



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **10 July 2013**

Country: Republic of Moldova

Description of the assignment: National Legal Expert for the ESCO Moldova Project

Project name: Transforming the market for urban energy efficiency in Moldova by introducing Energy Service Companies (ESCO Moldova Project)

Period of assignment/services: August -December 2013

Proposals should be submitted online by pressing the "Apply Now" button no later than **22 July 2013**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: silvia.pana-carp@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

In accordance with UNDP and GEF procedures, a team of four consultants is being hired to develop the ESCO Moldova full project. The project is intended to support the development of the first commercial ESCO (Energy Service Company) in Moldova, a public-private partnership between the City of Chisinau and selected investor(s). The ESCO is intended to be launched as a tool to help promote additional investments in the field of energy-efficiency in the municipal sector in Moldova. The purpose of the project preparation grant is to fully design the activities, outputs, and outcomes of ESCO Moldova project in close cooperation with a team of 3 other consultants (2 international, 1 national), UNDP Moldova office and the UNDP Bratislava Regional Centre.

The documents to be prepared include (i) a UNDP Project Document (ii) a Request for CEO Endorsement and (iii) a GEF Tracking Tool. Copies of the GEF documents can be found: http://www.thegef.org/gef/guidelines_templates

In addition, an investor attraction report shall be prepared, a termsheet, and a draft business plan for the new company, ESCO Moldova.

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

A national legal expert will be responsible for assisting the international consultants in collecting required data/information and conducting research/analysis helping them in finalisation of the work. More specifically, the national legal consultant will provide support to the international corporate finance expert in (i) attracting an investor or investors into ESCO Moldova, (ii) helping define the structure of the company once it is operational, and (iii) provide a comprehensive overview of the legal, regulatory and institutional framework in the area of energy efficiency with regards to the establishment of an ESCO as a legal entity. To this end, the Legal Expert is required to submit a review report of existing law(s) and regulations (mentioned above) with the aim of highlighting strengths and weaknesses of each legal

document and if needs be, to recommend improvements or the development of additional sub-regulations to advance the ESCO business model and EPC modality in target sectors. The regulation review must also address the commercial banks internal regulation to grant loans to energy end-users and ESCO based on incomes from energy saving. The legal expert must also provide information on the loan approval procedures and collateral requirements.

Under the guidance of the international experts, the national consultant will conduct an analysis of potential investors into ESCO, initiate discussions, liaise and follow-up with these until the end of the assignment. The consultant will also be responsible to initiate discussion and liaise with the municipality and other relevant stakeholders. Once this initial selection of an investor or investors has been made, the national consultant will support with drafting of an initial termsheet between the City of Chisinau and an investor or investors. Additionally, the national consultant will support in preparing a draft business plan for ESCO Moldova. Work on this draft business plan will only start once it is clear who the investor/investor(s) into ESCO Moldova are going to be. It is recognized that at some point in time, legal costs may be incurred in order to finalize a shareholders agreement/investment agreement between the City of Chisinau and an investor(s). It is not the responsibility of the international corporate finance expert to prepare this shareholders agreement and the national experts is not expected to support in preparing the later.

The national legal expert will prepare a comprehensive overview of the legal, regulatory and institutional framework in the area of energy efficiency which have an impact on the establishment of ESCO Moldova as a legal entity as described above.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualification

- Graduate degree related to energy, law, finance, economics, environment, engineering or related field

Experience

- At least 3 years of experience in conducting legal, regulatory and institutional analysis which includes a high level of familiarity with Moldovan law
- Extended experience in having developed business plans for companies and having provided business advisory services
- Extended working experience with energy-related sectors and knowledge of the energy-related stakeholders

Competencies

- Strong interpersonal skills, communication and diplomatic skills, ability to work in a team
- Ability to plan and organize his/her work, efficient in meeting commitments, observing deadlines and achieving results
- Openness to change and ability to receive/integrate feedback
- Ability to work under pressure and stressful situations
- Strong analytical, reporting and writing abilities

Language requirements:

- Fluent in written and oral communication in English and Romanian
- Knowledge of Russian is a strong asset

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. Proposal:

- (i) Explaining why they are the most suitable for the work;

2. Financial proposal;

3. 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 (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 shall include a breakdown of this lump sum amount (including fee, taxes, 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:

- Graduate degree related to energy, law, finance, economics, environment, engineering or related field
- At least 3 years of experience in conducting legal, regulatory and institutional analysis which includes a high level of familiarity with Moldovan law

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>		

Graduate degree related to energy, law, finance, economics, environment, engineering or related field	(under-Master's – 10 pts, Master's – 25 pts)	25
At least 3 years of experience in conducting legal, regulatory and institutional analysis which includes a high level of familiarity with Moldovan law	(3-5 years – up to 15 pts, >5 years – up to 40 pts.)	40
Extended experience in having developed business plans for companies and having provided business advisory services	(1-3 years- up to 5 pts, 3-6 years- up to 20 pts, >7 years- up to 45pts)	45
Extended working experience with energy-related sectors and knowledge of the energy-related stakeholders	(1-3 years- up to 5 pts, 3-5 years – up to 25 pts, >5 years – up to 40 pts.)	40
Fluent in written and oral communication in English and Romanian. Knowledge of Russian is a strong asset	(knowledge of Romanian and English is a must- – 10 pts; knowledge of Russian +10 pts)	20
Interview (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness)	(60 – demonstrated technical knowledge and experience; 40– communication/ interpersonal skills/initiative; 30 – creativity/resourcefulness)	130
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