



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **24 April, 2019**

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**Country:** Republic of Moldova

**Description of the assignment:** Two local consultants to draft the Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following two sectors:

- 1) Urbanism and constructions;
- 2) Fiscal area.

**Project name:** Curbing corruption by building sustainable integrity in the Republic of Moldova

**Period of assignment/services:** June – August 2019; up to 20 working days

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **17 May, 2019**.

**Requests for clarification** only must be sent by standard electronic communication to the following e-mail: [olga.crivoliubic@undp.org](mailto: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.

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### 1. BACKGROUND

Anticorruption proofing of legal and normative acts represents a process of the identification of corruption risks which can emerge in relation to the process of promoting normative acts by public entities, identification of the factors generating such risks and formulating recommendations to exclude such risks in the content of draft normative acts. It was introduced as a mandatory tool in 2006 and is carried out by the National Anticorruption Center. The current methodology for anticorruption proofing expertise was adopted in 2017<sup>1</sup>.

Anticorruption proofing has the following objectives:

- Prevention of corruption acts by excluding the risk factors from the draft normative documents;
- Information of the authors and of the public at large on the risk factors and corruption risks identified in a draft document;

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<sup>1</sup> [https://www.cna.md/public/files/colegiu\\_3/MetodREAacte\\_norm.dupaSed.Col20.07.18.pdf](https://www.cna.md/public/files/colegiu_3/MetodREAacte_norm.dupaSed.Col20.07.18.pdf)

- Offering supplementary guaranties that the legislative process is in compliance to the citizens' interest and the public interest.

Within the corruption proofing process, the NAC experts identify the legal norms' corruptibility factors and formulate conclusions and recommendations on excluding or diminishing their effects<sup>2</sup>. According to the NAC 2018 Activity Report<sup>3</sup>, out of the total of 1015 drafts that were subject to anticorruption proofing expertise, 327 - were draft laws (in 2017 - 301), 629 - draft Government decisions (in 2017 - 511) and 59 - departmental draft acts (in 2017 - 30). Of the total recommendations submitted in the anticorruption expert reports and accepted by the authors of the projects in 2018, the efficiency of anticorruption proofing expertise amounts to approximately 70% (in 2017 - 59.56%).

To identify and analyze the risk factors and corruption risks, there is a need to review both the draft normative act and the related legal framework regulating the related field/sector. UNDP through the Curbing Corruption by Building Sustainable Integrity Project (further the Project) aims to strengthen the capacities of NAC in performing anti-corruption proofing expertise of the legislation in the aforementioned vulnerable areas with the aim to increase the efficiency and effectiveness of the recommendations proposed to exclude corruption risks. In this context, the project intends to contract two local consultants to draft the Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following two areas: (1) Urbanism and constructions; (2) Fiscal area.

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

The main objective of the assignment is to strengthen the capacities of NAC in performing anti-corruption proofing of legal and normative acts by drafting Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following sectors: (1) Urbanism and constructions; (2) Fiscal field.

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

## **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

**For the consultant in the field of Urbanism and construction:**

- I. Academic Qualifications:
  - Master's Degree or equivalent (5 years of University studies) in Urbanism and construction, Law or other relevant field.
- II. Years and sphere of experience:
  - At least 3 years of professional experience and/or consultancy in the field of Urbanism and construction;
  - At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the field of Urbanism and construction

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<sup>2</sup> <https://www.cna.md/reports.php?l=ro>

<sup>3</sup> [https://www.cna.md/public/files/Raport\\_de\\_activitate\\_CNA\\_2018\\_.pdf](https://www.cna.md/public/files/Raport_de_activitate_CNA_2018_.pdf)

### III. Competencies:

- Excellent knowledge of Moldovan legal and institutional framework in the field of Urbanism and construction demonstrated by previous assignments;
- Knowledge of international standards and good practices in the field of Urbanism and construction demonstrated by previous assignments;
- Previous experience of work with local public authorities will be a strong advantage;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Previous successful experience in development assistance or related work for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the 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.

## **For the consultant in the field of Fiscal area:**

### I. Academic Qualifications:

- Master's Degree or equivalent (5 years of University studies) in Finance.

### II. Years and sphere of experience:

- At least 3 years of professional experience and/or consultancy in the Fiscal area;
- At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the Fiscal area

### III. Competencies:

- Excellent knowledge of Moldovan legal and institutional framework in the fiscal area demonstrated by previous assignments;
- Knowledge of international standards and good practices in the fiscal area demonstrated by previous assignments;
- Previous experience of work with fiscal authorities will be a strong advantage;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Previous successful experience in development assistance or related work for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the 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 United Nations Country Team in the Republic of 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. 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. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.);
4. Personal CV including past experience in similar projects and at least 3 references.

#### **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**:

- Master's Degree or equivalent (5 years of University studies) in the selected area of expertise;
- At least 3 years of progressive professional experience and/or consultancy in the selected area of expertise (Urbanism and construction or Fiscal Area);

- At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the selected area of expertise (Urbanism and construction or Fiscal Area);

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:

- responsive/compliant/acceptable, and
- 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% (max 300 pts);

\* Financial Criteria weight – 40% (max 200 pts).

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

<b>Technical Criteria</b>	<b>Scoring</b>	<b>Max. Points Obtainable</b>
Master’s Degree or equivalent (5 years of University studies) in the selected area of expertise	(Master degree – 20 pts., PhD – 30 pts.)	30
At least 3 years of professional experience and/or consultancy in the selected area of expertise (Urbanism and construction or Fiscal Area);	(3 years – max. 20 pts, each additional year – 5 pts, up to max. 50 pts)	50
At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in in the selected area of expertise (Urbanism and construction or Fiscal Area);	(3 assignments – 30 pts., each additional assignment – 10 points; up to max. 50 pts.)	50
Excellent knowledge of Moldovan legal and institutional framework in the selected area of expertise (Urbanism and construction or Fiscal Area) demonstrated by previous assignments	(each assignment – 10 points; up to max. 50 pts.)	50
Knowledge of international standards and good practices in the selected area of expertise (Urbanism and construction or Fiscal Area) demonstrated by previous assignments	(each assignment – 5 pts., up to max. 25 pts.)	25
Previous experience of work with local public authorities or with fiscal authorities depending on the selected area of expertise will be a strong advantage	(each assignment – 5 points; up to max. 25 pts)	25
Strong analytical and report writing skills demonstrated by previous assignments	(each assignment – 5 pts., up to max. 30 pts.)	30
Previous successful experience in development assistance or related work for a donor organization,	(each assignment – 5 points;	25

in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage	up to max. 25 pts	
Knowledge of English, Romanian, Russian languages for the purposes of the assignment	(5 pts. Each language – up to 15 pts.)	15
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b>Financial</b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> 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.		<b>200</b>

### 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**