



TERMS OF REFERENCE

Job title:	National Consultant for drafting the Guide on documenting the conflicts of interest
Duty station:	Chisinau, Moldova
Project reference	"Strengthening Capacity of the National Integrity Commission of the Republic of Moldova"
Contract type	Individual Contract
Duration:	27 working days, April –June 2015

1. BACKGROUND:

In 2002¹ and, respectively, in 2008² the Parliament of Republic of Moldova created new mechanisms for the declaration of the property and assets of high officials and public servants and for the declaration and resolution of the conflicts of interest. Later in 2011, according to the Law no. 180/2011³ and the Law no. 181/2011⁴ the National Integrity Commission (hereinafter called - NIC) was designated responsible for ensuring effective control over the incomes and properties of public office holders and the compliance of the latter with the legal regime of conflicts of interest and incompatibilities. The NIC started working in March 2012, representing an independent and autonomous central public authority, as a part of the overall state anti-corruption framework. Being a relative new institution NIC faces many challenges (e.g., lack of capacities in implementation of the conflict of interest legislation, strategic planning, corruption prevention analysis etc.,) which affect directly NIC's effectiveness and ability to cope with the high expectations of the society.

The "Strengthening Capacity of the National Integrity Commission of Republic of Moldova" Project aims to enhance the capacity of the NIC to implement the conflict of interest standards across the public sector. As a result, the NIC will evolve into a genuine corruption preventive institution, as a

¹ Law no. 1264 of July 19, 2002 on declaration and control of income and property of high officials, judges, prosecutors, civil servants and persons with management functions , <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342780>;

² Law no. 16 of February 15, 2008 on conflict of interest, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342787>;

³ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341741>;

⁴ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341744>;

fundamental part of the national system of investigation and resolution of conflicts of interest within the public sector.

In order to support the effective role of NIC in prevention of conflict of interest, as well as to ensure the implementation of the National Anti-corruption Strategy Action Plan for 2014-2015⁵, the project will assist the elaboration of the Guide on documenting the conflicts of interest and on taking decisions regarding their resolution (hereinafter called -Guide). The Guide is aimed to serve as a methodological support for those responsible for resolution of conflicts of interest within the public institutions and should be elaborated through an inclusive process with the direct implication of NIC's management and staff.

2. SCOPE OF WORK AND EXPECTED OUTPUT:

The objective of the assignment is to provide NIC the necessary technical support for strengthening its capacity in implementation of the conflict of interest standards across the public sector. In this sense, the Project intends to contract a National Consultant that will provide the NIC's management and staff with the necessary guidance, advice and support in the elaboration of the Guide. In order to achieve the stated objectives, the National Consultant will have the following responsibilities:

- suggest a methodology for the process of the Guide's elaboration and discuss it with the NIC;
- in collaboration with the NIC design a detailed work plan and a table of content which will be used as the basic structure;
- draft the initial version of Guide in consultations with the NIC senior management and staff;
- organise a participative and inclusive process of discussions of the initial draft with NIC;
- revise the Guide based on received comments and proposals;
- present final version of the Guide into a uniform, easy readable style.

3. DELIVERABLES AND TIMEFRAME:

<i>Deliverable</i>	<i>Tentative timeframe</i>
1. Presented methodology for the elaboration of the Guide	2 days, April, 2015
2. Detailed work plan for the elaboration of the Guide and its table of content	
3. Presented first draft of the Guide based on consultations and discussions with NIC senior management and staff, as per the established methodology	20 days, April-May, 2015
4. Revised draft of the Guide based on received comments and proposals	5 days, May-June, 2015
Total:	27 days

⁵ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353101>.

All the deliverables have to be coordinated and agreed by NIC's leadership and provided in Romanian, hard and electronic copies.

4. MANAGEMENT ARRANGEMENTS:

The National Consultant will work directly with the NIC's senior management and staff for substance aspects and under the direct supervision of the Project Manager – for administrative aspects. National consultant will report to the NIC appointed representative and the Project Manager.

The National Consultant will work closely with the NIC's staff and, upon the need, will be located in the premises of the NIC.

Kindly note that Consultant's availability to work with UNDP and NIC during the indicated/approved period is compulsory.

5. FINANCIAL ARRANGEMENTS:

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 proposal, the financial proposal will include a breakdown of this lump sum amount (including 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 other 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.

Please note for the implementation of the assignment, no travel is envisaged.

6. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Masters' Degree in law, public administration, international relations, political science or related area.

II. Experience:

- At least 5 years of professional experience, including substantial participation, in analytical works, research or studies (participation in analytical works, research or studies in anti-corruption field *is an asset*);

- Proven professional experience in policy/strategy development in/for governmental institutions in anti-corruption field;
- Proven professional experience of working with international organizations (successful experience in working with UN agencies *is an asset*).

III. Competencies and knowledge:

- Demonstrated familiarity with the conflict of interest notions, procedures for prevention, documentation and resolution of thereof;
- Strong analytical and drafting skills;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to present ideas clearly and effectively;
- Fluency in Romanian is compulsory. Knowledge of Russian and English languages will be an advantage.