



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **23 December, 2014**

Country: Republic of Moldova

Description of the assignment: International Consultant on EU approximating and upgrading the Moldovan Environmental Protection Law

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

Period of assignment/services: **January-March, 2015**

Proposals should be submitted online by pressing the "Apply Now" button no later than 7 January, 2015.

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 norms.

Exceeding the classical arrangements of free trade, DCFTA provides not only a mutual opening of markets for most goods and services but requires a gradual rapprochement of norms and standards such as quality standards and rules, sanitary rules, intellectual property rights, trade facilitation, public procurement and competition, energy trade and other.

Except for European Economic Area and EU candidate states, never before has the EU opened its internal market to such an extent to a third country. This reality is possible due to the commitment of the Republic of Moldova to take over the *acquis communautaire*.

In exchange to effective implementation of EU legislation Moldova will gradually become part of the EU internal market.

A deeper economic integration through DCFTA will boost the country's economic growth, will create business opportunities and promote real economic modernization and integration into the EU. The direct result of establishing free trade area with EU is that citizens will benefit from higher quality and safer goods and services while manufacturers will be supported to access international markets.

UNDP and its international partners are committed to assist Moldova, through technical and financial assistance, in promoting costly legal and institutional reforms that DCFTA 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 through aligning relevant policies, administrative and institutional arrangements, legislation, procedures and best practices to EU standards and requirements.

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

The global objective of the assignment is to strengthen and enhance good environmental governance in order to enable the Ministry of Environment, Moldova to meet EU and international standards.

The specific objective is to analyze the draft of Environmental Protection Law, to adjust it in accordance with changes or amendments arising out of the consultative process, and to carry out the Regulatory Impact Analysis for this draft law in accordance with the GD No. 1230 of 24th October 2006.

The expert will draft the Environmental Framework Law in accordance with changes or/and amendments arising out of the consultative process, as a part of the law approval process, and in conformity with EU and international environmental standards and best practices, elaborate regulatory Impact Analysis in accordance with the requirements of Governmental Decision no. 1230 of 24th October 2006, provide support to the Ministry of Environment in the negotiation of the draft Law through the Regulatory Impact Analysis (RIA) process in relation to the impact of EU environmental law and policy on the legal framework and on business in Moldova and deliver workshop with beneficiaries.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualification

- Master's Degree + 10 years of professional experience or Bachelor Degree + 15 years of professional experience, preferably in Law, with specialization in EU and international environmental legislation;
- Relevant PhD would be an asset.

Experience

- Good knowledge and minimum 10 years of experience in the field of environmental law drafting and analysis in the area of EU approximation.
- Proven work experience in at least 5 areas of EU environmental law, policies and instruments
- Experience in at least 5 projects related to environmental law reform
- Experience of drafting an environmental framework law in line with the requirements of the environmental acquis and/or the Association Agreement is preferable
- Experience in similar projects in the region and/or Moldova is an advantage

- Demonstrated experience in delivering legal training on EU environmental law and policy.

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 20 working days in Moldova.

6. EVALUATION

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

- Master's Degree + 10 years of professional experience or Bachelor Degree + 15 years of professional experience, preferably in Law, with specialization in EU and international environmental legislation;
- Minimum 10 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>		
Master's Degree + 10 years of professional experience or Bachelor Degree + 15 years of professional experience, preferably in Law, with specialization in EU and international environmental legislation; Relevant PhD would be an asset.	Bachelor degree + 15 years of professional experience - 10 pts, Master's + 10 years of professional experience – 20 pts, PhD's – 30 pts	30
Good knowledge and minimum 10 years of experience in the field of environmental law drafting and analysis in the area of EU approximation	10 years – 25 pts, more than 10 years of experience – 2 pts, for each additional year of experience up to a maximum of 20 additional points;	45
Proven work experience in at least 5 areas of EU environmental law, policies and instruments	Less than 5 areas – 5pts, 5 areas – 20 pts, more than 5 areas – 1 pts for each additional project up to a maximum of 5 pts.	25
Experience in at least 5 projects related to environmental law reform	Less than 5 projects – 5 pts, 5 projects – 20 pts, more than 5 projects – 1 pts for each additional project up to a maximum of 5 pts.	25
Experience of drafting an environmental framework law in line with the requirements of the environmental acquis and/or the Association Agreement is preferable	No – 0pts, at some extent – 20pts, yes – 45 pts	45
Experience in similar projects in the region and/or Moldova is an advantage	No – 0pts, at some extent – 20pts, yes – 40 pts	40
Demonstrated experience in delivering legal training on EU environmental law and policy	No – 0pts, at some extent – 20pts, yes – 40 pts	40
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- 10 pts; Romanian – 5 pts; Russian – 5 pts;	20

Maximum Total Technical Scoring	300
<u>Financial</u>	
Evaluation of submitted financial offers will be done based on the following formula: <u>$S = F_{min} / F * 200$</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.	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