



TERMS OF REFERENCE

- A. Job Title:** Group of local consultants/trainers to conduct a series of training modules for the staff of the Legal and Anti-corruption Expertise Department of the NAC on detection of corruption risks and procedural aspects in the fields of:
- (i) banking;
 - (ii) public-private partnership;
 - (iii) public procurement;
 - (iv) land destination;
 - (v) exceptional tax exemption
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening the corruption prevention and analysis functions of the National Anticorruption Center (NAC)
- D. Contract type:** Individual Contract (IC)
- E. Duration and workload:** April-June 2016, up to 7 working days (including 3-day training, preparation and evaluation)

F. Background:

Strengthening the corruption prevention and analysis functions of the National Anticorruption Center Project (NAC) is implemented by UNDP in partnership with the NAC and funded by the Government of Norway. The goal of the project is to strengthen the institutional and operational capacities of the National Anticorruption Centre of the Republic of Moldova for ensuring effective implementation of its prevention and analytical functions in line with the strategic policy documents, such as Moldova 2020, National Anticorruption Strategy and the National Action Plan for the implementation of the EU-Moldova Association Agreement (AA), as well as with the international standards. The project will enhance the capacities, independence and empowerment of the NAC to effectively prevent corruption and to develop and implement evidence-based corruption prevention policies. The project will support also the development of accountability and transparency mechanisms and strengthening of integrity of NAC through establishing a platform for cooperation with Civil Society Organizations in order to increase citizens' trust in governance.

Corruption remains a major issue in Moldova. Various international rankings testify the high levels of perceptions of corruption. The Parliament, acknowledging the need to fight corruption, adopted the National Anticorruption Strategy (NAS) in 2011¹, which is implemented by two action plans². Anticorruption measures strongly feature in other major strategic policy documents, such as Moldova 2020,³ Justice Sector Reform Strategy (2011 – 2016) and its Action Plan⁴ and the National Action Plan for the implementation of the EU-Moldova Association Agreement (AA).⁵

National Anticorruption Center (NAC) has a well-defined mandate for the prevention of corruption and is

¹ Parliamentary Decision 154, of 21 July 2011, to adopt the National Anti-Corruption Strategy 2011-2015.

http://cna.md/sites/default/files/snadoc/national_anti-corruption_strategy_2011-2015_republic_of_moldova.pdf

² Parliamentary Decision 12, of 17.02.2012 to approve the Action Plan for 2012–2013 to implement the National Anti-Corruption Strategy 2011–2015. http://cna.md/sites/default/files/snadoc/hp_plan_2011-2013_0.pdf and the Parliamentary Decision 76, of 16.05.2014 to approve the Action Plan for 2014–2015 to implement the National Anti-Corruption Strategy 2011–2015.

http://cna.md/sites/default/files/snadoc/plan_2014-2015_eng.doc

³ <http://cancelaria.gov.md/lib.php?l=en&idc=435&nod=1&>

⁴ <http://www.justice.gov.md/#idc=420&>

⁵ <http://www.mfa.gov.md/implementarea-aa/>

the institution responsible for the coordination of the implementation of the National Anticorruption Strategy (2011 - 2015). While corruption prevention and analysis are priorities for NAC according to its Strategic Plan, the capacities of the institution in these areas are still underdeveloped for the appropriate implementation of the function.

NAC is facing a number of challenges, including those related to weak institutional and staff capacity to efficiently execute the institutional mandate as a corruption prevention body and implement the activities assigned to it by the main national strategic documents, namely the National Anticorruption Strategy Action Plan and the Action Plan for the implementation of the European Union – Republic of Moldova Association Agreement (AA).

According to the approved Action Plan, *Strengthening the corruption prevention and analysis functions of the National Anticorruption Center (NAC)* project implemented by UNDP in partnership with the NAC and funded by the Government of Norway, will support strengthening NAC's operational and institutional capacity to fulfil its prevention and analytical functions. In this context, the Project seeks to contract a group of local consultants/trainers to conduct a series of training modules on detection of corruption risks and procedural aspects in the fields of banking, public-private partnership, public procurement, land destination and exceptional tax exemption for the staff of the Legal and Anti-corruption Expertise Department of NAC.

G. Objective:

Strengthen capacities of the staff of the NAC Legal and Anti-corruption Expertise Department in detection of corruption risks and procedural aspects in the fields of banking, public-private partnership, public procurement, land destination and exceptional tax exemption. This should be achieved through the organization of five trainings modules that will serve as a mixture of theoretical and practical aspects in the respective subject areas with the particular focus on procedural aspects which can point out to corruption risks.

The Objectives and Scope of services defined above shall be met through, but not limited to the following activities:

- 1) **Methodology development:** prepare and submit for approval to NAC Project Team the methodology and detailed work plan for the implementation of each training module, which will include:
 - Training agenda, supporting materials;
 - Each training module should include theoretical and practical aspects, combining grassroots knowledge with academic expertise, and based on dialogue, visual tools and friendly atmosphere;
 - Methodology for monitoring/evaluation of achieved results, including evaluation forms.

The proposed methodology must be approved by NAC Project Team and the NAC's Legal and Anti-corruption Expertise Department at the initial phase of the contract.

- 2) **Carry out 3-days training modules** for up to 20 staff members of the NAC Legal and Anti-corruption Expertise Department, according to the approved methodology and agenda, on the following five topics:

- I. **Detection of corruption risks and procedural aspects in Banking sector:**

- a. The legal regulation of banking operations (licensing of exchange offices, authorization of foreign currency operations, currency control bodies, sanctions applied to exchange units);
 - b. Supervision and regulation of financial institutions (special administration of financial institutions, special administration conditions and effects, special administrator responsibilities, cessation of the special administration, settlement of disputes arising in the process of special administration).

- II. **Detection of corruption risks and procedural aspects in public-private partnerships:**

Specific risks related to PPPs' and the sharing of risks between public and private partners in the

project implementation stage.

III. Detection of corruption risks and procedural aspects in Public procurement:

- a. the exclusion of conflict of interest in elaboration of documents of assignment and bid evaluation;
- b. transparency in the assignment process and execution of public contracts;
- c. liability and penalty mechanisms in the field of public procurement in other states.

IV. Detection of corruption risks and procedural aspects in land destination changing:

from state public property to state private property or private property.

V. Detection of corruption risks and procedural aspects in exceptional tax exemptions: privileged import permit without payment of tax duties; tax exemption for efficient economy boost instruments (free economic zones, industrial parks).

3) **Ensure evaluation** of achieved results, including evaluation forms.

4) **Develop Final Report** upon the conclusion of the assignment addressing the key results, major conclusions and recommendations.

Note 1: National consultants/trainers shall clearly indicate the training module (subject) they are applying for. Consultants can apply for more than one training subjects if possessing demonstrated competence.

Note 2: All trainings and materials should be carried out in Romanian.

Final report shall be provided in English and Romanian, in hard and electronic copy.

H.DELIVERABLES AND INDICATIVE TIMEFRAME

Exact date for each training module will be agreed between the consultant and NAC Legal and Anticorruption Expertise Division and set during the period of April-June 2016.

Deliverables, activities, and milestones follow this tentative schedule:

No.	Deliverable/Milestone	Indicative timeframe
1	Preparatory Work A detailed work plan and methodology, draft agendas, supporting materials, monitoring & evaluation plan submitted to and agreed with NAC Project Team and designated NAC staff	By 12 April 2016
2	Training module/modules successfully carried out and evaluation results submitted , based on the methodology approved by NAC	By 30 June 2016
3	Final report reflecting the key results achieved, major conclusions and recommendations submitted	By 30 June 2016

Note: Deliverables and final timeline can be amended or specified for the purpose of the assignment.

Payment will be made upon the successful completion of the tasks assigned and submission of the final report.

J. Organizational Setting:

This is a part-time consultancy. The consultants will work with the management and staff of the National Anticorruption Centre for substantive aspects of the assignment, and under the direct supervision of the UNDP Project Manager – for administrative aspects. The consultants will submit the Report on the execution of the assignment as per the contract to UNDP Project Manager.

K. Inputs:

The National Anticorruption Centre will provide the consultants with the necessary information and materials for the fulfilment of tasks, as well as the venue for trainings and necessary equipment for presentations. UNDP will provide administrative and logistical support in organisation of trainings, as necessary.

L. Qualifications and skills required:

1. For consultant/trainer in Detection of corruption risks and procedural aspects in Banking sector.

I. Academic Qualifications:

- Master's Degree or equivalent in Finance and Banking, Economics, or other relevant field

II. Years and sphere of experience:

- At least 5 years of proven professional experience and/or consultancy in/related to banking sector;
- At least two assignments in conducting training/coaching for public institutions, NGOs in the related field

III. Competencies:

- Proven knowledge of procedural aspects and corruption risks in banking-financial sector;
- Previous work with anti-corruption and law enforcement institutions will be a strong asset;
- Strong communication and presentation skills (to be demonstrated by the examples of previous relevant assignments);
- Previous successful experience of work with UNDP, or other development partners is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality.

2. For consultant/trainer in Detection of corruption risks and procedural aspects in public-private partnership (PPP).

I. Academic Qualifications:

- Master's Degree or equivalent in Finance, Economics, Law, Public Policies or other relevant field

II. Years and sphere of experience:

- At least 3 years of proven professional experience and/or consultancy in/related to public-private partnership;
- At least two assignments in conducting training/coaching for public institutions, NGOs in the related field

III. Competencies:

- Proven knowledge of procedural aspects and corruption risks in PPP sector;
- Previous work with anti-corruption and law enforcement institutions will be a strong asset;

- Strong communication and presentation skills (to be demonstrated by the examples of previous relevant assignments);
- Previous successful experience of work with UNDP, or other development partners is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality.

3. For consultant/trainer in Detection of corruption risks and procedural aspects in Public Procurement.

I. Academic Qualifications:

- Master's Degree or equivalent in Finance, Economics, Law, Public Policies or other relevant field

II. Years and sphere of experience:

- At least 5 years of proven professional experience and/or consultancy in/related to public procurement;
- At least two assignments in conducting training/coaching for public institutions, NGOs in the related field

III. Competencies:

- Proven knowledge of procedural aspects and corruption risks in public procurement;
- Previous work with anti-corruption and law enforcement institutions will be a strong asset;
- Strong communication and presentation skills (to be demonstrated by the examples of previous relevant assignments);
- Previous successful experience of work with UNDP, or other development partners is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality.

4. For consultant/trainer in Detection of corruption risks and procedural aspects in land destination changing.

I. Academic Qualifications:

- Master's Degree or equivalent in Law, Public Policies or other relevant field

II. Years and sphere of experience:

- At least 3 years of proven professional experience and/or consultancy in/related to land administration sector;
- At least two assignments in conducting training/coaching for public institutions, NGOs in the related field

III. Competencies:

- Proven knowledge of procedural aspects and corruption risks in land administration;
- Previous work with anti-corruption and law enforcement institutions will be a strong asset;
- Strong communication and presentation skills (to be demonstrated by the examples of previous relevant assignments);
- Previous successful experience of work with UNDP, or other development partners is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality.

5. For consultant/trainer in Detection of corruption risks and procedural aspects in exceptional tax exemptions.

I. Academic Qualifications:

- Master's Degree or equivalent in Finance, Law, Public Policies or other relevant field

II. Years and sphere of experience:

- At least 5 years of proven professional experience and/or consultancy in/related to fiscal sector;
- At least two assignments in conducting training/coaching for public institutions, NGOs in the related field

III. Competencies:

- Proven knowledge of procedural aspects and corruption risks in fiscal sector;
- Previous work with anti-corruption and law enforcement institutions will be a strong asset;
- Strong communication and presentation skills (to be demonstrated by the examples of previous relevant assignments);
- Previous successful experience of work with UNDP, or other development partners is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;
- 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, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;

- Flexibility;
- Punctuality.

The United Nations Country Team in the Republic of 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.

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 and providing examples of previous relevant assignments reflecting the competencies required;
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.