



Terms of Reference

Job title:	International consultant on the application and enforcement of the „Revolving doors” regime by public authorities and the private sector
Duty Station:	Republic of Moldova, Chisinau
Reference to the project:	Curbing Corruption by building Sustainable Integrity in Moldova
Contract type:	Individual Contract (IC)
Contract duration:	May - June 2020 (up to 6 working days)
Starting date:	May 2020 (Considering the COVID19 global developments, the period and the exact date of the assignment may be subject to change and will be mutually agreed with the selected consultant)

Job content

1. BACKGROUND

Curbing Corruption by 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 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, including insufficient capacities within central and local public authorities to ensure the uniform compliance with anticorruption and integrity standards, the lack of mechanisms for enforcing integrity standards in private sector; and 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. The policy document focuses on the effective enforcement of the legal and institutional frameworks, rather than legislative modifications and institutional restructuring prioritized in the previous years.

In 2017 the Parliament of Moldova adopted the [Integrity Law](#) – a framework Law which regulates the integrity in public sector at political, institutional, and professional levels, the responsibilities of the public entities, anticorruption agents, and other authorities competent to build, enhance, and control integrity in public sector, as well as the areas for building integrity in private sector. The Law provides for 14 anticorruption/integrity policies which have to be implemented by the public institutions and public agents.

One of the policies is the ***observance the regime of restrictions and limitations related to termination of the mandate, labour or duty relations, and migration to the private sector of the public agents (revolving doors)*** regulated in the Art. 24. The article is applied to all public agents. It states that in order to ensure the operation of the public entity in the public interest and out of any conflicts of interest with the former public agents who have migrated to the private sector (revolving doors), the heads of public entities, the public agents and responsible anticorruption agencies shall ensure the observance of the regime of restrictions and limitations related to termination of mandate, labour or service relations, completed, if needed, with specific rules for every category of

public agents, provided in the special legislation regulating their activity (regime of post-employment restrictions and limitations). The law also provides a set of specific measures for the public agent and the head of the entity for ensuring the observance of the regime of post-employment restrictions and limitations.

However, this measure has represented a novelty for the current anticorruption system in Moldova and lacks specific secondary legislation/normative framework for the application and enforcement. The secondary regulation needs to set specific competencies for the national stakeholders, anticorruption authorities and within public institutions, including control after cooling-off period.

According to the [2018 Report on the Implementation of the National Integrity and Anticorruption Strategy](#) developed by the National Anticorruption Centre which ensures the Secretariat for the Strategy implementation, none out of 711 persons from 51 reporting institutions who terminated their labour relations with the respective authorities presented any information on the job offers from the commercial organizations. The report says that there is the lack of a detailed mechanism for monitoring and application of the revolving doors regime. It mentions that there is a need to establish internal rules on reporting the job offers received by the public agents from the representatives of private sector, in case of termination of the labour/service relations with the institution.

According to the 2019 [Survey on the Impact Monitoring of the National Integrity and Anticorruption Strategy](#) commissioned by the UNDP, most public agents respondents stated that there are no after-employment restrictions for the employees of the institution where they work (73% in 2019 and 80% in 2017), only about 5% offered an affirmative answer. At the same time, the number of those who aren't informed on this aspect is quite big, 22% (16% in 2017).

The mobility between private and public sectors raises the risks of revolving doors or policy capture, when ex-public officials go to work for the sectors they used to regulate and are often hired not for their competence but for their connections and special access acquired while working in government. Revolving door may lead to conflicts of interest, regulatory capture and corruption, both during and after a regulator's term in public office.

To strengthen the capacities of the National Anticorruption Centre (NAC) and other relevant stakeholders to apply the revolving doors regime, the Project seeks to hire an international consultant on the application and enforcement of the „Revolving doors” regime by public authorities and the private sector. The Consultant will provide a one-day training and a one day workshop on the international standards and best practices on the revolving doors application and enforcement for the National Anti-corruption Centre staff and other relevant stakeholders (public and private institutions).

2. OBJECTIVE AND EXPECTED OUTPUTS

Objective of the assignment is to strengthen the capacities of NAC and other relevant stakeholders (public and private institutions) to apply the revolving doors regime by sharing the international standards and best practices on the revolving doors application and enforcement and advising on the most relevant enforcement mechanism in the context of Moldova. To achieve the stated objective, she/he is expected to:

- Conduct a one-day training for the NAC Prevention Division staff (20-25 persons) on the international standards and best practices in the field of „Revolving doors” regime.
- Conduct a 2-3 hours workshop on best practices in applying the Revolving doors regime for the representatives of the relevant public institutions and a 2-3 hours workshop for the representatives of the private sector to be conducted on the same day.

The agenda of the training for the NAC staff will include but not limited to:

- international standards on the revolving doors application and enforcement provided in the relevant conventions and guides;
- best practices in designing and applying concrete mechanisms for the enforcement of the Revolving doors regimes through regulations, reporting mechanisms, applied sanctions, etc. – at least 3-4 examples of best practices;
- discussion of the case studies of the violation of the Revolving doors regime;
- recommendations containing guidelines on the enforcing mechanisms (reporting mechanism, responsible institutions, etc.) most relevant for the context of Moldova based on the international standards and best international/regional practices.

The agenda of the workshops for the representatives of the relevant public institutions and for the private sector representatives will include:

- presentation of the international standards on the revolving doors application and enforcement provided in the relevant conventions and guides;
- presentation of 1-2 best practices in applying concrete mechanisms for the enforcement of the Revolving doors regimes through regulations, reporting mechanisms, applied sanctions, etc.;
- facilitate discussion on the most optimal reporting mechanism, enforcing institutional framework relevant for Moldova, based on the international standards and best international/regional practices; feed-back collected from the participants.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE

Key deliverables	Tentative Deadline
Activity Plan for the assignment, agenda of the training and of the workshops and the supporting materials (presentations, case studies, practical exercises, etc.) submitted and accepted (2 w/d)	By 10 May 2020
One-day training for NAC Prevention Division staff (20-25 persons) on international standards and best practices in the field of „Revolving doors” regime organized (1 w/d); Workshop with relevant national stakeholders (2-3 hours) and workshop with the private sector representatives (2-3 hours) on the application and enforcement of the „Revolving doors” regime facilitated, and recommendations collected (1 w/d)	By 15 June 2020
Final Report on the assignment describing how the work was done, findings and recommendations received during the training and workshops, recommendations containing guidelines on the enforcing mechanisms most relevant for the context of Moldova, submitted and accepted (2 w/d).	By 20 June 2020

This is a tentative timeframe, while the final dates for providing the deliverables can be adjusted depending on the actual progress of the grants competition and to ensure an efficient implementation of the assignment.

4. INSTITUTIONAL ARRANGEMENTS

The Consultant will work under the overall guidance and direct supervision of the Project Manager and in close collaboration with the NAC assigned staff for substantive aspects of the assignment. This is a part-time consultancy. The timeframe for the work of Consultant is planned for May – June 2020.

5. FINANCIAL ARRANGEMENTS

Payment will be disbursed in one or two instalments upon submission and approval of deliverables, and certification by UNDP Moldova Project Manager that the services have been satisfactorily performed.

6. QUALIFICATIONS AND SKILLS REQUIRED

I. Academic Qualifications:

- Master's Degree or equivalent (5 years of University studies) in Law, International Public Law or other relevant field

II. Years and sphere of experience:

- At least 6 years of experience related to corruption prevention in a public institution/NGO/international organization/private institution;
- At least two assignments related to designing/applying/monitoring the Revolving doors policy in a public or private institution;
- At least two similar assignments in consultancy related to anticorruption in Europe/CIS region.

III. Competencies:

- Proven extensive knowledge on the „Revolving doors“ subject and best practices of the application mechanism;
- Demonstrated acquaintance with the specific context of work in public and private sector is a strong asset;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Proven experience of providing training/coaching to civil servants/private entities in the field of anti-corruption policies and law enforcement;
- Previous successful experience in development assistance or consultancy for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;
- Knowledge of English; knowledge of Romanian or Russian languages will be an asset.

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, creativity, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks

The UNDP 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.

7. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

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

- Offeror's Letter confirming Interest and Availability;
- Proposal: explaining why they are the most suitable for the work including previous experience in similar Projects, links/references to the relevant reports/publications (please provide brief information on each of the above qualifications, item by item);
- Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.);
- Personal CV and at least 3 references.

Note: Please, refer to the Individual Procurement Notice of this recruitment for a more detailed information on the application and selection process.