



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **14 February 2018**

Country: Republic of Moldova

Description of the assignment: National Legal Expert to support the harmonization of the electoral legal framework governing political parties financing

Project name: Enhancing democracy in Moldova through inclusive and transparent elections

Period of assignment/services: 65 working days during March – December 2018

Proposals should be submitted online by pressing the "Apply Online" button, no later than **1 March 2018**

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

"Enhancing democracy in Moldova through inclusive and transparent elections" (EDMITE Project) is a Project that sets the overall goal to achieve an enhanced transparency and inclusiveness of the electoral process in Moldova through a modernized IT system, improved legislation and intensified public participation, addressing the root causes of the current challenges hampering the further development of the democracy and the advancement of the electoral process in the Republic of Moldova. During 2012 – 2017, UNDP offered support to the Central Electoral Commission (CEC) in the areas of gender equality and human rights, institutional capacity development, further development and use of the modern and innovative State Automated Information System "Elections" (SAISE), strategic development of the Center for Continuous Electoral Training (CICDE), political party finance legislation implementation and a transparent electoral reform processes. Moreover, substantial steps were taken in addressing challenges to the electoral process related to the data quality and data exchange possibilities among key registers owned by different government institutions.

During 2017 – 2019, the EDMITE Project aims to contribute to: (1) achieving a more accurate State Register of Voters (SRV), improving the quality and accessibility data by re-engineering the Civil Status Service (CSS) systems, fully developing the State Address Register and facilitating data exchange and interoperability between different central public institutions via governmental platform for data exchange MConnect; (2) enhancing the inclusiveness of the electoral process through developing a remote voting tool and adjusting the State Automated Information System "Elections" to keep up with the technical and political developments; (3) legal reform in the area of elections to erase ambiguities and respond to the technical developments; and (4) enhancing political participation of citizens by setting up and implementing the voter information and civic education programs.

One of the main factors to ensure the integrity of the electoral process is the consistency of the overall legal framework, as well as the exclusion of ambiguities and contradictory interpretations in the law. Due to an ongoing cycle of electoral processes in the last four years (2014, 2015, 2016 Elections and 2017 Referendum), not only technical adjustments were difficult, but also comprehensive legal adjustments of the overall electoral framework were only undertaken on an ad-hoc basis and currently require consolidated revision.

Moreover, with the adoption of the new provisions of the Law on Political Party Finance which have entered into force in January 2016, the CEC was entrusted with a new responsibility. The Law established the Central Electoral Commission as the competent oversight body, responsible for the monitoring and analysis, from a quantitative and qualitative point of view, of both national and local election campaign financing as well as political party financing in general. In this sense, with EDMITE Project support, the CEC is currently developing an IT based Reporting and Disclosure Module for political party and campaign finance reporting processes.

To undertake a consolidated revision of the legal framework and to address the new responsibilities of the CEC in the field of political party financing, a specialized legal support is needed to assist with the harmonization of standing laws and regulations, including adjustments of political party finance regulations in accordance with the new IT based Reporting and Disclosure Module.

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

The Project intends to contract an experienced National Legal Expert (hereafter the Consultant) to provide the CEC with the necessary specialized support in the adjustment and harmonization of the electoral legal framework, with emphasis of the Law on Political Party Finance. Specifically, the Consultant will:

- Review the relevant laws and existing electoral legal framework (Law on Political Party Finance, Law on SAISE Concept, Data Security legislation, the Law related to the gender quota on political party candidates lists), CEC regulations and other available documentation;
- Assess the Moldovan electoral legal framework governing the funding of political parties and electoral campaigns to identify all ambiguities, inconsistencies and gaps;
- Provide a set of corresponding recommendations and an Action Plan based on assessment findings;
- Develop a set of draft amendments to the existing CEC regulations related, but not limited to the implementation of SAISE adjustments and its new modules (Reporting and Disclosure Module) in the context of the 2018 Parliamentary Elections, considering the gender equality provisions of the current electoral framework and other relevant legislative acts;
- Assist CEC through the provision of expert advice on the adjustment and harmonization of any other relevant regulatory framework to meet the international standards and practices, including the gender and human rights aspects.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- Bachelor's degree or higher in Law, Public Administration or another relevant field.

Experience:

- At least 3 years of professional experience in dealing with analysis and/or drafting of national legal and regulatory acts;
- At least 2 years of experience in working with Moldovan public institutions;
- Proven experience in drafting normative acts in electoral area will be a strong asset;

Competencies:

- Demonstrated knowledge of electoral legislation of Moldova;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Excellent research and analytical skills;
- Demonstrated strong understanding of advanced elections related technologies, international electoral processes and principles;
- Understanding of gender equality principles, including gender dimensions pertaining to the mixed electoral system and other related legal acts;
- Knowledge of Romanian and Russian (verbal and written) is a must. Knowledge of English will be considered as an advantage.
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language will be a strong advantage.

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;
- Responsibility, creativity, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.

The UNDP Moldova is committed to workforce diversity. Women and men, persons with different types of disabilities, LGBTI, Roma and other ethnic, linguistic 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:

- Offeror's Letter confirming Interest and Availability
- 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);
- 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

- Contracts based on daily fee

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

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:

- Bachelor's degree or higher in Law, Public Administration or another relevant field.
- At least 3 years of professional experience in dealing with analysis and/or drafting of national legal and regulatory acts;
- At least 2 years of experience in working with Moldovan public institutions;

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>		
Bachelor's degree or higher in Law, Public Administration or another relevant field.	Bachelors' degree – 5 pts., Master's Degree – 10 pts.	10

At least 3 years of professional experience in dealing with analysis and/or drafting of national legal and regulatory acts;	3 years – 25 pts., each additional year of experience – 5 pts. up to a maximum of 40 pts.	40
At least 2 years of experience in working with Moldovan public institutions;	2 years – 25 pts., each additional year of experience – 5 pts. up to a maximum of 40 pts.	40
Proven experience in drafting normative acts in electoral area will be a strong asset;	Yes – 30 pts. No – 0 pts.	30
<u>Interview</u>	<ul style="list-style-type: none"> • Demonstrated knowledge of electoral legislation of Moldova; - up to 30 pts.; • Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively; - up to 40 pts.; • Excellent research and analytical skills; - up to 30 pts.; • Demonstrated strong understanding of advanced elections related technologies, international electoral processes and principles - up to 25 pts.; • Understanding of gender equality principles, including gender dimensions pertaining to the mixed electoral system and other related legal acts - up to 20 pts.; • Knowledge of Romanian and Russian (verbal and written) is a must, English will be considered as an advantage. Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset; (Romanian, Russian and English – 5 pts. each, any of the mentioned languages – 2 pts. each, max – 25 pts.) 	170
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	(no – 0 pts., to one group – 5 pts., to two or more groups – 10 pts.)	10
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	
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p>$S = F_{min} / F * 200$</p> <p>S – score received on financial evaluation;</p> <p>F_{min} – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p>F – financial offer under consideration</p>	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