designing and implementing training curricula, courses and presentations	In conducting criminal, civil or other kinds of investigation work, prosecution or trial of criminal cases
III. Competencies:		
Adheres 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	√	√
Relevant professional knowledge of anti-corruption and related areas:	Of legislation drafting processes, methodology development techniques, various training tools, curriculum development techniques, especially	Of investigation skills, tools and techniques used in investigation, prosecution and trial of criminal cases, especially anti-corruption cases

	on anti-corruption	
Experience overseeing, supervising or managing investigation work is a strong advantage	√	√
Experience and knowledge of anti-corruption related issues, actors, stakeholders and principles in the Republic of Moldova	√	√
International anti-corruption experience is an asset	√	√
Knowledge and experience in gathering, analysing and evaluating information and intelligence from a variety of sources	√	√
Knowledge of Romanian and Russian languages	√	√
Knowledge of English would be a strong advantage	√	√
Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset	√	√
IV. Personal qualities:		
Responsibility, creativity, flexibility and punctuality	√	√

The United Nations Country Team 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 Romanian, Russian or English to demonstrate their qualifications:

1. 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 names of reference persons and their contacts;
2. Cover letter, which should include:
 - (i) A list of capacity building activities/trainings, drafted legislation, methodologies, designing and implementing training curricula, courses and presentations, anti-corruption cases worked on, reports, analysis documents, or other task related assignments/documents the candidate has elaborated or contributed to, as well as experience working for or with relevant institutions and organizations;
 - (ii) Financial proposal (in USD, specifying a **lump sum** amount).

6. FINANCIAL PROPOSAL:

The financial proposal shall specify a total **lump sum amount**, travel expenses and per diems quoted in separate line items, and payments are made to each Individual Consultant based on the number of days worked.

Payment will be made upon acceptance of deliverables by 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.

No travel costs are envisaged under this assignment.

7. EVALUATION:

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

For Methodology Consultant:

- Master's Degree or equivalent (5-year university education) in Law, Criminal Law, Criminology, Human Rights or other relevant field;
- At least 3 years of proven professional experience in drafting legislation, methodologies, designing and implementing training curricula, courses and presentations.

For Investigation Consultant:

- Master's Degree or equivalent (5-year university education) in Law, Criminal Law, Criminology, Human Rights or other relevant field;
- At least 3 years of proven professional experience in conducting criminal, civil or other kinds of investigation work, prosecution and trial of criminal cases.

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 relevant field for each consultant	(Master – 20 pts., PhD – 30 pts.)	30
At least 5 years of experience in relevant field for each consultant	(5 years – 30 pts., 5-7 years – up to 35 pts., more than 7 years – up to 50 pts.)	50
Relevant professional knowledge of anti-corruption and related areas for each consultant	(no – 0 pts., to some extent – up to 30 pts., yes/extensive – up to 60 pts.)	60
Experience overseeing, supervising or managing investigation work	(no – 0 pts., to some extent – up to 15 pts., yes/extensive – up to 30 pts.)	30
Experience and knowledge of anti-corruption related issues, actors, stakeholders and principles in the Republic of Moldova	(no – 0 pts., to some extent – up to 20 pts., yes/extensive – up to 40 pts.)	40
International anti-corruption experience	(no – 0 pts., yes – up to 20 pts.)	20
Knowledge and experience in gathering, analysing and evaluating information and intelligence from a variety of sources	(no – 0 pts., yes – up to 40 pts.)	40
Knowledge of Romanian and Russian, English and other languages relevant for Moldova	(Romanian and Russian – 10 pts. each, English or other language – 5 pts. each up to 10 additional pts.)	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