



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **22 June 2015**

Country: Republic of Moldova

Description of the assignment: National Consultant on legal technics, analysis, argumentation and Equality Council decisions drafting skills

Project name: Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations

Period of assignment/services: July 2015 – October 2016 (up to 160 working days)

Proposals should be submitted online by pressing the "Apply Now" button no later than 23:59, 29 June 2015.

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 Equality Council is a newly established institution tasked with the revision of the individual complaints about discrimination and delivering of decisions on them. Most of the members and lawyers-staff persons of the Council do not have previously dealt with individual complaints and case management. Therefore there is a room for the improvement of the case management on the different stages and speeding up the delivery of decisions. Since the start of its work in September 2013 and up until the middle of September 2014 the Council has received 167 complaints,¹ delivered 48 decisions on 76 complaints and is having a backlog of 45 complaints.² In addition to this, the Council is becoming more well-known in the Republic of Moldova and it is expected that more people will address the Council and the amount of complaints will grow. Therefore the Project will support the Council in strengthening its case management also through training and coaching consultancy in legal technics, analysis, argumentation and Equality Council decision drafting skills.

The overall objective of the project *"Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations"* is to contribute to the effective protection and promotion of human rights, equality and non-discrimination in the Republic of Moldova with particular attention to women, minorities, marginalised and vulnerable groups. The project is funded by the Norwegian Ministry of Foreign Affairs, co-funded and implemented by the UNDP Moldova and the Office of the UN High

¹ Out of the 168 complaints, 38 complaints were inadmissible, 5 complaints were called back by the applicants, 3 complaints were forwarded to other State institutions according to their competency.

² The data provided by the Equality Council.

Commissioner for Human Rights (OHCHR), in cooperation with the Ombudsperson Office and Equality Council.

2. OBJECTIVE:

The main objective is to strengthen the capacities of the Equality Council in the delivery of well drafted decisions on individual complaints about discrimination.

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

The **scope of the work** of the National Consultant will consist in the identification of gaps in the decision drafting skills, training and coaching of Equality Council members and relevant staff in legal technics, analysis, argumentation and Equality Council decisions drafting skills.

In order to achieve the objective the National Consultant shall:

- Make a thorough analysis of:
 - how decisions and separate opinions are drafted in the Equality Council;
 - texts of the adopted decisions and separate opinions;
 - judicial decisions taken following the decisions of the Equality Council;
- Identify the needs for improvement of decisions drafting processes, argumentation and legal technics used for drafting by the Equality Council;
- Draft a concise, clear and practical report on the findings and recommendations on the improvement of decisions drafting processes, argumentation and legal technics used for drafting by the Equality Council;
- Elaborate a concise, clear and usable guidelines/methodology for the Equality Council on the legal analysis, argumentation, technics and decisions drafting skills taking best national and international experiences (including but not limited to the UN treaty bodies, ECtHR etc.);
- Elaborate training materials, prepare, organise and lead training courses for the Equality Council on the application of the guidelines/methodology;
- Provide support and coaching to the relevant Equality Council staff on applying the guidelines/methodology and thus strengthening the legal analysis, argumentation, technics and decisions drafting skills;
- Work closely with the Equality Council members and relevant staff for the purposes of the assignment;
- Where necessary, hold consultation meetings with relevant actors and stakeholders (Equality Council applicants, judges, defence lawyers, NGOs, etc.);
- Where relevant, work closely with other Consultants contracted within the project;
- Undertake other related tasks for the purposes of the assignment;
- Develop and provide regular bi-monthly activity reports and other narrative progress reports as specified in the deliverables for 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, Human Rights, Public Law or other relevant field;

II. Years and sphere of experience:

- At least 3 years of proven professional experience in legal area, legal analysis, justice, human rights or other relevant field;

III. Competencies:

- Demonstrable experience in the area of legal analysis, argumentation and drafting decisions;
- Demonstrable extensive knowledge of legislation and policy drafting/preparation processes in the Republic of Moldova is an asset;
- Relevant working experience in judiciary, relevant academic experience or relevant consultancy is a strong advantage;
- Effective communication, training, coaching and strong analytical skills;
- Fluent knowledge of Romanian for the purposes of the assignment. Knowledge of English and Russian is a strong asset. Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;

IV. Personal qualities:

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Punctuality;
- Attention to details.

The UNDP 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, Russian or Romanian to demonstrate their qualifications:

1. Cover letter:

- (i) Explaining why they are the most suitable for the work, including a list of assignments and/or analytical documents, reports, methodologies, presentations, capacity building activities, or other task related documents the applicant has elaborated or contributed to;
- (ii) Providing a brief methodology (max. 3 pages) on how they will approach and conduct the work.

2. Financial proposal as a **lump sum** in US Dollars, preferably split per each deliverable. 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 of past experience in similar projects/assignments and concrete outputs obtained, including names and contact details of 3 reference persons.

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 instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the Terms of Reference. 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 based on achieved deliverables, including a final report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

Travel

All envisaged travel costs (e.g., tickets, accommodation, meals, other relevant expenses) 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:

- Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights, Public Law or other relevant field;
- At least 3 years of proven professional experience in legal area, legal analysis, justice, human rights or other relevant field;

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, Human Rights, Public Law or	(Master – 20 pts., PhD – 30 pts.)	30

other relevant field		
At least 3 years of proven professional experience in legal area, legal analysis, justice, human rights or other relevant field	(3-5 years – up to 30 pts., 5-7 years – up to 40 pts., more than 7-10 years – up to 50 pts., more than 10 years – up to 60 pts.)	60
Demonstrable experience in the area of legal analysis, argumentation and drafting decisions	(no – 0 pts., to some extent – up to 40 pts., yes/extensive – up to 80 pts.)	80
Demonstrable extensive knowledge of legislation and policy drafting/preparation processes in the Republic of Moldova	(no – 0 pts., to some extent – up to 15 pts., yes/extensive – up to 30 pts.)	30
Relevant working experience in judiciary, relevant academic experience or relevant consultancy	(no – 0 pts., to some extent – up to 15 pts., yes/extensive – up to 30 pts.)	30
Effective communication, training, coaching and strong analytical skills	(no – 0 pts., to some extent – up to 20 pts., yes/extensive – up to 40 pts.)	40
Knowledge of languages	(Romanian – 15 pts., Russian, English – 5 pts each; Bulgarian, Gagauzian, Romani, Ukrainian or sign language – up to 5 additional points)	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