



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 29 July 2015

Country: Republic of Moldova

Description of the assignment: International Consultant for the Prosecutor General's Office of Moldova

Project name: Support to Police Reform in Moldova

Period of assignment/services: September 2015 – August 2016 (up to 230 working days)

Application instructions: Proposals should be submitted online by pressing the "Apply Online" button no later than **13 August 2015**.

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

In 2011 the Moldovan Parliament passed the Justice Sector Reform Strategy (JSRS) for 2011-2016 (JSRS). This is the main comprehensive strategic document dealing with justice reform, with the key objective of strengthening the independence, accountability, impartiality, efficiency and transparency of justice system. The Strategy is accompanied by an Implementation Plan (adopted in February 2012) which outlines strategic directions, actions to be carried out and preliminary implementation costs.

The Section 2.2 of the JSRS covers the activities needed to be undertaken in order to reform the Moldovan Prosecution Service. The JSRS encompasses a series of actions and among them the most important are the procedures of appointing the Prosecutor General, establishing improved procedures for the selection and promotion of line prosecutors, strengthening the capacity of the Superior Council of Prosecutors (SCP), simplifying the jurisdiction of the Prosecution Service, demilitarization of prosecutors and improving the overall disciplinary proceedings against prosecutors.

In July 2013, the Minister of Justice and the Prosecutor General created a working group comprising representatives of the Ministry of Justice (MoJ), Prosecutor General's Office (PGO) and civil society. The main objective of the working group was to develop the Prosecution Service Reform Concept and to draft amendments to the Law on the Prosecution Service in order to implement it. In July 2014, the Parliament has passed the Concept for the Reform of the Prosecution Service - a road map for the amendment of Prosecution Service's legal framework and institutional reform.

The Concept provides for the limitation of powers of the Prosecution Service, consolidation of prosecutors' independence, strengthening the role of the Superior Council of Prosecutors, reviewing the procedure of appointing the Prosecutor General, the specialization of prosecutors to prosecute specific categories of cases and examining the possibility for creating specialized prosecution offices, improving the procedures of appointment, evaluation and accountability of prosecutors. In order to start the enactment procedure, Moldovan Parliament requested the opinion of the Council of Europe's Venice Commission on the draft law. In March 2015, the Venice Commission issued the Joint Opinion of the Venice Commission, the Directorate of Human Rights of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe and the OSCE/ODIHR on the draft law on the prosecution service of the Republic of Moldova. It is expected that the draft law will be adopted by the Parliament in the summer.

UNDP seeks a Long-Term International Legal Consultant for the Program to Support the Prosecution Service Reform in Moldova.

2. Objective:

The main objective of this consultancy is to provide the Prosecutor General's Office (PGO), Superior Council of Prosecutors (SPC) and regional prosecution offices with assistance in strengthening the capacities to design and implement activities primarily focused on legislative and institutional reform, organizational efficiency, anti-corruption, case management, etc. The Consultant will have the advantage of working side by side with beneficiaries, understanding problems first hand and offering practical advice and expertise.

The above mentioned objective will be achieved through but not limited to: inputs to development of internal strategic documents, policy papers, advisory notes, methodologies, draft fiches and other relevant documentation as well as provision of technical on-the-job advice, institutional and self-administration capacity building, ensuring the integrity and transparency of the institution.

Scope of work and expected output:

The person selected will work closely with the PGO, regional prosecution offices and the SCP to contribute to the implementation of the prosecution service objectives set by the new legislative changes on the prosecution service reform, which include the following areas of work:

- Assistance in the development and implementation of the new PGO and SCP Strategic Development Plan for the next three years;
- Assistance in the identification of policy and legislative priorities to ensure institutional and functional independence of the Prosecutor's service;
- Assistance in the development of the PGO's and regional prosecution offices' organizational charts with the aim to streamline the structure of the entire prosecution service, to identify and propose clear managerial roles and responsibilities for chief prosecutors, section and divisions heads, as well as to recommend actions/activities aimed at maximizing the effectiveness of prosecutors and of prosecution offices, and introduce training sessions on specific critical management techniques;
- Strengthen the institutional capacities of the beneficiary institution to design, manage and monitor policies;
- Provision of guidance and professional advice on how to improve the internal management system within the prosecution service, with an emphasis on assisting in development of and analyzing draft new internal management policies developed by PGO and SCP;
- Help to improve prosecutors' professional and managerial skills, through recommending relevant training curricula and mentorship for PGO's leadership and regional chief-prosecutors on subjects related to cases assignment; management of line prosecutors' workload, time management and quality control;

- Participation in revising the criteria of regular prosecutors' admission, appointment, promotion and professional evaluation;
- Supporting implementation of case assignment guidelines for chief prosecutors;
- Assist the PGO to implement the new Prosecutors' Code of Ethics;
- Write and edit regular reports, concept papers, and outreach pieces as needed;
- Undertake other related tasks for the purposes of the assignment.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law or a relevant discipline in any other relevant field. A Bachelor's Degree in the same areas combined with 15 (fifteen) years of relevant professional experience will serve in lieu of Master's Degree;

II. Years of experience and sphere of experience:

- At least 10 (ten) years of professional experience in the prosecution service of which at least 4 (four) years in management positions within the prosecution service. Experience in EU Member States or EU Candidate States in this positions would be an asset;
- Experience in diverse organizational operational cultures, from international or domestic experience;
- Experience in working on similar assignments, including successful experience in working with UN agencies, is a strong asset;
- Experience in analysing, generalizing, and systematizing information, and drafting studies;

III. Competencies:

- Strong demonstrable skills improving an office/organization's basic systems, operations, and management, ability to analyse both low- and high-level processes to identify areas for improvement;
- Strong managerial, administrative, and communication skills;
- Excellent communication presentation skills, and ability to facilitate discussions;
- Proven ability to work in a team;
- IT skills, including word processing, presentation software and use of other relevant applications;
- Demonstrated skills in knowledge transfer techniques, such as coaching and mentoring;
- Fluency in English
- Knowledge of Romanian language is a strong asset;
- Knowledge of one or more additional languages relevant for Moldova, including Russian, 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility, creativity, flexibility and punctuality.

4. 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 why he/she is the most suitable for the work;
 - b. describing a short vision on achievement of tasks;
2. Personal information (as a detailed CV or as a Personal History Form /P11) with three references;
3. Financial proposal (LUMP SUM) in USD, specifying requested amount per day (fee) and all related costs (e.g. DSA, travel, phone calls etc.);

5. 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.

6. 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 or a relevant discipline in any other relevant field. A Bachelor's Degree in the same areas combined with 15 (fifteen) years of relevant professional experience will serve in lieu of Master's Degree;
- Minimum 10 (ten) years of professional experience in the prosecution service.

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>		
University degree in Law or a relevant discipline in any other relevant field.	(Master's Degree or Bachelor's Degree combined with 15 years of relevant professional experience – 20 pts., PhD – 30 pts.)	30
Proven experience (at least 10 years) in the prosecution service of which at least 4 (four) years in management positions within the prosecution service. Experience in EU Member States or EU Candidate States in this positions would be an asset;	(10 years of experience – 40 pts., more than 10 years of experience – 5 pts. for each additional year of experience up to a maximum of 10 additional points, Experience in EU Member States or EU Candidate States – 10 pts.)	60
Proven experience in working on similar assignments, including successful experience in working with UN agencies	(no – 0, yes – 20 pts.)	20
Knowledge of English, Romanian and other languages relevant for Moldova	(English – 10 pts., Romanian – 10 pts., Russian or other language relevant for Moldova – 10 pts. each up to 20 additional pts.)	40
Interview: <ul style="list-style-type: none"> • demonstrated technical knowledge and experience; • communication/ interpersonal skills; • initiative; • creativity/resourcefulness 	(80 – demonstrated technical knowledge and experience; 20 - communication/ interpersonal skills; 20 – initiative; 30 – creativity/resourcefulness)	150
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