



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 30 October 2015

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**Country:** Republic of Moldova

**Description of the assignment:** National consultant to support Moldova Social Innovation Hub (MiLab) in elaborating legal framework for the online-platform "Be Responsible"

**Project name:** Moldova Social Innovation Hub (MiLab)

**Period of assignment/services:** up to 30 working days during November – December 2015

Proposals should be submitted by pressing the "Apply Now" button no later than [November 9, 2015](#).

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

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### 1. BACKGROUND

There is a fast shift taking place in the realm of public policy and development program design around the world. Rise of democracy, spread of new technologies and knowledge, but also shrinking resources of the public and development organizations in the face of increased complexity and interconnectedness of the social challenges, mean that design and implementation of public policies and development programs has seized to be under the exclusive remit of the selected few.

Along with the opening up of the public policy space, the rise of civic activism have changed the way the Governments approach public policy development, service delivery and engage with the citizens. The Government has increasingly looked to tap into expertise and solutions from other sectors and wants to move towards 'networked governance' solutions to the issues it faces daily.

UNDP Moldova itself, through MiLab - joint project with the E – Government Centre, has supported national counterparts in embarking on several innovative projects that seek to apply new approaches to engage with citizens and enable people to contribute stronger to the country's development. Some previous examples include: gaming for youth employment; applying behavioural insights for TB treatment; Modern School Open Challenge, etc.

MiLab acts as a multilateral platform serving to engage actors from different sectors (public, private, non-profit, etc.) to seek and experiment with innovative approaches to the society's problems. Its work is structured around three interlinked components, i.e. public services redesign, applying people's solutions, and mainstreaming social innovations. The **public participation component** includes creating the

channels or outlets for engagement, setting the rules, specifying the issues that would engage people to participate in solving them. Also screening the horizon, and subsequently connecting social innovation initiatives with government and private sector counterparts that could enable the implementation of those initiatives.

Under this component falls the online-platform “Be Responsible” which aims to engage citizens into the reporting of the shadow economy cases contributing to the effective action of competent state bodies.

Shadow economy endangers fiscal discipline and budgetary revenues, whereas it also negatively affects fair competition and functioning of the market. The shadow economy in Moldova (2013) represents more than 44% of GDP<sup>1</sup>. This figure includes: underground economy (avoidance of the payment of social security contributions, avoidance of payment on income, value-added, and other taxes; violation of labour standards regulations), informal economy (unregistered enterprises, or unlicensed activities, violation of labour standards regulations), household production for own final use, illegal production (trade with illegal goods, smuggling, illegal services).

Citizen engagement in the fight against shadow economy is crucial for success. Online-platform “Be Responsible” relies on technology whereby users will submit report and as “citizen reporters” contribute to the effective action of competent state bodies. The platform will be designed with the aim of curbing shadow economy by ensuring the maximum possible civic participation in reporting and creating indispensable linkages between the public sector and civil society. Initially, the platform encompasses the activities of 2 institutions – State Tax Service and Consumers Rights Protection Agency. Thus far, the following forms of shadow economy are selected as top priorities for reporting (but not limited):

- Non-issuance of fiscal receipts
- Expired products
- Absence of information in state language on the goods
- Difference between the price shelf-cashbox
- Metrological deception/fraud (e.g. underweight)

## **2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK**

The **national consultant** is expected to provide support to MiLab, in close collaboration with State Tax Service and Consumer Protection Agency, in elaborating legal framework for the online-platform “Be Responsible” through:

- Analysing current national legal and policy framework which can affect the functioning of the online-platform “Be Responsible”;
- Elaborating internal regulations establishing legal basis for the functioning of online-platform “Be Responsible” as an integral part of the State Tax Service activities;
- Elaborating internal regulations establishing legal basis for the functioning of online-platform “Be Responsible” as an integral part of the of the Consumer Protection Agency activities;

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<sup>1</sup> Institute for economic and social reforms (INEKO), The shadow economy and how to fight against it, April 2013

- Elaborating legal regulations providing personal data protection of the platform's users;
- Communicating with IT contractor, state institutions and key stakeholders.

**For detailed information, please refer to Annex 1 – Terms of Reference.**

### **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

#### I. Education:

- University degree in law, public administration, international relations/development studies;

#### II. Years of experience:

- At least three (3) years of experience in legal drafting (e.g. laws, governmental decisions, internal regulations of public institutions, etc.);
- At least three (3) years of experience in working with Moldovan central public administration institutions;
- Working experience in the field of personal data protection would be an advantage;
- Previous experience in development assistance or related work for a donor organization, governmental institutions, NGO/think-tank or private sector / business consulting firm is a strong advantage;
- Previous experience in working within UNDP or other international organizations will be an asset.

#### III. Competencies:

- Fluency in both oral and written Romanian and Russian is a must; knowledge of English is a strong advantage.
- Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;
- Proven knowledge of Moldovan legal framework;
- Understanding of Moldovan tax administration system;
- Understanding of Moldovan consumer rights protection mechanism;
- Proven knowledge of personal data protection legal framework (would be 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;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Excellent organizational skills;
- Problem solving skills and result orientation;
- Responsibility;
- Flexibility.

### **4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

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

1. Proposal: explaining why they are the most suitable for this position.
2. Financial proposal: in (USD, specifying a total lump sum amount and the number of anticipated working days).

3. Personal CV including past experience in similar projects and the contact details of at least 3 reference persons.

## 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 instalments 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 shall include a breakdown of this lump sum amount (including fee, taxes, travel, per diems, 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**:

- University degree in law, public administration, international relations/development studies;
- At least three (3) years of experience in legal drafting (e.g. laws, governmental decisions, internal regulations of public institutions, etc.);
- At least three (3) of experience in working with Moldovan central public administration institutions

Individual consultants will be evaluated based on the following methodology:

### Cumulative analysis

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.

\* Technical Criteria weight – 60% (300 pts);

\* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Max. Points Obtainable
<u>Technical</u>		

University degree in law, public administration, international relations/development studies	(University degree - 25 pts., Master's – 30 pts.)	30
At least three (3) years of experience in legal drafting (e.g. laws, Governmental decisions, internal regulations of public institutions, etc.)	(3 years – 70 pts, each additional year of experience – 5 pts, up to a maximum of 85 pts.)	85
At least three (3) years of experience in working with Moldovan central public administration institutions	(3 years – 45 pts., each additional year of experience -5 pts.; up to a maximum 60 pts.)	60
Working experience in the field of personal data protection would be an advantage.	(no – 0 pts; 1 year – 50 pts., each additional year of experience -5 pts.; up to a maximum 65 pts.)	65
Previous experience in development assistance or related work for a donor organization, governmental institutions, NGO/think-tank or private sector / business consulting firm is a strong advantage.	(no – 0 pts., yes - 15 pts.)	15
Previous experience in working within UNDP or other international organizations will be an asset.	(no – 0 pts., yes - 20 pts.)	20
Fluency in both oral and written Romanian and Russian is a must; knowledge of English is a strong advantage.	(Romanian – up to 7 pts; Russian – up to 7 pts; English – up to 4 pts, any additional language relevant for Moldova – 7 pts. )	25
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></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.		<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 REFERENCES (TOR)**

**ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**