



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **April 6, 2016**

Country: Republic of Moldova

Description of the assignment: **International consultant** in the area of anticorruption and integrity management in private sector

Project name: Strengthening the corruption prevention and analysis functions of the National Anticorruption Center (NAC)

Period of assignment/services: May – July 2016

Proposals should be submitted by **April 20, 2016**

Requests for **clarification** must be sent by standard electronic communication to the following e-mail olga.crivoliubic@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

In Moldova corruption is usually perceived as a phenomenon characteristic to public sector, in particular justice, health, education, police, central and local public administration. However, a more comprehensive approach to this phenomenon demonstrates the involvement and destructive effects of corruption on private sector as well.

Costs of corruption in private sector are huge and affect the quality of goods and services delivered to population, market competitiveness and economic rules, investment process, national public budget. Bribes paid by the economic agents for gaining public contracts determine a fraudulent increase of cost of such contracts and a decrease of quality. Public and business entities and political actors set illegal relations to gain public contracts and fund political parties. According to the *Survey on Perception vs. Personal Experience with Corruption of Households and Business-people*, conducted by UNDP in partnership with the Transparency International Moldova¹, the total value of bribes paid by businessmen in 2015 was estimated at MDL 381 mln.

Another research developed by the Transparency International-Moldova, *The National Integrity System*² states that "a part of the private sector activates in shadow economy, in which tax evasion is committed, which makes it vulnerable to the control bodies. The private sector is poorly protected by the state. The ethical standards of small enterprises are low. The big enterprises usually do not apply norms of corporate management. The private sector is insufficiently involved in the activity of working groups/councils in the frame of state bodies, in monitoring economic and anti-corruption policies."

The same tendency is demonstrated by several international ratings as well. The "Index of Economic Freedom 2016", developed by the Heritage Foundation, ranks Moldova as 117th out of 178 countries with a score of 57,4, or 0,1 points less comparing to the last year³. Corruption was highlighted as one of

¹ <http://transparency.md/ro/noutati/23-research/265-coruptia-in-republica-moldova-perceptiile-si-experientele-propriei-ale-oamenilor-de-afaceri-si-gospodariilor-casnice>

² <http://transparency.md/ro/cefacem/publicatii>

³ <http://www.heritage.org/index/ranking>

the major challenges, while bureaucracy and lack of transparency often make opening and running a business costly and difficult. According to the Global Business Bribery Risk Index, developed by the non-governmental business association TRACE International, Moldova occupies the place 130 out of 197. The highest risk score (70) was attributed for the Interaction with Government, Moldova being placed in the group of countries with a high level of corruption risks.⁴

In spite of the fact that national legislation sets certain rules on the responsibility of legal entities of private law for a rightful, honorable and adequate entrepreneurial activity, incriminates corruption offences in private sector, including criminal liability of legal persons for corruption offences, application of the legal framework is unsatisfactory.

The UN Convention on Corruption (UNCAC), ratified by the Parliament of the Republic of Moldova by the Law 158/06.07.2007, provides that each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. Moldova will be part of an external evaluation of this chapter in the next round of evaluation.

The Government of Moldova, acknowledging the need to fight corruption, adopted the National Anticorruption Strategy (NAS) in 2011⁵. NAS is the main anticorruption policy document currently applied at the national level. The goal of the Strategy is to reduce the level of corruption in public and private sectors of the Republic of Moldova. National Anticorruption Center has a clear mandate to prevent corruption, including development of viable tools to prevent corruption in private sector. NAC is endorsed to take part in developing and improving legal framework on prevention and fighting corruption and corruption related offences, promoting international anticorruption standards.

UNDP, through its project *Strengthening the corruption prevention and analysis functions of the National Anti-corruption Center (NAC)* aims to strengthen the capacities of NAC in the analysis of corruption. To strengthen the capacities of NAC in the analysis of corruption in private sector, the project intends to contract an international consultant, who working in team with a national consultant, will assess the conformity of national anticorruption system, including legal, normative and policy framework, to UNCAC and other international standards related to corruption and integrity in private sector and will deliver concrete recommendations for preventing corruption and integrity management in private sector (at legislative, normative, institutional and policy level) and a sample Code of ethics for small and medium enterprises.

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

Main objective of the assignment is to strengthen the capacities of NAC in the analysis of corruption in private sector through developing a comprehensive assessment report on the conformity of national anticorruption system, including legal, normative and policy framework, to UNCAC and other international standards related to corruption and integrity in private sector and deliver concrete recommendations for preventing corruption and integrity management in private sector (at legislative, normative, institutional and policy level) and a sample Code of ethics for small and medium enterprises.

The international consultant will work in a team with a national consultant. The assignment will include **two missions to Chisinau** (5 working days each).

⁴ <https://www.traceinternational.org/trace-matrix>

⁵ 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

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications

- Master's Degree or equivalent (5 years of university studies) in Economics, Finance, Law or other relevant field.

II. Years and sphere of experience

- At least five years of relevant experience in consultancy related to corruption and integrity standards in private sector;
- At least one year of experience in implementing similar missions in new EU Member or candidate states or CIS region.

III. Competencies

- Knowledge of the UNCAC, international standards and effective mechanisms for identifying and reducing corruption in private sector demonstrated by previous assignments;
- Practical experience in corruption risks assessment and/or anti-corruption expertise and integrity standards in private sector;
- Experience of work in private sector regulatory institutions (fiscal, competition, etc.) and/or anticorruption agencies will be a strong advantage;
- Extensive demonstrated experience in developing analytical studies/reports related to corruption risks in private sector;
- Previous successful experience of working with UN agencies is an advantage;
- Effective communication and strong analytical skills;
- Knowledge of English; knowledge of Romanian or Russian would be an advantage.

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;
- Capacity of collaboration and teamwork;
- Flexibility, Punctuality.

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 and providing examples reflecting the competencies for each of the qualification requirements (particularly providing details on the previously implemented similar projects and assignments and previous experience in the fields related to this consultancy as described in the terms of reference);
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. Payment will be made upon the successful completion of the tasks assigned and submission of the assessment report. 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, communication costs, 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.

Two trips to Moldova are envisaged under this assignment.

6. EVALUATION

Initially, individual consultants will be long-listed based on the following **minimum qualification criteria**:

- Master's Degree or equivalent (5 years of university studies) in Economics, Finance, Law or other relevant field.
- At least five years of relevant experience in consultancy related to corruption and integrity standards in private sector;
- At least one year of experience in implementing similar missions in new EU Member or candidate states or CIS region.

The long-listed individual consultants will be further evaluated by a Selection Committee based on the following short-listing criteria:

Long-listing Criteria	Scoring	Max. Points Obtainable
Master's Degree or equivalent (5 years of university studies) in Economics, Finance, Law or other relevant field	(Master – 20 pts., PhD – 30 pts.)	30
At least 5 years of relevant experience in consultancy related to corruption and integrity standards in private sector	(5 years – max. 25 pts, more than 5 years – up to 45 pts, 5 pts – for each additional year)	45
At least 1 year of experience in implementing similar missions in new EU Member or candidate states or CIS region	(one year – max 10 pts., more than one year – up to 25 pts., 5 pts – for each additional year)	25
Extensive demonstrated experience in developing analytical studies/reports related to corruption risks in private sector;	(1-3 assignments – 10 pts., each additional assignment – 5 points; up to max. 30 pts)	30
TOTAL		130

The first three candidates who passed short-listing evaluation criteria with the best score shall be invited for a skype interview and pass cumulative analysis.

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.

1. Technical evaluation (max 300 points) – 60%;

2. Financial evaluation (max 200 points) – 40%.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

Technical Criteria	Scoring	Max. Points Obtainable
Master's Degree or equivalent (5 years of university studies) in Economics, Finance, Law or other relevant field	(Master – 20 pts., PhD – 30 pts.)	30
At least 5 years of relevant experience in consultancy related to corruption and integrity standards in private sector	(5 years – max. 25 pts, more than 5 years – up to 45 pts, 5 pts – for each additional year)	45
At least 1 year of experience in implementing similar missions in new EU Member or candidate states or CIS region	(one year – max 10 pts., more than one year – up to 25 pts., 3 pts – for each additional year)	25
Extensive demonstrated experience in developing analytical studies/reports related to corruption risks in private sector;	(1-3 assignments – 10 pts., each additional assignment – 5 points; up to max. 30 pts)	30
Interview		
Knowledge of the UNCAC, international standards and effective mechanisms for identifying and reducing corruption in private sector demonstrated by previous assignments	(no – 0 pts., to some extent – up to 15 pts., yes – up to 30 pts.)	30
Practical experience in corruption risks assessment and/or anti-corruption expertise and integrity standards in private sector	(no – 0 pts., 1-3 assignments – up to 20 pts, more than 3 assignments – up to 45 pts., 5 additional points for each assignment)	45
Experience of work in private sector regulatory institutions (fiscal, competition, etc.) and/or anticorruption agencies will be a strong advantage	(no – 0 pts., up to one year experience – up to 10 pts., more than one year - 40 pts., 5 pts. for each additional year)	40
Effective communication and strong analytical skills	(no – 0 pts., to some extent – up to 10 pts., yes – up to 20 pts.)	20
Previous successful experience of working with UN agencies is an advantage	(no – 0 pts., to some extent – up to 5 pts., yes – up to 10 pts.)	10
Knowledge of English; knowledge of Romanian or	(English – 5 pts; Romanian – additional 5 pts; Russian –	15

Russian languages would be an advantage	additional 5 pts;)	
Responsibility, capacity of collaboration and teamwork, flexibility, punctuality, initiative, creativity/ resourcefulness	(no – 0 pts., to some extent – up to 5 pts., yes – up to 10 pts.)	10
Interview maximum points		170
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ 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 candidates

The winning candidates will be the candidates, 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