



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **23 October 2012**

Country: Republic of Moldova

Description of the assignment: National Consultant to support the Ministry of Transport and Road Infrastructure in the legal harmonization process

Project name: Transitional Capacity Support for the Public Administration of Moldova

Period of assignment/services: up to 7 months

Proposals should be submitted **on-line** by pressing the "Apply Now" button or by email to vacancies-moldova@undp.org, no later than 6 November 2012

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: marin.eladi@undp.org and/or silvia.apostol@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.

Please notice that, in line with TCS Project rules, which guard against subtracting capacity from the civil service, current civil servants are barred from applying for this position. The former civil servants are eligible to apply not earlier than in a year after the separation from civil service.

1. BACKGROUND

The project "Transitional Capacity Support for the Public Administration of Moldova" was designed upon the request of the Government of Moldova to enhance capacities of the Moldovan Central Public Administration in order to accelerate the reform process and achieve Moldova's short- and medium term development goals. The project seeks to address urgent short-term capacity needs of the public administration, through provision of Capacity building consultants (CBC), at a time when Moldovan central government institutions face serious financial and human resources gaps. In addition to helping the Government pursue critical reform priorities, the intervention is designed to catalyze the on-going implementation of central public administration reform. It is coordinated and managed by the United Nations Development Programme (UNDP) and State Chancellery of Moldova and will complement on-going work by other donors.

The Moldovan diaspora and non-governmental sector, including the private and civil society sectors, would be the main source for such consultants, who can be employed on an open competitive basis for a defined period. CBC would be engaged and their TORs defined in a way that would protect the integrity of the civil service work to strengthen its intrinsic capacity. The project needs to guard against subtracting capacity from the civil service. In most cases, the sub-projects will be composed of national consultants – professionals who provide advice, coaching, and skills that are not expected to be performed on a permanent basis by the civil service.

The Government Program "European Integration: Freedom, Democracy and Welfare" (2011-2014) envisages that the Infrastructure and Transport system of the country needs to be brought in line with the EU standards and requirements. Among several objectives the Program foresees liberalizing and developing the transport and communication markets by rehabilitating and upgrading the transport infrastructure, improving road safety and reducing the number of road accidents.

The Ministry of Transport and Road Infrastructure (MTRI) completed the Negotiations on the Transport Chapter of the Association Agreement with the EU and the Chapter has been provisionally closed. It has been agreed that more than 120 Directives and Regulations covering all transport sectors shall be incorporated into the national legal and regulatory framework in a period varying from 1 to 8 years. The aviation sector encompasses the largest number of legal documents to be harmonized with and EU has agreed to provide Technical Assistance in harmonizing the legal and regulatory framework according to the terms agreed in the recently signed Common Aviation Area Agreement (CAAA). Besides the aviation sector there are still more than 50 EU legal acts to be introduced into the national law. A multiannual plan for legal harmonization has been prepared based on the negotiated terms.

Taking into account the high number of legal documents to be drafted and consulted with other stakeholders before presenting them to the Government and Parliament for final approval, the capacity of the MTRI and its Foreign Relations and European Integration Department (FREID) in particular is not sufficient and requires assistance and capacity enhancement, in the areas of legal drafting and consultations on the legal acts with the stakeholders, as well as in coordinating the harmonization process with all involved parties.

The implementation of the reform in the transport area is in line with the best practices in the region and in the EU. It involves a series of complex legal issues, including harmonizing the legal and regulatory framework according to the terms agreed with the EU. Acknowledging the complexity of the involved work, as well as the shortage of resources in this area, the MTRI requests the support of an experienced legal expert to assist the Ministry in the process of legal harmonization of the national legislation in the transport sector to the EU legal and regulatory framework.

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

The scope of the activity of the National Consultant is to provide professional support and assist the MTRI in ensuring the legal harmonization process in the transport sector, and provide advice and assistance to the sector Departments of the MTRI during the process of drafting of legal acts, as well as during the consultations with the stakeholders, according to the annual plan for legal harmonization and the terms agreed during the negotiations on the Transport chapter of the Association Agreement (AA) and the CAAA between the Republic of Moldova and the EU.

- In order to achieve the stated objectives, the National Consultant will have the following responsibilities:
- Assisting FREID in the elaboration of the MTRI multiannual Plan for Legal Harmonization according to the terms agreed in the AA negotiations and recently signed CAAA;
- Elaborating a detailed description file for each legal document contained in the AA and the CAAA, included in the Plan, according to the harmonization practices used in EU. Prioritizing the documents according to their importance of implementation;
- Providing professional support in the drafting of legal acts according to the agreed Working Plans (the National Plan of Legal Harmonization and MTRI's multiannual plan);
- Elaborating a preliminary regulatory impact assessment for the transposition of certain EU legal and regulatory documents to be harmonized according to the agreed plan and priorities identified and agreed between the Consultant and the MTRI;

- Providing advice and support to the responsible sector (road, rail, aviation, water-born transport) officials during the consultation process with the stakeholders on the drafted legal acts;
- Providing advice on the streamlining of the reporting on the progress achieved by the transport sector in the implementation of the National Plan for Legal Harmonization;
- Coordinating activities with international short and long term consultants assisting the MTRI in legal harmonization tasks;
- Providing continuous transfer of experience and organizing capacity building sessions;
- Preparing monthly progress reports on the component activities;
- Providing any other related ad hoc assistance that may emerge during the assignment

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- University degree in law or related field. (Master degree in the legal field will constitute an advantage);

II. Years of experience:

- Minimum 3 years of experience in legal advisory field;

III. Competencies:

- Relevant working experience in the area of legal harmonization with the EU legal and regulatory framework. (Experience in transport sector will be an asset);
- Experience in providing legal advice to Moldovan public institutions;
- Experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations;
- Strong knowledge of the Moldovan Government setup and good knowledge of legislation and legal regulations on government operations (constitution, government law, civil service act, public procedural law);
- Experience and knowledge of European best practice knowledge on legislation with specific focus on acquis – communautaire would be an advantage;
- Excellent communications, organizational and team working skills;
- Fluency in Romanian and English (Knowledge of Russian will be an asset);
- Computer proficiency, including knowledge of MS Office products (Word, Excel, Power Point).

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 requirements (please provide brief information on each of the above qualifications, item by item);
2. Financial proposal;
3. Personal CV (or Personal History P11 Form) including past experience in similar projects and contact details (phone number and e-mail address) for at least 3 references;
4. Examples of written work (e.g. reports; documents; analysis etc).

Please notice that in line with TCS Project rules, which guard against subcontracting capacity from the civil service, current civil servants are barred from applying for this position. The former civil servants are eligible to apply not earlier than in a year after the separation from civil service.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a **total** amount in USD (including fees, taxes, mobile phone costs etc). 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 will include a breakdown of this lump sum amount.

6. EVALUATION

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

1. University degree in Law, Public Administration or other related field;
2. Minimum 3 years of experience in legal advisory field;
3. Fluency in Romanian and Russian.

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.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
• University degree in law or related field. (Master degree in the legal field will constitute an advantage);	PhD, Master degree – 60 pts; University degree level – 50 pts;	60
• Minimum 3 years of experience in legal advisory field;	More than 3 years – 50 pts; 3 years – 40 pts;	50
• Relevant working experience in the area of legal harmonization with the EU legal and regulatory framework. (Experience in transport sector will be an asset);	Yes – 40; to some extent – 25; no – 0;	40
• Experience in providing legal advice to Moldovan public institutions;		Max 40
• Experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations;		Max 40

<ul style="list-style-type: none"> Strong knowledge of the Moldovan Government setup and good knowledge of legislation and legal regulations on government operations (constitution, government law, civil service act, public procedural law); 		Max 40
<ul style="list-style-type: none"> Experience and knowledge of European best practice knowledge on legislation with specific focus on <i>acquis communautaire</i> would be an advantage. 	Yes – 30 pts; to some extent – 20 pts; no – 0;	30
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 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

http://undp.md/employment/UNDP_General_Conditions_of_Contract_IC.pdf