



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **03 April 2019**

Country: Republic of Moldova

Description of the assignment: National consultant to conduct the review of the Moldovan regulatory framework related to the area of judicial expertise and experts

Project name: "Strengthening Efficiency and Access to Justice in Moldova" Project (A2J Project)

Period of assignment/ services: May – November 2020 (up to 45 working days)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **16 April 2019**

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: victoria.muntean@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 UNDP project "Strengthening Efficiency and Access to Justice in Moldova" (A2J) is a multi-year institutional development project designed to contribute to an increased efficiency of justice services and to improved access to justice of men and women in Moldova, in particular from vulnerable and marginalized groups, through enhanced capacities of forensic institutions to provide qualitative justice services, strengthened capacities of the justice sector actors in the selected pilot areas to provide coordinated response to men's and women's justice needs and strengthened civil society able to claim the respect of rights and engage in a constructive dialogue with the justice chain actors. Project interventions will offer and encourage equal opportunity for the participation of men and women.

Although important efforts have been deployed at national level during the last years to advance the efficiency, transparency, fairness and accessibility of the justice sector, improvement is further required to ensure coherent coordination among law enforcement, security and justice institutions for effective administration of justice, so that men and women, particularly from marginalized or minority groups, are able to claim their rights and access justice effectively.

The national forensic institutions are an integral part of the justice system, as the expert opinions provided by these institutions are critical for the objective and evidence-based delivery of justice. The quality and accuracy of forensic investigations and examinations have an extensive impact on the quality of justice and affect the overall perception of users about the justice system. Despite their importance for the administration of justice, forensic institutions benefited from limited assistance and support in their modernization endeavours as compared to other justice chain actors.

A new Law on the Judicial Expertise and the Status of Judicial Expert had entered into force at the end of 2016¹, introducing a new regulatory framework and the requirements on the functionality of the judicial expertise system on such issues, as the coordination and methodological mechanisms, admission to the judicial expert profession, training and qualification/licensing of judicial experts, etc

The current practice of forensic institutions has revealed a number of inconsistencies between various parts of the existing legal framework regulating the forensic expertise and forensic organization in Moldova, that require alignment

¹ Law on the Judicial Expertise and the Status of Judicial Expert adopted on 14 April 2016, entered into force on 10 December 2016: <http://lex.justice.md/md/365259/>

and convergence among them. The problems faced by the forensic institutions are apparently due to either the ambiguities of norms, or lack of specific regulations, or different application of norms.

In this regard, UNDP is seeking to hire a national consultant to review the current Law on the Judicial Expertise and the Status of Judicial Expert and connected normative acts, identifying shortcomings and formulating improvements with regards to the acts regulating the area of judicial expertise and experts.

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

The expected output for the national consultant's assignment is to review the current Law on the Judicial Expertise and the Status of Judicial Expert and connected normative acts, identifying shortcomings and formulating improvements with regards to the acts regulating the area of judicial expertise and experts,² taking into consideration best European practices in the field.

In order to achieve the stated scope of work, the Consultant shall perform the following tasks and activities:

1. Prepare the Inception Report and detailed work plan for the assignment;
2. Undertake a comprehensive desk review of the relevant national plans and legal framework related to the area of judicial expertise and experts, as well as internal rules, regulations and guidelines within the national forensic institutions to identify inconsistencies and propose remedies;
3. Conduct review of the relevant studies, researches, reports, EU/international best practices related to the area of judicial expertise and experts, in order to identify the suitable models and practical solutions to the challenges faced by the forensic system in the Republic of Moldova, including for regulating the status of forensic expertise performed by foreign forensic institutions and/or experts, regulation of forensic waste and chemicals management, establishment of a forensic coordination council.;
4. Ensure consultation with project beneficiaries of the findings of the review and the tentative proposals for improvement of the normative acts regulating the area of judicial expertise and experts;
5. Develop an Assessment Report containing findings and specific recommendations for improving the regulatory framework related to the area of judicial expertise and experts;
6. Develop a set of amendments to the regulatory framework related to the area of judicial expertise and experts, as well as supporting documents for tabling the amendments. The consultant shall consider and mainstream the gender perspective throughout the proposed amendments to the law and connected normative acts;
7. Closely coordinate with A2J national consultant³ the preparation of amendments to the regulatory framework, to ensure transposition of provisions which would ensure legally based use of electronic case management systems by the forensic institutions;
8. Organise and facilitate extended consultations with the project beneficiaries and the Ministry of Justice, judiciary, prosecution, lawyers, to discuss the proposed amendments to the forensic legal framework. The consultant shall use the feedback received in the meetings to review the proposals for amendment and complete the package of modifications to the legislation and supporting documents;
9. Provide advice and necessary support to the A2J national consultant⁴ in the context of development of the Forensic Case Management System (FCMS), aiming to ensure legally accurate presentation of workflows to be digitalised by means of the FCMS in the Vision Document on the future FCMS.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- Master's degree or equivalent (5-year university degree) in Law, Public Administration or another relevant field.

Experience and knowledge:

- At least 5 years of experience in drafting by-laws, normative framework and public policies;
- Proven experience (at least 3 proven previous assignments) in drafting regulatory framework;

² The proposals for review of the regulatory framework shall cover, but will not be limited to, clarifications on the status of forensic expertise performed by foreign forensic institutions and/or experts, regulation of forensic waste and chemicals management, establishment of a forensic coordination council

³ National legal consultant to support the legally based use of electronic case management systems by the forensic institutions

⁴ National ICT Consultant to support the national forensic institutions with specialised technical support and advice throughout the process of elaboration and operationalisation of an e-system for forensic institutions

- In-depth knowledge of the national legislation regulating the area of judicial expertise and experts;
- Experience in conducting comparative legal analysis, research and assessment on law related matters;
- Previous experience in working with the national forensic institutions is an asset;

Competencies:

- Strong analytical and writing skills;
- Ability to analyze, plan and communicate effectively orally and in writing;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with stakeholders at all levels and to present ideas clearly and effectively;
- Fluency in Romanian. Knowledge of Russian and/or English is an asset.

Personal qualities:

Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;

4. 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 (Motivation Letter): 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);
- ✓ Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.);
- ✓ Duly completed and signed Personal History Form (P11), personal CV and at least 3 references.

5. FINANCIAL PROPOSAL

- - Lump sum contracts – please delete once the mechanism has been selected

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). 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 (including fees, taxes, travel costs, accommodation costs, communication, 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.

6. EVALUATION

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

- Master's degree or equivalent (5-year university degree) in Law, Public Administration or another relevant field.
- At least 5 years of experience in drafting by-laws, normative framework and public policies;

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
Technical		
Master's degree or equivalent	Master's Degree – 10 pts, PhD – 20 pts.	20
At least 5 years of experience in drafting by-laws, normative framework and public policies;	5 years – 50 pts., each additional year of experience – 10 pts. up to a maximum of 90 pts.	90
Proven experience (at least 3 proven previous assignments) in drafting regulatory framework;	1 assignment – 20 pts., each additional assignment – 20 pts. up to a maximum of 80 pts.	80
In-depth knowledge of the national legislation regulating the area of judicial expertise and experts;	Yes/No – 30 pts	30
Experience in conducting comparative legal analysis, research and assessment on law related matters;	Yes/No – 25 pts	25
Previous experience in working with the national forensic institutions is an asset;	Yes/No – 20 pts	20
Fluency in Romanian. Knowledge of Russian and/or English is an asset.	Each language – 5 pts	15
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	(no – 0 pts., to one group – 10 pts., to two or more groups – 20 pts.).	20
Maximum Total Technical Scoring		300

* Under-represented group in the area of assignment (IT industry) are women. Under-represented groups in UN Moldova are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees and other non-citizens.

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; F_{min} – 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