

Terms of references

Job Title:	National consultant to develop Sustainable Public Procurement guideline (draft of regulation) for energy services acquisition
Project Reference:	ESCO Moldova - Transforming the market for Urban Energy Efficiency in Moldova by introducing Energy Service Companies
Duration of Employment:	5 May – 15 December 2015 (with 50 working days)
Contract type:	Individual Contract
Duty Station:	Chisinau, Moldova

I. Background

The ESCO Moldova project, funded by the Global Environment Facility (GEF), has an implementation timeframe of 4 years with a budget of 1.3 million US\$ allocated by the GEF and 7.615 million US\$ allocated as co-financing by project partners.

The project objective is to create a functioning, sustainable and effective market of Energy Service Companies (ESCOs) in Moldova by converting existing energy service provider companies into ESCOs, as the basis for scaling up energy efficiency improvements and ultimately climate change mitigation efforts.

The main barriers that the project is trying to address are related to energy efficiency project financing; the eagerness of existing Energy Service Providers to embark on the ESCO business model; institutional barriers at the local level; and EE awareness in the municipal sector.

The ESCO Moldova Project intends to eliminate/address these impediments through the following project components:

1. Green Urban Development Plan is adopted and emission reduction projects are financed and implemented in Chisinau
2. ESCOs are successfully investing in energy projects in the building sector using Energy Performance Contracting modality
3. A Financial Mechanism in form of a Loan Guarantee Fund, is set up and functional, providing financing to ESCOs
4. ESCO(s) are designing, financing and successfully implementing energy efficiency projects using EPC modality in at least one other city in Moldova outside of Chisinau

The current public procurement legislation is not in line with the energy performance contracting modality and is restrictive towards accepting it as one of usual procurement modalities applied, which jeopardizes the ESCO market development in Moldova. "ESCO Moldova - Transforming the market for Urban Energy Efficiency in Moldova by introducing Energy Service Companies" will contribute to improving the secondary legislation that is required to operationalize EPC modality through approximating the local legislation to the

EU norms and/or through transposing standards and good practices used on the markets where the ESCO model successfully works.

In this context, the UNDP ESCO Moldova project is seeking to hire a national consultant to develop a draft regulation as well as a standard set of documents required to operationalize the energy services procurement processes and make it in line with the current legal framework. It is expected that the document will be approved and will offer practical guidance to all contracting authorities willing to adopt energy performance contracting modality as the most suitable for achieving the energy efficiency in the public sector buildings.

II. Scope of work and responsibilities

The expected output for the national consultant's assignment is to develop a Draft regulation and a standard set of documents in line with national legislation required for procurement of energy services. The regulation will describe the logical sequence of steps to be taken in the process of energy services acquisition as well as a methodological guideline for preparing the application for being tendered out.

At the same time, the consultant will develop a green procurement guideline that will introduce environmental and energy efficiency criteria in the overall procurement processes organized and implemented by Municipality of Chisinau.

In order to achieve the stated objectives, the Consultant will have the following responsibilities:

The Consultant will carry out the following activities:

1. Undertake a comprehensive desk review of the relevant legal framework regulations, administrative procedures and EU/international best practices governing and regulating the procurement of energy services;
2. Analyze the local legislation and its possibilities to operationalize the procurement of the energy services as a contracting modality for the public sector. Based on the provisions of draft amendment to Law 96 on Public Procurement, as of 13 of April 2007, develop a comprehensive report on bottleneck and barriers towards procurement of energy services as well as the regulatory impact assessment;
3. Share the findings, collect feedback and ensure clearance of developed documents from major stakeholders and legal authorities in the field of procurement (e.g. Ministry of Finance, Public Procurement Agency) as part of a continuous dialogue in the process of shaping out the draft regulation;
4. Adjust the existing templates of energy performance contracts to the standard documentation form used and recommended by Public Procurement Agency. As informational support, the consultant will be provided with templates developed in the framework of UNDP ESCO Moldova and INNOGATE projects;
5. In line with EU Green Public Procurement Principles (GPP) and the provisions of the draft amendment to Law 96 on Public Procurement of Moldova, develop a Green Procurement Guideline meant to introduce additional criteria (efficiency, sustainability, environment, etc.) to public procurement processes in Moldova;
6. In close consultations with Municipal Finance Department establish the classification and budgeting of municipal costs and payments due under EPCs;
7. Support the municipality in tendering procedures for the first pilot project under the energy service contract

III. Deliverables

Development and submission of deliverables is estimated to be broken down as follows:

Deliverable	Level of effort / days (estimated)
Desk research report on legal framework regulations, administrative procedures and EU/international best practices governing the procurement of energy services;	12
Regulatory Impact Assessment and a Draft Regulation for the procurement of energy services;	15
Standard set of documents required for the tendering of energy services;	3
Green Procurement Guideline for public sector;	10
Written recommendations regarding classification and budgeting of municipal payments due under EPCs;	10
TOTAL working days	50

IV. Duration and management arrangements

The Consultant will be appointed in accordance with the provision of the UNDP Individual contract modality. He/she shall report directly to the Project Manager about activities and tasks to be carried out for the contract management and payment. The payment for services provided by the Expert will be made according to deliverables completed, and approved by the Project Manager. The effort estimate is 50 working days during 2015.

V. Requirements for experience and qualification

- Master’s Degree or equivalent (5-year university education) in Economics and/or Law, other social sciences;
- At least 5 years of relevant working experience in public procurement policy development and implementation, public finance or relevant fields;
- Extensive knowledge of local as well as EU procurement legal framework, including non-legislative initiatives;
- Excellent proven analytical skills in analysis, leadership and overall diplomatic skills;
- Good organizational, time management and facilitation skills;
- Proven experience in preparation of written reports in Romanian in an accurate and concise manner;

VI. Documents to be included when submitting the proposals:

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

1. Personal CV including past experience in similar projects;
2. Financial proposal;

VII. References

Brief description of ESCO Moldova project components and activities Annex 1