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Resilient nations.*

TERMS OF REFERENCE

Job title:	National consultant for construction law
Duty station:	Chisinau, Moldova
Reference to the project:	Strengthening Parliamentary Governance in Moldova Project
Contract type:	IC
Contract duration:	March – May 2018 (up to 45 working days)
Starting date:	March, 2018

1. BACKGROUND

The goal of the UNDP “Strengthening Parliamentary Governance in Moldova” Project, further on referred to as the SPGM project, is designed to address the main needs of the Parliament of Moldova in the areas of law-making, oversight and representation during the on-going process of domestic reform spurred by closer relations with the EU. The project is also assisting in making the Parliament’s legislative activity more open, transparent and participatory through establishing tools and mechanisms for the engagement of civil society, professional associations and the general public. Project interventions will offer and encourage equal opportunity for male and female participation.

The poor quality of national legislation related to construction, as well as the lack of enforcement is generating an increased number of unauthorized constructions in Moldova. To date the responsibilities in terms of enforcement are not sufficient clarified to ensure the quality of constructions in Moldova which enhance the risk of corruption. Currently, state authorities are only involved in construction process at the stage of completion. The use, operation and post-use of buildings is not sufficiently regulated.

The lack of normative acts on construction harmonized with the EU acquis creates difficulties in the design and execution of building projects. As a result, the Government of the Republic of Moldova drafted the code on urbanism and construction, which aims to establish a unified legal framework regulating the construction process including the authorization of construction projects, the quality of construction materials, building site procedures, certification of new constructions, means of enforcement, and the use and post-use of constructions on the territory of the Republic of Moldova.

Moreover, the draft law assigns roles and responsibilities to the state institutions within the field of urbanism, in order to define the responsibilities of each institution, and the exact nature of state control. After harmonization with the EU legal framework, the code will better regulate issues related to competition, environmental protection, consumer protection, and the standardization and labelling of construction materials creating necessary prerequisites for the free movement of goods. This will ensure greater mobility of architects and contractors by eliminating technical and commercial barriers from the construction industry and will ensure the increase of quality and safety of buildings through enforcement of European quality standards for building materials.

The draft code on urbanism and construction passed first reading by the Parliament of Moldova and was assigned to the Committee on Economy, Budget and Finance. During that reading, the MPs formulated a wide range of comments that require additional work before a final approval can be obtained.

At the request of the parliament, UNDP will support the committee on economy, finance and budget with the necessary technical assistance for the final review of the draft bill. Therefore, UNDP is seeking to hire a national consultant to assist the committee in reviewing the bill on urbanism and construction, identifying shortcomings and formulating improvements with regards to the section on construction.

2. SCOPE OF WORK AND EXPECTED OUTPUTS

The expected output for the national consultant's assignment is to assist the parliamentary Committee on Economy, Budget and Finance to review the draft Code of Urbanism and Constructions (Constructions Component), 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. Undertake a comprehensive desk review of the relevant national legal framework, relevant studies, researches, reports, EU/international best practices related to construction;
 - Analyse all the legislative initiatives proposing amendments to the draft Code (from individual MPs, groups of MPs, factions and/or parliamentary standing committees);
 - Prepare an Inception Report for respective assignment;
2. Review the draft Code of Urbanism and Constructions, specifically the following:
 - Differences between the draft of the Code of Urbanism and Construction and the existing legislation of Republic of Moldova regarding construction;
 - Analyse the norms introduced by the draft Code that increase or limit the effectiveness of this legislation;
 - Analyse potential risks, including economic and social impacts, in case the draft Code is approved as presented;
 - Review the efficiency of the existing measures to limit unauthorized constructions and identify new possible approaches to reduce unauthorized constructions;
 - Other necessary components identified by the expert.
3. Develop an Assessment Report containing findings and specific recommendations for improving the draft Code of Urbanism and Construction;
4. Provide support to the organisation of public hearings. Participate and present your expert opinion during the public hearings;
5. Review the received proposals and develop amendments to the draft Code of Urbanism and Construction and submit the final version;
6. Consider and mainstream the gender perspective throughout the Code;
7. Present the expert opinion on the construction component of the draft of the Code during the meetings of the Committee on Budget. The recommendations / proposals for the Construction component of the draft Code should be compatible with those from Urbanism components;
8. Coordinate technical assistance with the expert, who will analyse the urbanism component of the draft of the Code of Urbanism and Construction.

3. KEY DELIVERABLES AND TENTATIVE TIMETABLE

	Key deliverables:	Tentative timeframe/deadline
1.	An Inception Report containing a detailed Work Plan and Methodology developed	March 2018
2.	Assessment Report containing findings and specific recommendations for improving the draft Code of Urbanism and Construction developed	April, 2018
3.	Support to the organisation of public hearings on the draft Code of Urbanism and Construction rendered	
4.	A set of amendments to the draft Code of Urbanism and Construction drafted and presented to the Committee on economy, budget and finance	May, 2018

4. INSTITUTIONAL ARRANGEMENTS

The consultant will work under the direct supervision of the UNDP Parliament Specialist for substantive aspects of the assignment, and under the guidance of the Senior Project Officer – for administrative aspects. The consultant will report to the Parliament appointed representative and the Parliament Specialist of UNDP SPGM project. The Parliament will provide consultant with working space, access to Internet, a printer and a telephone line.

Timeframe

The timeframe for this assignment is planned tentatively through March – May 2018. The Consultancy should involve about 45 days of work. The exact schedule shall be coordinated in advance.

Language

All communications and documentation related to the assignment will be in Romanian. Before submission of the deliverables, the consultant will discuss the draft documents with the parties involved (i.e. Parliament, UNDP and other stakeholders) so that the final products reflect their comments. Good knowledge of English is a strong asset.

5. QUALIFICATIONS AND SKILLS REQUIRED

I. Academic Qualifications:

- Master degree or equivalent (5-year university degree) in construction or other related fields.

II. Years of experience:

- At least 5 years of relevant professional experience in the field of construction;
- At least 2 years of experience in legislative drafting;
- In-depth knowledge and understanding of the existing legislation on construction in the Republic of Moldova;
- Proven experience in comparative analysis, research, assessment on the implementation of the legislation and policies;
- Proven experience in organising public hearings and consultations engaging diverse stakeholders will be a strong asset;
- Experience of advisory work on parliamentary/government development is a strong advantage.

III. Competencies:

- Strong analytical and drafting skills;
- Excellent writing and oral communication;
- Ability to work with teams;
- Availability to work during the indicated /approved period;
- Fluency in Romanian. Knowledge of English and Russian will be a strong asset.

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.

6. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:

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

1. Methodological Proposal that should contain:
 - i. A brief methodology on how they will approach and conduct the assignment.
 - ii. Explain why they are the most suitable for the work including past experience in similar assignments and the relation to the above required qualifications.
2. Financial proposal (in USD), specifying a fee per day and total requested amount including all related costs, e.g. fees, per diems, travel costs, phone calls etc.;
3. Duly filled in and signed Personal History Form (P11) and at least 2 names for a reference check.