



*Empowered lives.
Resilient nations.*

TERMS OF REFERENCE

Company to deliver a training on legislative drafting for members of the Gagauz People's Assembly and staff involved in the preparation of normative acts

A. BACKGROUND INFORMATION

The UNDP “Strengthening Parliamentary Governance in Moldova” (SPGM) Project works with the Parliament of the Republic of Moldova (PRM) to enhance its law-making, oversight and representation functions with a specific focus on the EU integration and the Sustainable Development Goals (SDGs). The project directly assists standing committees and the Secretariat of the Parliament of the Republic of Moldova in the implementation of their mandate. Project interventions include training, technical assistance, easy-to-read publications, exchanges and opportunities for learning from other parliaments, as well as providing specialized technical equipment. Through this support, the Parliament of the Republic of Moldova is improving its capacity to strengthen the legal framework and to successfully engage in oversight through multi-stakeholder activities involving civil society, professional associations and the public. The activities offer and encourage equal opportunities for male and female participation and gender is mainstreamed throughout the project interventions.

Since 2017, the SPGM project has also been supporting the capacity development of the Gagauz People's Assembly (GPA) at the request of the Parliament of the Republic of Moldova (PRM). In this context the project supported carrying out the functional and institutional analysis of the GPA, which presented conclusions and recommendations with the aim to improve the fulfilment of the mandate of the GPA. Following this assignment, with the support of the SPGM the GPA prepared a Strategic Development Plan for 2018-2020. The findings of the Functional and Institutional Analysis of the Gagauz People's Assembly and the priorities set in the GPA Strategic Development Plan 2018-2020, suggest that developing the legislative drafting capacities of the Assembly's members and staff is a key factor in achieving the institutional development objectives.

To support the capacity development activities, the United Nations Development Program (UNDP) Moldova, through its SPGM project, seeks to contract a qualified company to design, develop and deliver **2 tailor-made trainings** on legislative drafting for the members of the GPA and the staff involved in the elaboration of normative acts.

B. SCOPE OF SERVICES AND EXPECTED OUTPUTS

The scope of this training is to strengthen the legislative drafting skills of the members of the GPA and staff in the assembly's apparatus involved in the elaboration of normative acts. At the end of training, the participants shall have the knowledge and skills to efficiently engage in the legislative drafting process following the standards set in the national legislation.

The trainings shall contribute to the achievement of the following objectives:

- **Objective 1.** Participants became familiar with the constitutional and legal framework in the Republic of Moldova including the legislative authorities, hierarchy of laws and normative acts and the actors/stakeholders engaged at each stage of the elaboration of the national legislation;
- **Objective 2.** Participants improved their legislative drafting skills and knowledge necessary for elaborating legal/normative acts in line with the national standards.

To achieve the stated Objectives, the Service Provider shall:

1. Develop an Inception Report containing a work plan and a detailed methodology including an overview of the tools to be used for the assignment;
2. Develop the outline, curriculum and training aids;
3. Develop the agendas and in consultation with the GPA's leadership set dates for the trainings;
4. Develop the evaluation tools to assess the achievement of the learning objectives and the participants' satisfaction;
5. Deliver 2 similar training sessions with a duration of 3 days each for 2 different groups of GPA staff;
6. Prepare and submit a post-training report to reflect the outcome of the trainings and present recommendations for subsequent interventions. The report shall cover at least the following themes:
 - Processed information containing gender disaggregated data;
 - Post-training evaluation addressing participants' satisfaction with the training content and anticipated impact on participants' job performance;
 - Participants insights on the training;
 - Recommendations for further actions aiming to strengthen the capacities on legislative drafting skills of the beneficiaries.

All the deliverables of the company shall be coordinated with the designated representative of the GPA and the UNDP project team.

The minimum learning outcomes shall be:

- Knowledge and skills allowing to draft legal acts clearly and concisely and in line with the national standards acquired;
- Principles of legislative drafting and the structure of laws understood;
- Knowledge and skills allowing to apply plain language in drafting legislation learnt;
- Capacity to make laws more readable to those affected by them acquired;
- Capacity to analyze stakeholders and beneficiaries of legislation developed;
- Awareness of the GPA members and staff involved in drafting normative skills on Regulatory Impact Assessment enhanced;
- Awareness on transparency and consultations in legislative drafting process strengthened;
- Ability to recognize common drafting mistakes and knowledge on how to avoid them acquired;
- Awareness on gender and human rights approach when drafting legislation increased.

C. METHODOLOGY

The Service Provider shall apply the “learning-by-doing” method by employing an interactive style of training (including simulations and case studies). Trainers shall avoid long theoretical sessions and use a skill-based training methodology. The Service Provider shall develop and provide participants with a set of relevant supporting materials for the training subjects, such as:

- Agenda;
- Training handouts/ guidelines;
- Presentations, case-studies and other training materials;
- Background readings and links to additional information on drafting legislation.

The selected Service Provider is expected to mainstream gender equality principles in all phases related to the training.

Beneficiaries of the trainings

The beneficiaries of the trainings will be the members of the GPA and staff in the Assembly’s apparatus involved in the preparation of normative acts. In order to ensure an interactive and efficient learning process, the Service Provider shall split participants in smaller groups. The estimative number of participants is 45 persons. The training program shall be coordinated with the UNDP project team and shall be adjusted to the GPAs needs.

The duration of each training shall be 3 days. The approximate timeframe for the organization of the trainings is second and third weeks of September 2019. The exact date and time will be confirmed after the consultation with the GPA.

Proposed training outline

The training outline shall cover at least the following themes:

Principles and stages of lawmaking

- The stages of the lawmaking process and stakeholders involved in the process;
- Public policy documents;
- Elaboration of public policies;
- Turning public policies into legislation;
- Hierarchy of laws as prescribed in the Constitution of the Republic of Moldova;
- Relationship between the GPA and the Parliament of the Republic of Moldova in introducing legislative initiatives

Legislative drafting techniques

- The national legislative framework that regulates the standards and requirements for drafting normative acts;
- The main types of normative acts and specifics for drafting;
- The structural elements of normative acts;
- Supporting documentation required in the process of drafting normative acts;
- The role of state entities in providing opinions and expertise in the process of drafting normative acts.

Making legislation accessible to everyone

- Legislative terminology;
- Identifying and understanding the audience;
- The role and skills of legislative drafter
- Transforming complex concepts into clear and concise legislation

Harmonization of legislation to international treaties and EU legislation

- Key considerations on the role of international treaties in the harmonization process;
- Key considerations on the harmonization of the Moldovan national legislation to EU legislation.

Post legislative scrutiny

- Types of post legislative scrutiny;
- Post legislative scrutiny instruments
- Stakeholders in the post legislative scrutiny process and their roles.

D. DELIVERABLES AND INDICATIVE TIMEFRAME

	Deliverables	Deadline
1.	Prepare and submit the Inception Report	By 2nd of August 2019
2.	Training outline and curriculum developed and submitted to the designated representatives of the GPA and the SPGM project team	By 23 rd of August 2019
3.	Training handouts, presentations, case studies and other aids to be used for the approved outline developed and submitted to the designated representative of the GPA and the SPGM project team	
4.	Evaluation tools to assess the achievement of the learning objectives and participants satisfaction developed and submitted to the designated representative of the GPA and the SPGM project team	
5.	Two similar training sessions, lasting 3 days each delivered for two different groups of GPA staff	By 30 th of September 2019
6.	Post-training report developed and submitted to the designated representative of the GPA and the SPGM project team	By 31 st of October 2019

* The exact date and time will be confirmed after the consultation with the GPA.

E. INSTITUTIONAL ARRANGEMENTS

The Service Provider will work under the guidance of the representative of the GPA and the UNDP Project Manager for substantive aspects of the assignment and the Senior Project Officer – for administrative aspects.

All the deliverables shall be reviewed and approved by the Project's Coordination Team (consisting of the representatives of the Gagauz People's Assembly and SPGM project team). The deliverables shall be submitted in an electronic format that would enable beneficiaries to provide their inputs.

The above listed deliverables and training materials will be finalized based on inputs from the SPGM project team and will be adjusted to the needs of the main beneficiary, where needed.

The contracted Service Provider will not be responsible for the logistical organization of the training and for the associated costs (training facility and equipment rental).

Language requirements

All communication and documentation related to the trainings will be in English and Russian. Any translation and interpretation costs should be listed separately in the financial proposal.

The presentations and all other documents submitted will be subject to proofreading and editing to ensure compliance with the language and terminology in the national legislation regulating the subject matter of the training.

F. QUALIFICATIONS REQUIREMENTS

The bidder shall provide sound argumentation of the proposal by demonstrating compliance with the ToR and the environment in which it will provide the services. The bidder shall include information on the volume of allocated resources to carry out the assignment. A breakdown per man-days allocated for each deliverable shall be submitted, clearly explaining the role of the team members involved.

Successful bidder shall meet the following minimum qualification requirements for the assignment:

Corporate Minimum Requirements

- Legally registered entity or consortia of firms;
- At least 5 years of experience in designing, organizing and delivering trainings related to the lawmaking process and/or drafting of legislation;
- Provide evidence of minimum 3 successfully completed projects related to provision of trainings on the lawmaking process and/or legislative drafting ;
- Previous work in providing capacity-development for parliaments and other public entities will be an advantage.

The proposed team should consist of but not be limited to the following members:

- Senior Trainer (ST);
- Junior trainer (JT).

Minimum Qualifications of the proposed team:

Senior Trainer (ST):

- University degree in Law, Public Administration, Political Science, Economic field or any other relevant fields;
- At least 5 years of experience in providing trainings and capacity building on legislative drafting to public institutions;

- Proven experience in preparing and carrying out at least 3 training programs on legislative drafting;
- Proven previous professional experience related to parliamentary assistance and oversight;
- Fluency in English. Knowledge of Russian will be a strong asset.

Junior Trainer (JT):

- University degree in Law, Public Administration, Political Science, Economic field or any other relevant fields;
- At least 3 years of experience in providing trainings and capacity building to public institutions;
- Proven previous professional experience related to parliamentary assistance and oversight;
- Fluency in Russian. Knowledge of English will be a strong asset.