



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **21 March 2016**

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**Country:** Republic of Moldova

**Description of the assignment:** Team of one International and one National Consultants to conduct a legal analysis on the decisions issued by the Equality Council and by the domestic courts on discrimination cases

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

**Period of assignment/services:** 18 April – 15 June 2016 ( International Consultant – up to 14 working days (incl. one 2-days long mission to Moldova); National Consultant – up to 15 working days)

Proposals should be submitted online only, by following the “Apply online” link, no later than [07 April 2016](#).

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [elena.darii@one.un.org](mailto:elena.darii@one.un.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

The Office of the United Nations High Commissioner for Human Rights (OHCHR) represents the world's commitment to universal ideals of human dignity. It has a unique mandate from the international community to promote and protect all human rights.

Since July 2008 OHCHR has deployed a Human Rights Adviser to support the work of the Office of the United Nations Resident Coordinator (UN RC) in the Republic of Moldova, in September 2015 replaced by a National Human Rights Coordinator. OHCHR in Moldova led by the National Human Rights Coordinator supports and advises the UN RC Office, United Nations Country Team (UNCT) in Moldova, Government, National Human Rights Institutions (NHRIs), civil society and community groups in strengthening human rights and human rights based approach to development.

During 2015-2016 the OHCHR office in Moldova in full cooperation with UNDP Moldova are implementing the joint project “Supporting National Human Rights Institutions as per International Treaty Bodies and UPR Recommendations”, with the financial support of the Norwegian Government. The overall goal of the project is to contribute to the effective protection and promotion of human rights, equality and non-discrimination in the Republic of Moldova. The project seeks to catalyze the emergence of the strongest possible independent national human rights institutions for Moldova – the Ombudsperson Office and the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (hereby referred as Equality Council) – and to

increase their focus around core strategic human rights goals to maximize their impact.

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

The team of experts composed of 1 (one) International Consultant and 1 (one) National Consultant shall work under the direct guidance of OHCHR/UNDP Project Managers and Equality Council responsible staff and to perform the following tasks:

1. Draft and submit for approval the methodology for the analysis of the 2 components: (i) analysis of the decisions of the Equality Council and (ii) analysis of court decisions on discrimination cases;
2. Conduct consultations with the Equality Council and, depending on the case, other relevant actors, regarding the procedure and decisions issued by the Equality Council and by the courts on discrimination cases, in order to collect information from primary sources relevant for the analysis;
3. In consultation with the Equality Council and OHCHR/UNDP, select a relevant set of decisions (issued by the Equality Councils and domestic courts on discrimination cases) for further analysis;
4. Conduct the analysis guided by the two components, as specified above, and provide concrete and usable recommendations for further improvement of the regulatory framework and the practice of the Equality Council and domestic courts within the framework of the complaints mechanism on discrimination issue;
5. Discuss the first and final drafts of the analysis with the Equality Council and OHCHR/UNDP and make the necessary adjustments;
6. Discuss the findings and recommendations with other relevant actors identified by the consultants together with the Equality Council and OHCHR/UNDP.

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

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

The International and National Consultants must possess the following minimum qualifications:

### **International Consultant:**

- I. Academic Qualifications:
  - a. Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights or other relevant field;
- II. Years and sphere of experience:
  - a. At least 5 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other human rights relevant field, including experience in the CEE/CIS region;
- III. Competencies:
  - Proven experience and knowledge of non-discrimination and equality principles, including research, analysis and drafting analytical reports in the area of equality and non-discrimination;
  - Knowledge and experience working with National Human Rights Institutions, especially non-discrimination bodies with a similar mandate to Equality Council in Moldova;
  - Experience/knowledge of processes of issuing decisions within a National Human Rights Institution with a complaint mechanism is a strong advantage;

- Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova is an asset;
- Effective communication, strong analytical and reporting skills;
- Knowledge of English, both written and spoken, for the purposes of the assignment. Knowledge of Romanian and/or Russian is a strong 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.

UN in 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.

**National Consultant:**

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights or other relevant field;

II. Years and sphere of experience:

- At least 2 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other relevant human rights field;

III. Competencies:

- Proven experience and knowledge of non-discrimination and equality principles, including 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;
- Knowledge and experience working with/on National Human Rights Institutions, especially Equality Council in Moldova, would be a strong advantage;
- Knowledge/experience of issuing the decisions processes within the Equality Council and the domestic courts;
- Effective communication, strong analytical and reporting skills;
- Knowledge of English and Romanian, both written and spoken, for the purposes of the assignment. Knowledge of Russian is an advantage.

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.

UN in 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.

#### **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 the work including past experience in similar projects and provide a brief methodology on how they plan to approach the analysis (maximum 1, 5 page);
2. Financial proposal (in USD, specifying a total requested amount per day, including all related costs, e.g. fees, per diems, travel costs, phone calls etc. );
3. Duly completed and signed P11 Form, and at least 3 contacts for references.

#### **5. FINANCIAL PROPOSAL**

Each candidate will be required to submit an aggregated financial offer ("aggregated financial offer" is the total sum of all financial claims of the candidate for accomplishment of the task), which includes proposed consultancy fee, travel costs, visa costs (if required), per diem (for accommodation, meals and local transport / communication. The consultant will be provided with the necessary administrative and logistical support to enable them deliver on the expected outputs.

Payment will be disbursed in one installment upon submission and approval of all deliverables and certification by the OHCHR Program Coordinator that the services have been satisfactorily performed.

##### 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:

##### **International Consultant:**

- Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights or other relevant field;
- At least 5 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other human rights relevant field, including experience in the CEE/CIS region;

- Knowledge of English, both written and spoken, for the purposes of the assignment.

#### **National Consultant:**

- Master's Degree or equivalent (5-year university education) in Law, Public Administration, Human Rights or other relevant field;
- At least 2 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other relevant human rights field;
- Knowledge of English and Romanian, both written and spoken, for the purposes of the assignment.

The short-listed individual consultants will be further 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.

#### **International Consultant:**

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 or other relevant field;	Master's Degree or 5 year university education – 40 pts.	40
At least 5 years of proven professional experience in legal research and analysis pertaining to non-discrimination legislation, human rights and equality or other human rights relevant field, including experience in the CEE/CIS region;	5 years - 30 pts.; >5 years - 40 pts.	40
Proven experience and knowledge of non-discrimination and equality principles, including research, analysis and drafting analytical reports in the area of equality and non-discrimination;	Yes - 40 pts.; to some extent - 20 pts.; No – 0 pts.	40
Knowledge and experience working with National Human Rights Institutions,	Yes - 40 pts.; to some extent - 20 pts.; No – 0 pts.	40

especially non-discrimination bodies with a similar mandate to Equality Council in Moldova;		
Knowledge of English, both written and spoken, for the purposes of the assignment. Knowledge of Romanian and/or Russian is a strong asset.	Max – 15 pts.;	15
Interview (demonstrated competences as specified in the annex 1 – Terms of reference).	40 pts. - Experience/knowledge of processes of issuing decisions within a National Human Rights Institution with a complaint mechanism is a strong advantage; 40 pts. - Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova is an asset; 30 pts. - Effective communication, strong analytical and reporting skills; 15 pts. - 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.	125
<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><u>S = Fmin / F * 200</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.		<b>200</b>

**National Consultant:**

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 or other relevant field;	Master's Degree or 5 year university education – 40 pts.	40
At least 2 years of proven professional experience in legal research and analysis	2 years - 30 pts.; >2 years - 40 pts.	40

pertaining to non-discrimination legislation, human rights and equality or other relevant human rights field;		
Proven experience and knowledge of non-discrimination and equality principles, including research, analysis and drafting analytical reports in the area of equality and non-discrimination;	Yes - 40 pts.; to some extent - 20 pts.; No – 0 pts.	40
Knowledge of non-discrimination legislation and international human rights commitments of the Republic of Moldova;	Yes - 40 pts.; to some extent - 20 pts.; No – 0 pts.	40
Knowledge of English and Romanian, both written and spoken, for the purposes of the assignment. Knowledge of Russian is an advantage.	Max – 15 pts.;	15
Interview (demonstrated competences as specified in the annex 1 – Terms of reference).	<p>40 pts. - Knowledge and experience working with/on National Human Rights Institutions, especially Equality Council in Moldova, would be a strong advantage;</p> <p>40 pts. - Knowledge/experience of issuing the decisions processes within the Equality Council and the domestic courts;</p> <p>30 pts. - Effective communication, strong analytical and reporting skills;</p> <p>15 pts. - 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.</p>	125
<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:</p> <p><b><u>S = Fmin / F * 200</u></b></p> <p>S – score received on financial evaluation;</p> <p>Fmin – the lowest financial offer out of all the submitted offers qualified over the</p>		<b>200</b>

technical evaluation round; F – financial offer under consideration.	
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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**