

INDIVIDUAL CONSULTANT PROCUREMENT NOTICEDate: **23 March 2016****Country:** Republic of Moldova**Description of the assignment:** 2 (two) National consultants (**Legal Consultant and Methodological Consultant**) to develop the new legal and regulatory framework on data exchange and interoperability**Project name:** Improving the Quality of Moldovan Democracy through Parliamentary and Electoral Support / Electoral Component**Period of assignment/services:** April – August 2016Proposals should be submitted online by pressing the "Apply Now" button no later than 07 April 2016Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: sergiu.galitchi@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**

UNDP Moldova Programme "Improving the Quality of Moldovan Democracy through Parliamentary and Electoral Support/ Electoral Component" (further referred as Programme) is a multi-year institutional development programme that supports authorities of the Republic of Moldova to organize and deliver professional, transparent and efficient electoral processes.

One of the objectives of the Programme is to help improve the quality of voter lists' data by improving the voter registration procedures and quality of source data. In Moldova, voter lists are generated from the State Register of Voters (SRV), which processes data from the State Register of Population (SRP). The quality of data in the SRP depends on the quality of source data of the civil status acts and data from other registers (e.g. address register). An important aspect in this data interdependence structure is the data quality, accuracy and efficiency in the process of data exchange among different institutions in the Republic of Moldova.

As a derivative from the objective described above, in 2015, the Programme provided international and national expertise to the Government of Moldova, relevant line ministries and institutions to review and develop proposals to adjust national legal and regulatory framework on data exchange and interoperability through MConnect platform, in line with Moldovan strategic objectives and best international practices. As a result of this support, 2 main sets of documents have been produced:

- ✓ Analysis of deficiencies of the existing Moldovan legal and regulatory framework related to data exchange and interoperability taking into account EU legislation and best international practices;
- ✓ Draft law on the amendment and adjustment to other legal acts related to data exchange and interoperability. Argumentation Note to the draft law.

These documents have been extensively consulted and commented by various important stakeholders. They have also been presented and debated in a large consultative group with the participation of E-Gov Center, Central Electoral Commission, State Enterprise "Cadastru", and Center for Special Telecommunications, Center for Personal Data Protection, etc. The unanimous conclusion of the members of the consultative group was that apart from the draft law on the amendment and adjustment to other legal acts related to data exchange and interoperability, a new law exclusively framing data exchange and interoperability is absolutely necessary. This will mark the clarity on data ownership, data processing and protection of personal data.

2. SCOPE OF WORK

The Programme intends to contract two national consultants (one legal and one methodological) to assist the E-Government Center to develop the legal and regulatory framework for efficient and secure data exchange and interoperability among central public administrations based on the Strategic Programme of Government of Moldova IT development (E-Transformation)¹, Interoperability Framework Program² and in line with EU legal framework and international best practices. The new law should define the roles and responsibilities of the main actors and other stakeholders at the central level, the relationship between them, and the cooperation with third parties.

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

¹ <http://lex.justice.md/index.php?action=view&view=doc&id=340301>

² <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=344700&lang=1>

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

LEGAL CONSULTANT

Academic Qualifications:

- MA or equivalent in Law or related fields.

Work Experience:

- At least 3 years of professional experience in comparative analysis of national legal and regulatory acts and in drafting new legal and regulatory initiatives;
- At least 2 years of professional experience in working with central public administrations of the Republic of Moldova;
- Previous professional experience in dealing with data exchange and interoperability will be an asset.

Competencies:

- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Proven knowledge of EU legal framework and international best-practices related to data exchange and interoperability for improved public service delivery;
- Excellent analytical and legal drafting skills (to be proven with concrete examples);
- Knowledge of Romanian and English (understanding and written) is a must. Knowledge of Russian will be a strong advantage.

METHODOLOGICAL CONSULTANT

Academic Qualifications:

- MA or equivalent in Law or IT related fields.

Work Experience:

- At least 2 years of professional experience in efficient and secure data exchange and interoperability among central public administrations;
- Proven professional experience in dealing with analysis of legal and/or regulatory frameworks related to E-Transformation, Interoperability Framework Program will be an advantage;
- Previous experience related to MConnect platform will be an asset.

Competencies:

- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Proven knowledge of EU legal and regulatory framework, and international best-practices related to data exchange and interoperability for improved public service delivery;
- Excellent analytical and legal drafting skills (to be proven with concrete examples);
- Knowledge of Romanian and English (understanding and written) is a must. Knowledge of Russian will be a strong advantage.

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.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

- Cover letter with description of relevant previous experience;
- Financial proposal (LUMP SUM) in USD, specifying the assignment, the number of days planned for the completion of the assignment, the requested amount per day (fee) and all related costs (e.g. phone calls etc.) quoted in separate line items;
- Duly completed P-11 form with three references.

Important note: National consultants shall clearly indicate the job title (Legal Consultant or Methodological Consultant) they are applying for.

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 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:

LEGAL CONSULTANT

- MA or equivalent in Law or related fields;
- At least 3 years of professional experience in comparative analysis of national legal and regulatory acts and in drafting new legal and regulatory initiatives;
- At least 2 years of professional experience in working with central public administrations of the Republic of Moldova.

METHODOLOGICAL CONSULTANT

- MA or equivalent in Law or IT related fields;
- At least 2 years of professional experience in efficient and secure data exchange and interoperability among central public administrations.

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.

LEGAL CONSULTANT

Criteria	Scoring	Maximum Points Obtainable
Technical		
MA or equivalent in Law or related fields;	MA – 10 pts., PhD – 15 pts.	15
At least 3 years of professional experience in comparative analysis of national legal and regulatory acts and in drafting new legal and regulatory initiatives;	3 years – 30 pts., each additional year of experience – 5 pts. up to a maximum of 60 points;	60
At least 2 years of professional experience in working with central public administrations of the Republic of Moldova;	2 years – 20 pts., each additional year of experience – 5 pts. up to a maximum of 35 points;	35
Previous professional experience in dealing with data exchange and interoperability will be an asset.	Yes – 30 pts., No – 0 pts.	30
<u>Interview</u>	<ul style="list-style-type: none"> • Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively (up to 45 pts.); • Proven knowledge of EU legal framework and international best-practices related to data exchange and interoperability for improved public service delivery (up to 45 pts.); • Excellent analytical and legal drafting skills (to be proven with concrete examples) (up to 45 pts.); • Knowledge of Romanian and English (understanding and written) is a must. Knowledge of Russian will be a strong 	160

	advantage (Romanian and English – 10 pts. each, Russian – 5 pts., max – 25 pts.)	
Maximum Total Technical Scoring		300
Financial		
Evaluation of submitted financial offers will be done based on the following formula: S = Fmin / 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

METHODOLOGICAL CONSULTANT

Criteria	Scoring	Maximum Points Obtainable
Technical		
MA or equivalent in Law or IT related fields;	MA – 15 pts., PhD – 20 pts.	20
At least 2 years of professional experience in efficient and secure data exchange and interoperability among central public administrations;	2 years – 30 pts., each additional year of experience – 5 pts. up to a maximum of 60 points;	60
Proven professional experience in dealing with analysis of legal and regulatory frameworks related to E-Transformation, Interoperability Framework Program will be an advantage;	Yes – 30 pts., No – 0 pts	30
Previous experience related to MConnect platform will be an asset	Yes – 30 pts., No – 0 pts.	30
<u>Interview</u>	<ul style="list-style-type: none"> • Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively (up to 45 pts.); • Proven knowledge of EU legal and regulatory framework, and international best-practices related to data exchange and interoperability for improved public service delivery (up to 45 pts.); • Excellent analytical and legal drafting skills (to be proven with concrete examples) (up to 45 pts.); • Knowledge of Romanian and English (understanding and written) is a must. Knowledge of Russian will be a strong advantage (Romanian and English – 10 pts. each, Russian – 5 pts., max – 25 pts.) 	160
Maximum Total Technical Scoring		300
Financial		
Evaluation of submitted financial offers will be done based on the following formula: S = Fmin / 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