



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 10 July 2015

Country: Republic of Moldova

Description of the assignment: National Consultant to conduct regulatory impact analysis of the amendments to legislation on tariffs and taxation of justice system related professions

Project name: Support to Justice Sector Reform in the Republic of Moldova

Period of assignment/services:

Application instructions: Proposals should be submitted online by pressing the "Apply Online" button no later than 23:59, 17 July 2015.

Requests **for clarification only** must be sent by standard electronic communication to the following e-mail: alexei.ghertescu@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

One of the priority issues stated in the Justice Sector Reform Strategy is linked to the current status of the services provided in the justice sector by various justice system related professions (defence lawyers, notaries, bailiffs, judicial experts, mediators, translators/ interpreters, insolvency administrators). The tariffs (pricing for the provided services) are established arbitrarily by the service providers, without having a methodology to make the calculations based on clear criteria and indicators. On the other hand, the taxation of the justice system related professions is based on different regulations, is complicated and it is difficult to monitor the implementation.

The same situation exists in the area of the social security (pension fund, medical insurance, etc.) of the justice system related professions. All these lead to overpricing of the services, hiding of income by representatives of justice system related professions to avoid paying taxes, and in general limit access to legal services and to justice for the population that cannot afford high costs. The absence of a clear, transparent and an uniform methodology makes justice system related professions prone to corrupted behaviours, lack of integrity and infringement of the Codes of Ethics, making this part of the justice system a weak link that negatively affects the system in general and people's trust in it.

Earlier in 2014-2015 a study had been conducted by a team of one international and one national consultant on tariffs and taxation of justice system related professions. Following this analysis a number of recommendations were formulated for the improvement and streamlining of the systems based on options existing in other countries, and methodologies were drafted for establishing the tariffs in a transparent and justifiable way and for a system of uniform taxation and social security, medical insurance and pension payments systems for these professions.

Before implementing any such amendments it is necessary to conduct regulatory impact analysis (RIA) that would analyse the financial, economic and other implications of adopting the respective amendments and provide a clear analysis of the costs required for the successful implementation of the proposed amendments.

In addition, economic and financial expert assessments of any piece of draft legislation are required before its approval by virtue of art. 22 secs. (4) and (5) of the *Law no. 780 of 27 December 2001 on Legislative Acts*¹.

The *economic expert assessment* has as its scope:

- To ensure that the draft law is in line with the principles of market economy as established by the Community legislation;
- To ensure conformity of the draft law with effective economic legislation;
- To identify positive and negative aspects of the draft law from the point of view of ensuring reforms, to ensure economic or other benefits, to identify economic shortcomings and to predict negative economic consequences of its implementation.

The *financial expert assessment* should contribute to:

- Ensuring conformity of the draft law with effective financial legislation;
- Evaluating the financial costs of implementation of new legislation;
- Identifying the financial shortcomings and prediction of negative financial consequences of implementing new legislation.

Economic and financial expert assessments can also be commissioned before the approval of subordinate regulatory acts².

2. OBJECTIVE:

The main objective of the present assignment is to conduct RIA of the draft amendments to Moldovan legislation on the tariffs and taxation of justice system related professions. The National Consultant will work in close contact with the consultant that will assist the Ministry of Justice in drafting the respective amendments.

3. SCOPE OF WORK AND EXPECTED OUTPUT:

In order to achieve the objectives the National Consultant shall perform the following tasks:

- Review the recommendations and suggestions on modification of Moldovan legislation contained in the *Study on the tariffs and taxation of justice system related professions* prepared within the project: "Support to Justice Sector Reform in Moldova";
- Review the proposed amendments to Moldovan legislation regulating tariffs and taxation of justice system related professions and discuss them with the main stakeholders (UNDP, Ministry of Justice, State Fiscal Service, National House of Social Security, National Company of Medical Insurance, Notaries Union, Bar Union, National Union of Bailiffs, etc.) to identify potential problems with implementation of the amendments, major risks and concerns;
- Develop the assessment methodology and other relevant instruments;

¹ Can be accessed in Romanian here: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=313239&lang=1>

² See art. 41(3) of the Law on the Normative Acts of Government and Other Central and Local Public Authorities (no. 317 of 18 July 2003); can be accessed in Romanian here:

<http://lex.justice.md/viewdoc.php?action=view&view=doc&id=312810&lang=1>

- Conduct the assessment and produce a report with a detailed RIA assessment (including economic and financial assessments) of the proposed amendments. The report shall include the elements of the economic and financial expert assessments as set forth in art. 22 of the *Law on Legislative Acts*;
- Cooperate with the national consultant who will assist the Ministry of Justice in drafting the respective amendments taking into consideration the conclusions of the RIA;
- Participate in the follow-up meetings with the main stakeholders and present the RIA report;
- Perform any other assignment related tasks.

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Economics, Finances, Law, Public administration, or other relevant field;

II. Years of experience and sphere of experience:

- Proven professional experience in economic and financial assessments, policy analysis, development of comprehensive analytical reports in socio-economic field or other related field;

III. Competencies:

- Knowledge of the existing Moldovan legislative system and Moldovan legislation on tariffs and taxation of the justice system related professions;
- Experience in conducting regulatory impact analysis studies and/or economic and financial assessments of draft legislation, or similar assessments connected to the justice system related professions is a strong asset;
- Additional qualification in Regulatory Impact Analysis is a strong asset;
- Excellent communication presentation skills, ability to facilitate discussions;
- Fluency in Romanian language, knowledge of English is an asset;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, 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, creativity, flexibility and punctuality.

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 to demonstrate their qualifications:

1. Technical Proposal:

- a. explaining how applicant responds to each of the qualification requirements (particularly providing details on the previously implemented similar projects and previous experience of conducting RIA studies, if any) and why he/she is the most suitable for the work;
 - b. describing a short vision on achievement of tasks;
2. Personal information (Personal History Form /P11) including records of past experience in similar projects/assignments and concrete outputs obtained with three references;
3. Financial proposal (in USD, specifying a total **lump sum** amount)

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 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 will include a breakdown of this lump sum amount (including fees and taxes, 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.

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 Economics, Finances, Law, Public administration, or other relevant field;
- Proven professional experience in economic and financial assessments, policy analysis, development of comprehensive analytical reports in socio-economic field or other related 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 Economics, Finances, Law, Public administration, or other relevant field	(Master – 40 pts., PhD – 50 pts.)	50
Proven professional experience in economic and financial assessments, policy analysis, development of comprehensive analytical reports in socio-economic field or other related field	(up to 3 years of experience – up to 70 pts., 3-5 years of experience – up to 85 pts., more than 5 years – up to 100 pts)	100
Experience in conducting regulatory impact analysis studies and/or economic and financial assessments of draft legislation, or similar assessments connected to the justice system related professions	(no – 0 pts., to some extent – up to 60 pts., extensive experience – up to 70 pts)	70
Qualification in Regulatory Impact Analysis	(no – 0 pts., yes – 20 pts)	20
Knowledge of the existing Moldovan legislative system and Moldovan legislation on tariffs and taxation of the justice system related professions	(no – 0 pts., yes – 30 pts)	30
Knowledge of Romanian and English, Russian and other languages relevant for Moldova	(Romanian – 15 pts., English, Russian or other languages relevant for Moldova – 5 pts. each up to 15 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 REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS