



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: September 19, 2016

Country: Republic of Moldova

Description of the assignment: A team of two local consultants to support the National Anticorruption Centre (NAC) in drafting of a Methodology and Guide for public agents on reporting corruption, gifts and undue influences

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

Period of assignment/services: October – December 2016, up to 20 working days

Proposals should be submitted by **October 3, 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

The National Anti-corruption Strategy 2011-2015, currently in force, provides for the encouragement of the corruption disclosure. Since December 2013, the mandatory character of reporting corruption and corruption related acts by public agents has been regulated by the Law 325 on the Professional Integrity Testing, which after the most recent 2016 amendments became the Law on the Institutional Integrity Assessment, and the Government's Decision no.767 from 19.09.2014 for implementing the Law, setting the procedure on reporting corruption and undue influences.

The gifts regime, until recently, was regulated by the Law no. 16/2008 regarding the Conflict of Interests, the Law no 25/2008 on the Code of conduct of the civil servant and the Government Decision no.134 of 22 February 2013. Starting with 15 of June 2016, along with the adoption of the Law no. 133 on assets and interests declaration, the above mentioned Law no. 16/2008 on conflict of interests was abolished. However, the provisions regarding the gifts declaration and liability for non-declaring have not been included in the new law but are one of the integrity standards mentioned in the Law on the Institutional Integrity Assessment.

Despite adoption of the regulatory framework, the lack of a clear methodological support and guidance on reporting corruption acts, gifts and undue influences, as well as frequent legislative amendments in a relatively short period of time creates confusion in understanding by public agents of the exact procedures to be applied in each of cases and causes perpetuation of corruption and corruption related incidents in civil service. In many cases this lack of clarity is used by civil servants to justify non-reporting of corruption incidents.

Despite thematic trainings offered recently to public agents from various public institutions, NAC found during its internal evaluations that the majority of public agents still don't know how to report correctly a corruption incident due to the lack of a uniform and clear procedure of reporting. At the same time a recent research launched by the UNDP-Moldova at the beginning of 2016¹ conducted in three central

¹ http://www.md.undp.org/content/moldova/en/home/library/effective_governance/impact-of-corruption-on-womens-career-development-opportunities/

public institutions revealed that 65.7% of the civil servants who participated in the survey said they did not know about the value of a symbolic gift that a public official can lawfully accept, 7.4% gave a wrong value and only 26.9% of respondents knew the limit of the symbolic value of a gift.

In the context of the most recent legislative evolutions in the field – adoption of the Law on the Institutional Integrity Assessment on 26.05.2016 and adoption in the first reading of the Integrity Law, providing for the liability of public agents to report corruption acts, gifts and undue influence, there is a need to develop a uniform methodology and guide for these procedures to ensure effective implementation of the mentioned legal provisions.

To support NAC in strengthening its corruption prevention functions, UNDP-Moldova through its project *Strengthening the corruption prevention and analysis functions of the NAC* financed by the Norwegian Ministry of Foreign Affairs seeks to contract a team of two local consultants to develop a methodology and guide on reporting corruption acts, gifts and undue influences.

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

The general objective of the assignment is to develop a methodology and guide for public agents on reporting corruption acts, gifts and undue influences.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- A Masters' Degree (or the equivalent of 5 years education) in Law, Public Administration or other relevant field. PhD is an asset;

II. Years of experience:

- At least 5 years of proven experience of working in judiciary, justice and/or law enforcement system or providing consultancy for judiciary and/or law enforcement system;
- At least 2 assignments related to anti-corruption procedures and/or integrity in civil service.

III. Competencies:

- Proven knowledge of the anti-corruption legislation of the Republic of Moldova and international anti-corruption standards, demonstrated by the previous assignments;
- Excellent knowledge of the Criminal and Contravention legislation of Moldova demonstrated by the previous assignments;
- Previous experience in developing guides and methodologies related to procedures in civil service;
- Proven report writing and analytical skills;
- Previous successful experience in working with international organizations, including UN agencies is an asset;
- Fluency in Romanian, Russian and English for the purpose of assignment

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 UNDP 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 and providing a list of relevant publications and a brief methodology on how they will approach and conduct the work;
2. Financial proposal in lump sum, USD;
3. Personal CV including past experience in similar assignments, the duly filled Personal History Form (P11) and at least 3 names for a reference check.

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.

No travel is envisaged under this assignment

6. EVALUATION

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

- A Masters' Degree (or the equivalent of 5 years education) in Law, Public Administration or other relevant field.
- At least 5 years of proven experience of working in judiciary and/or law enforcement system or providing consultancy for judiciary and/or law enforcement system;
- At least 2 assignments related to anti-corruption procedures and/or integrity in civil service.

Short-listed consultants will pass 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
A Masters' Degree (or the equivalent of 5 years education) in Law, Public Administration or other relevant field.	(Master – 30 pts., PhD – 35 pts.)	35
At least 5 years of proven experience of working in judiciary, justice and/or law enforcement system or providing consultancy for judiciary and/or law enforcement system;	(5 years – max. 25 pts, more than 5 years – up to 60 pts, 5 pts – for each additional year)	60
At least 2 assignments related to anti-corruption procedures and/or integrity in civil service.	(2 assignments – 20 pts, each additional assignment – 10 points; up to max. 40 pts)	40
Knowledge of the anti-corruption legislation of the Republic of Moldova and international anti-corruption standards, demonstrated by previous assignments	(1-2 assignments – 15 pts., each additional assignment – 5 points; up to max. 40 pts)	40
Excellent knowledge of the Criminal and Contravention legislation of Moldova demonstrated by previous assignments;	(1-2 assignments – 15 pts., each additional assignment – 5 points; up to max. 45 pts)	45
Previous experience in developing guides and methodologies related to procedures in civil service	(each assignment – 20 pts., up to max. 40 pts)	40
Previous successful experience in working with international organizations, including UN agencies is an asset	(1-3 assignments – 10 pts., each additional assignment – 5 points; up to max. 25 pts)	25
Knowledge of Romanian, Russian English for the purpose of assignment	Each language – 5 pts	15
Maximum Total Technical Scoring		300
Financial		
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