



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **21 August 2015**

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**Country:** Republic of Moldova

**Description of the assignment:** National Consultant in coaching and training the Equality Council of Moldova on application of non-discrimination principles in decision-writing

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

**Period of assignment/services:** September 2015 – September 2016 (up to 100 working days)

Proposals should be submitted online by pressing the "Apply Now" button no later than 23:59, 8 September 2015.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [natalia.voronova@undp.org](mailto: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.

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### 1. BACKGROUND:

In May 2012, the Parliament of the RM passed the Law on Ensuring Equality,<sup>1</sup> stipulating the establishment of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council)<sup>2</sup> to ensure protection against discrimination and ensure equality of all persons who consider themselves to be victims of discrimination, as well as revise individual complaints and deliver decisions on them. Given the Council's recent creation, most of its members and lawyers-staff persons have not previously dealt with individual complaints and case management. Therefore there is room for improvement of case management on the different stages and speeding up the delivery of decisions.

Thus, from the start of its work in September 2013 and up until the middle of September 2014 the Council has received 167 complaints,<sup>3</sup> delivered 48 decisions on 76 complaints and is having a backlog of 45 complaints.<sup>4</sup> 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 techniques, analysis, argumentation, and Equality Council decision drafting skills.

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<sup>1</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346943>

<sup>2</sup> <http://egalitate.md/index.php?l=en>

<sup>3</sup> 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.

<sup>4</sup> The data provided by the Equality Council.

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, marginalized 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 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 delivering well-drafted and legally motivated decisions on individual complaints regarding 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 assisting and working together with the International Consultant on providing advice, training and coaching of Equality Council members and relevant staff in analysis and legal argumentation of strategic cases on discrimination.

In order to achieve the objective the National Consultant shall:

- Based on the preliminary analysis and needs assessment prepared by the International Consultant, work closely with the International Consultant to support the elaboration of concise, clear and usable guidelines/methodology for the Equality Council on the application of non-discrimination principles in decisions drafting processes and legal analysis taking into account international standards and best practices;
- Assist the International Consultant in elaboration of training materials, preparation, organization and delivery of two 2-day 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 when necessary;
- Where necessary, assist the International Consultant and accompany her/him in arranging consultation meetings with other relevant governmental bodies and stakeholders;
- Where relevant, work closely with other Consultants contracted within the project;
- Develop and provide activity reports and other narrative progress reports as specified in the deliverables for the assignment;
- Undertake other related tasks for the purposes of 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 1 year of proven professional experience in non-discrimination related work, legal research and analysis pertaining to non-discrimination legislation or other relevant field;

### **III. Competencies:**

- Proven experience and knowledge of non-discrimination and equality principles, including trainings on non-discrimination, research, analysis and drafting analytical reports in the area of equality and non-discrimination;
- Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova;
- Experience/knowledge of decision drafting processes within the National Human Rights Institutions, which have a complaint mechanism is a strong advantage;
- Working experience or academic knowledge of National Human Rights Institutions in the Republic of Moldova is a strong asset;
- Effective communication skills;
- Fluency in English, Romanian and Russian;
- 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 detail.

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 Romanian, Russian or English to demonstrate their qualifications:

1. Technical proposal:
  - a. Explaining how the applicant responds to each qualification requirement and how the applicant is 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) including records on past experience in similar projects/assignments and concrete outputs obtained, including 3 reference persons and their contacts;
3. Financial proposal (in USD, specifying a total **lump sum** amount taking into account anticipated number of working days).

#### 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 travel, per diems, and number of anticipated working days).

Payment will be made upon acceptance of deliverables by the UNDP Moldova Project Manager.

### **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 Law, Public Administration, Human Rights, Public Law or other relevant field;
- At least 1 year of proven professional experience in non-discrimination related work, legal research and analysis pertaining to non-discrimination legislation 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
<b><u>Technical</u></b>		
Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights, Public Law or other relevant field	(Master – 20 pts., PhD – 25 pts.)	25
At least 1 year of proven professional experience in non-discrimination related	(1 year – up to 25 pts., 2-3 years – up to 30 pts., 3-4 years – up to 35 pts.,	40

work, legal research and analysis pertaining to non-discrimination legislation or other relevant field	more than 4 years – up to 40 pts.)	
Fluency in English, Romanian and Russian, knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset	(Romanian, Russian, English – 10 pts. each, other language relevant to Moldova – up to 5 additional pts.)	35
Interview	<p>(Proven experience and knowledge of non-discrimination and equality principles, including trainings on non-discrimination, research, analysis and drafting analytical reports in the area of equality and non-discrimination – up to 80 pts;</p> <p>Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova - up to 60 pts;</p> <p>Experience/knowledge of decision drafting processes within the National Human Rights Institutions, which have a complaint mechanism - up to 40 pts;</p> <p>Working experience or academic knowledge of National Human Rights Institutions in the Republic of Moldova is a strong asset - up to 40 pts;</p> <p>Effective communication skills – up to 30 pts.)</p>	250
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
<p>Evaluation of submitted financial offers will be done based on the following formula:  <b><u><math>S = F_{min} / F * 200</math></u></b>  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.</p>		<b>200</b>

#### 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**