



TERMS OF REFERENCE

- A. Job Title:** **International consultant** to conduct the review of the draft Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities of the Republic of Moldova
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Curbing corruption by building sustainable integrity in the Republic of Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** May 2019 – July 2019, up to 17 working days

F. Context

Curbing Corruption through Building Sustainable Integrity in Moldova Project will contribute to achieving a sustainable integrity and anticorruption system in the Republic of Moldova through the strengthened capacities of the public and private sector entities and the civil society for the efficient application and monitoring of national integrity instruments and standards. The project will enhance capacities of the public and private sector actors, as well as of the Civil Society Organisations (CSOs) for the implementation of effective corruption prevention instruments and tools and will strengthen the anticorruption demand side through an increased public awareness on anticorruption and on the means to curb corruption. It will contribute to the progressive implementation of the Sustainable Development Goal 16 that calls for a substantial reduction of corruption and bribery in all their forms and for developing effective, accountable and transparent institutions at all levels. The Project is framed around the National Integrity and Anticorruption Strategy (NIAS) 2017-2020 and responds to the needs of its various actors and stakeholders in addressing the challenges for the effective implementation of NIAS, such as (i) limited capacities of the Secretariat of the Strategy's pillar monitoring groups and reduced involvement of CSOs in the monitoring process; (ii) insufficient capacities within central and local public authorities to ensure the uniform compliance with anticorruption and integrity standards; (iii) lack of mechanisms for enforcing integrity standards in private sector; and (iv) weak anticorruption demand-side explained by the limited awareness of men and women on the available anticorruption tools to be used and on the means of protection in the event of denunciation of corruption.

Although an important progress has been made to put in place efficient anticorruption policies and mechanisms in the Republic of Moldova in the recent years, national and international opinion polls still attest a low trust in public institutions, while corruption persistently remains among three major issues to be solved during the last four years. According to the November 2018 edition of the Public Opinion Barometer, the level of trust to Government is at 18,5%, to Justice is at 15,6% and the level of trust to Parliament is at 13%.¹ Moldova still lags behind the European countries on the corruption perception level. According to the 2018 Transparency International Corruption Perception Index (TI CPI), Moldova scored 33 out of 100 points and ranked 117th out of 180 assessed countries, recording two points improvement in the public perception of corruption compared to the 2017 TI CPI.

¹<http://ipp.md/2018-12/sondajul-sociologic-barometrul-opinieii-publice-noiembrie-2018/>

The National Integrity and Anticorruption Strategy 2017-2020 (NIAS) adopted by the Parliament on 30 March 2017, identifies among the main causes of systemic corruption in public sector the tolerance of the lack of integrity within public institutions, impunity of civil servants, violation of the public procurement rules and regulations, embezzlement through public-private partnerships, etc. The sectors most vulnerable to corruption, according to the NIAS, either due to the multiple contacts with population, or due to the management of some important economic interests, are: police, customs, fiscal service, education, public health, roads infrastructure, subsidies in agriculture, environmental protection, public procurement, management and privatization of public property, local public administration.

To tackle the mentioned above problems and to enhance corruption prevention efforts, NIAS sets as the objective for its Pillar II “*Government, Public Sector and Local Public Administration*” strengthening the integrity, accountability, transparency, and resistance to corruption risks of the public agents, Government members, and locally elected officials. Specific instruments to ensure the institutional integrity are regulated by the Integrity Law no. 82/2017². One of the effective instruments of corruption prevention is the management of corruption risks, regulated by the art.27 of the Integrity Law. This instrument derives from the provisions of the UN Convention against Corruption, ratified by the Parliament of the Republic of Moldova in July 2007. The Convention provides that *Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances, including through Effective and efficient systems of risk management and internal control.*³

The National Anticorruption Center (NAC) has a defined mandate for the prevention and investigation of corruption and is entitled to participate at the development and improving of the legal and normative anti-corruption framework, as well as to offer the methodological support to public entities in strengthening the institutional integrity. NAC is also responsible for the coordination of the implementation, monitoring, evaluation and reporting of the NIAS. The 2017 NIAS Monitoring and Evaluation report released by NAC⁴ mentions the lack of capacities of public entities to perform the analysis of corruption risks and vulnerabilities and to identify the appropriate mitigation measures, particularly, at local level.

In this context, the UNDP Project “Curbing corruption by building sustainable integrity in the Republic of Moldova” (further “the Project”) seeks to hire an international consultant to support NAC in developing methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities.

G. Objective

The main objective of the assignment is to support NAC in developing the **Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities**, aligned to the national and international anti-corruption standards and best practice.

Strategy

The assignment will include two missions. The first 5-days mission (tentatively scheduled for 27 - 31 May 2019) will involve the review of the draft **Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities** drafted by NAC (to be provided to the Consultant at the beginning of the assignment), as well as of the relevant background documents, national legislation, materials, and reports prior to and during the mission, focus group discussions and

² <http://lex.justice.md/md/370852/>

³ https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

⁴ https://www.cna.md/public/files/parts/Raport_de_monitorizare_i_evaluare_a_implementrii_SNIA_2017.pdf

in-depth interviews involving officials from NAC, Ministry of Finance, Court of Accounts (the supreme audit institution), and other relevant institutions. It will also include interviews and/or focus group discussions with key external partners and NGOs active in the field.

The second 3-days mission, which will be undertaken in approximately three weeks after the first mission, will involve the presentation of the detailed review of the provided **draft Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities**, based on the relevant national and international standards in the field and its validation with NAC and main stakeholders. The review will include the relevant amendments to the Methodological guidelines reflected in track changes format with detailed and clear comments on each proposed amendment and a Review Report containing an analysis of the draft Methodological Guidelines against the relevant national and international standards in the field and clear and specific recommendations for its improving. The final review of the Guidelines (including the Review Report and the draft Guidelines with track changes) will be submitted to the NAC and UNDP in one week after the second mission.

Scope of work and expected outputs:

The consultancy will have one major output: **The Review Report of the draft Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities** with clear and specific recommendations on it improving accompanied by the amended Guidelines in the track changes format.

In order to achieve the objective, the expert shall:

- Carry out an analysis/expertise of the draft **Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities** drafted by NAC, as well as of the background documentation, including legal, normative, policy and institutional framework related to the corruption risks assessment and mitigation, compared to the international standards, in particular UNCAC, Criminal Convention on Corruption, etc.
- Identify the focus group(s), develop the questionnaires for individual and focus groups interviews and organize the focus group sessions and individual interviews with the relevant stakeholders (NAC, Ministry of Finance, Court of Accounts, other relevant institutions, key external partners, profile NGOs, etc.);
- Draft the Review Report of the draft Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities with clear and specific recommendations on its improving, accompanied by the relevant amendments to the Methodological guidelines reflected in track changes format with detailed and clear comments on each proposed amendment, and validate it with NAC and main stakeholders;
- The Guide will contain, but not limited to, the following chapters:
 - I. General provisions
 - 1.1.Context
 - 1.2.Definitions
 - 1.3.Stages of the corruption risks assessment management process;
 - II. Planning, defining the area to be assessed and resource mobilization
 - 2.1.Training of working group
 - 2.2. Identification of vulnerable activities
 - 2.3.Planning of activities
 - III. Identification of corruption risks and the analysis of factors generating risks
 - 3.1.Corruption risks
 - 3.2.Risk factors

- 3.3.Assessment of measures for ensuring institutional integrity
- 3.4.Assessment of the normative framework
- 3.5.Analysis of the integrity incidents
- 3.6.Description and analysis of the vulnerable working processes
- 3.7.Other investigation/research and risks identification techniques
- IV. Assessment of the identified risks
- 4.1.Scale for the assessment of corruption risks
- V. Documentation of the risks and establishing the intervention measures
- 5.1.Registry of corruption risks
- VI. Monitoring and periodical review of corruption risks
- 6.1.Monitoring
- 6.2.Reassessment of corruption risks

- Submit the final Review Report accompanied by the amended Guidelines in track changes format, based on the results of the validation meetings. The Review Report will include the information on how the assignment was carried out, the list of the reviewed relevant background documents and the list of stakeholders met during the missions.

H. Deliverables:

#	Deliverable	Deadline
1.	Draft Review Report of the draft Methodological guidelines on the evaluation and mitigation of corruption and fraud risks within public entities with clear and specific recommendations on its improving, accompanied by the relevant amendments to the Methodological guidelines reflected in track changes format submitted	June 14, 2019 (up to 10 working days, including the first 5 working days mission)
2.	Draft Review report and recommendations presented and validated with NAC, Project and relevant stakeholders	June 28, 2019 (during the second 3 working days mission)
3.	Final Review Report accompanied by the amended Guidelines in track changes format, based on the results of the validation meetings.	July 10, 2019 (up to 4 working days)

Deliverables and timeline can be amended or specified for the purpose of the assignment.

Payment will be made upon the successful completion of the task assigned and submission of the Review report.

I. Organizational Setting:

This is a part-time consultancy. The expert will work in close collaboration with the management and staff of the National Anticorruption Centre. The expert will work under direct supervision of UNDP Project manager for administrative issues.

J. Inputs:

The National Anticorruption Centre and UNDP Moldova will provide the expert with the necessary information and materials for the fulfilment of tasks and will provide support with the facilitation of meetings and translation/interpretation services where necessary.

K. Qualifications and skills required

I. Academic Qualifications

- Master's Degree or equivalent (5 years of university studies) in Law, Political Science, Public Policies, Finance, or other relevant field;

II. Years and sphere of experience

- At least five years of proven experience in anti-corruption related consultancy, audit and/or anticorruption agencies or other relevant international institutions.
- At least three assignments related to (corruption) risk assessment in public sector and/or in the management of public funds and assets in the new EU Member or candidate states or CIS region.

III. Competencies

- Knowledge of the UNCAC and international anti-corruption instruments;
- Knowledge and understanding of the methodological approaches to corruption and fraud risk assessment in public sector;
- Extensive demonstrated experience in developing methodologies and/or reports related to corruption risks in public 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, Flexibility, Punctuality, Capacity of collaboration and teamwork

L. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. Offeror's Letter confirming Interest and Availability;
2. Proposal: explaining why they are the most suitable for the work including previous experience in similar Projects (please provide brief information on each of the above qualifications, item by item)
3. Personal CV including past experience in similar projects and at least 3 references.
4. At least two sample reports/methodological guidelines developed by the consultant in the recent 5 years;
4. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.).