

*United Nations Development Programme*



# REQUEST FOR PROPOSAL

**Company to conduct a Functional Analysis of the National System of Forensic Institutions in the Republic of Moldova**

RFP No.: 20/02133

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

Country: Republic of Moldova

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# Contents

<b>SECTION 1. LETTER OF INVITATION .....</b>	<b>4</b>
<b>SECTION 2. INSTRUCTION TO BIDDERS .....</b>	<b>5</b>
<b>A. GENERAL PROVISIONS 5</b>	
1. Introduction .....	5
2. Fraud & Corruption, Gifts and Hospitality .....	5
3. Eligibility .....	5
4. Conflict of Interests .....	6
<b>B. PREPARATION OF PROPOSALS.....</b>	<b>6</b>
5. General Considerations.....	6
6. Cost of Preparation of Proposal .....	6
7. Language.....	6
8. Documents Comprising the Proposal.....	6
9. Documents Establishing the Eligibility and Qualifications of the Bidder.....	7
10. Technical Proposal Format and Content .....	7
11. Financial Proposals.....	7
12. Proposal Security .....	7
13. Currencies .....	8
14. Joint Venture, Consortium or Association.....	8
15. Only One Proposal .....	9
16. Proposal Validity Period .....	9
17. Extension of Proposal Validity Period .....	9
18. Clarification of Proposal .....	9
19. Amendment of Proposals.....	9
20. Alternative Proposals .....	10
21. Pre-Bid Conference .....	10
<b>C. SUBMISSION AND OPENING OF PROPOSALS.....</b>	<b>10</b>
22. Submission .....	10
23. Deadline for Submission of Proposals and Late Proposals.....	11
24. Withdrawal, Substitution, and Modification of Proposals .....	11
25. Proposal Opening.....	12
<b>D. EVALUATION OF PROPOSALS.....</b>	<b>12</b>
26. Confidentiality.....	12
27. Evaluation of Proposals .....	12
28. Preliminary Examination .....	12
29. Evaluation of Eligibility and Qualification.....	12
30. Evaluation of Technical and Financial Proposals .....	13
31. Due Diligence .....	13
32. Clarification of Proposals .....	14
33. Responsiveness of Proposal.....	14
34. Nonconformities, Reparable Errors and Omissions .....	14
<b>E. AWARD OF CONTRACT.....</b>	<b>15</b>
35. Right to Accept, Reject, Any or All Proposals .....	15
36. Award Criteria .....	15
37. Debriefing.....	15
38. Right to Vary Requirements at the Time of Award .....	15
39. Contract Signature .....	15
40. Contract Type and General Terms and Conditions .....	15
41. Performance Security .....	15
42. Bank Guarantee for Advanced Payment .....	15
43. Liquidated Damages.....	16
44. Payment Provisions.....	16
45. Vendor Protest .....	16
46. Other Provisions.....	16
<b>SECTION 3. BID DATA SHEET .....</b>	<b>17</b>

**SECTION 4. EVALUATION CRITERIA..... 20**

**SECTION 5. TERMS OF REFERENCE..... 25**

**SECTION 6: RETURNABLE BIDDING FORMS / CHECKLIST..... 33**

**FORM A:** TECHNICAL PROPOSAL SUBMISSION FORM ..... 34

**FORM B:** BIDDER INFORMATION FORM..... 35

**FORM C:** JOINT VENTURE/CONSORTIUM/ASSOCIATION INFORMATION FORM..... 37

**FORM D:** QUALIFICATION FORM ..... 38

**FORM E:** FORMAT OF TECHNICAL PROPOSAL ..... 41

**FORM F:** FINANCIAL PROPOSAL SUBMISSION FORM ..... 43

**FORM G:** FINANCIAL PROPOSAL FORM ..... 44

## Section 1. Letter of Invitation

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The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal to this Request for Proposal (RFP) for the above-referenced subject.

This RFP includes the following documents and the General Terms and Conditions of Contract which is inserted in the Bid Data Sheet (BDS):

Section 1: This Letter of Invitation

Section 2: Instruction to Bidders

Section 3: Bid Data Sheet (BDS)

Section 4: Evaluation Criteria

Section 5: Terms of Reference

Section 6: Returnable Bidding Forms

- Form A: Technical Proposal Submission Form
- Form B: Bidder Information Form
- Form C: Joint Venture/Consortium/Association Information Form
- Form D: Qualification Form
- Form E: Format of Technical Proposal
- Form F: Financial Proposal Submission Form
- Form G: Financial Proposal Form

If you are interested in submitting a Proposal in response to this RFP, please prepare your Proposal in accordance with the requirements and procedure as set out in this RFP and submit it by the Deadline for Submission of Proposals set out in Bid Data Sheet.

Please acknowledge receipt of this RFP by sending an email to [sc.md@undp.org](mailto:sc.md@undp.org), indicating whether you intend to submit a Proposal or otherwise. You may also utilize the "Accept Invitation" function in e-Tendering system, where applicable. This will enable you to receive amendments or updates to the RFP. Should you require further clarifications, kindly communicate with the contact person/s identified in the attached Bid Data Sheet as the focal point for queries on this RFP.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

Issued by:

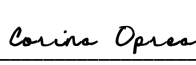


Name: Anna Soltan

Title: Project Associate

Date: **September 22, 2020**

Approved by:



Name: Corina Oprea

Title: Operations Manager

Date: **September 22, 2020**

## Section 2. Instruction to Bidders

A. GENERAL PROVISIONS	
1. Introduction	<p>1.1 Bidders shall adhere to all the requirements of this RFP, including any amendments in writing by UNDP. This RFP is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement which can be accessed at <a href="https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d">https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d</a></p> <p>1.2 Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFP.</p> <p>1.3 As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website (<a href="http://www.ungm.org">www.ungm.org</a>). The Bidder may still submit a bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature.</p>
2. Fraud & Corruption, Gifts and Hospitality	<p>2.1 UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNDP vendors and requires all bidders/vendors observe the highest standard of ethics during the procurement process and contract implementation. UNDP's Anti-Fraud Policy can be found at <a href="http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti">http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti</a></p> <p>2.2 Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.</p> <p>2.3 In pursuance of this policy, UNDP            (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question;            (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.</p> <p>2.4 All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at <a href="http://www.un.org/depts/ptd/pdf/conduct_english.pdf">http://www.un.org/depts/ptd/pdf/conduct_english.pdf</a></p>
3. Eligibility	<p>3.1 A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations.</p> <p>3.2 It is the Bidder's responsibility to ensure that its employees, joint venture members, sub-contractors, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNDP.</p>

4. Conflict of Interests	<p>4.1 Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:</p> <ul style="list-style-type: none"> <li>a) Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNDP to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;</li> <li>b) Were involved in the preparation and/or design of the programme/project related to the services requested under this RFP; or</li> <li>c) Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNDP.</li> </ul> <p>4.2 In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNDP, and seek UNDP's confirmation on whether or not such a conflict exists.</p> <p>4.3 Similarly, the Bidders must disclose in their proposal their knowledge of the following:</p> <ul style="list-style-type: none"> <li>a) If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFP; and</li> <li>b) All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.</li> </ul> <p>Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.</p> <p>4.4 The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP's further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFP, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal.</p>
<b>B. PREPARATION OF PROPOSALS</b>	
5. General Considerations	<p>5.1 In preparing the Proposal, the Bidder is expected to examine the RFP in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.</p> <p>5.2 The Bidder will not be permitted to take advantage of any errors or omissions in the RFP. Should such errors or omissions be discovered, the Bidder must notify the UNDP</p>
6. Cost of Preparation of Proposal	<p>6.1 The Bidder shall bear any and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNDP shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.</p>
7. Language	<p>7.1 The Proposal, as well as any and all related correspondence exchanged by the Bidder and UNDP, shall be written in the language (s) specified in the BDS.</p>
8. Documents	<p>8.1 The Proposal shall comprise of the following documents:</p>

<b>Comprising the Proposal</b>	<ul style="list-style-type: none"> <li>a) Documents Establishing the Eligibility and Qualifications of the Bidder;</li> <li>b) Technical Proposal;</li> <li>c) Financial Proposal;</li> <li>d) Proposal Security, if required by BDS;</li> <li>e) Any attachments and/or appendices to the Proposal.</li> </ul>
<b>9. Documents Establishing the Eligibility and Qualifications of the Bidder</b>	<p>9.1 The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor, using the Forms provided under Section 6 and providing documents required in those forms. In order to award a contract to a Bidder, its qualifications must be documented to UNDP's satisfaction.</p>
<b>10. Technical Proposal Format and Content</b>	<p>10.1 The Bidder is required to submit a Technical Proposal using the Standard Forms and templates provided in Section 6 of the RFP.</p> <p>10.2 The Technical Proposal shall not include any price or financial information. A Technical Proposal containing material financial information may be declared non-responsive.</p> <p>10.3 Samples of items, when required as per Section 5, shall be provided within the time specified and unless otherwise specified by UNDP, and at no expense to UNDP</p> <p>10.4 When applicable and required as per Section 5, the Bidder shall describe the necessary training programme available for the maintenance and operation of the services and/or equipment offered as well as the cost to the UNDP. Unless otherwise specified, such training as well as training materials shall be provided in the language of the Bid as specified in the BDS.</p>
<b>11. Financial Proposals</b>	<p>11.1 The Financial Proposal shall be prepared using the Standard Form provided in Section 6 of the RFP. It shall list all major cost components associated with the services, and the detailed breakdown of such costs.</p> <p>11.2 Any output and activities described in the Technical Proposal but not priced in the Financial Proposal, shall be assumed to be included in the prices of other activities or items, as well as in the final total price.</p> <p>11.3 Prices and other financial information must not be disclosed in any other place except in the financial proposal.</p>
<b>12. Proposal Security</b>	<p>12.1 A Proposal Security, if required by BDS, shall be provided in the amount and form indicated in the BDS. The Proposal Security shall be valid up to thirty (30) days after the final date of validity of the Proposal.</p> <p>12.2 The Proposal Security shall be included along with the Technical Proposal. If Proposal Security is required by the RFP but is not found along with the Technical Proposal, the Proposal shall be rejected.</p> <p>12.3 If the Proposal Security amount or its validity period is found to be less than what is required by UNDP, UNDP shall reject the Proposal.</p> <p>12.4 In the event an electronic submission is allowed in the BDS, Bidders shall include a copy of the Bid Security in their proposal and the original of the Proposal Security must be sent via courier or hand delivery as per the instructions in BDS.</p> <p>12.5 The Proposal Security may be forfeited by UNDP, and the Proposal rejected, in the event of any one or combination, of the following conditions:</p> <ul style="list-style-type: none"> <li>a) If the Bidder withdraws its offer during the period of the Proposal Validity specified in the BDS, or;</li> </ul>

	<p>b) In the event that the successful Bidder fails:</p> <p>i. to sign the Contract after UNDP has issued an award; or</p> <p>12.6 to furnish the Performance Security, insurances, or other documents that UNDP may require as a condition precedent to the effectivity of the contract that may be awarded to the Bidder.</p>
<b>13. Currencies</b>	<p>13.1 All prices shall be quoted in the currency or currencies indicated in the BDS. Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:</p> <p>a) UNDP will convert the currency quoted in the Proposal into the UNDP preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and</p> <p>b) In the event that UNDP selects a proposal for award that is quoted in a currency different from the preferred currency in the BDS, UNDP shall reserve the right to award the contract in the currency of UNDP's preference, using the conversion method specified above.</p>
<b>14. Joint Venture, Consortium or Association</b>	<p>14.1 If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Proposal, they shall confirm in their Proposal that : (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Proposal; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.</p> <p>14.2 After the Deadline for Submission of Proposal, the lead entity identified to represent the JV, Consortium or Association shall not be altered without the prior written consent of UNDP.</p> <p>14.3 The lead entity and the member entities of the JV, Consortium or Association shall abide by the provisions of Clause 9 herein in respect of submitting only one proposal.</p> <p>14.4 The description of the organization of the JV, Consortium or Association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the JV, Consortium or Association Agreement. All entities that comprise the JV, Consortium or Association shall be subject to the eligibility and qualification assessment by UNDP.</p> <p>14.5 A JV, Consortium or Association in presenting its track record and experience should clearly differentiate between:</p> <p>a) Those that were undertaken together by the JV, Consortium or Association; and</p> <p>b) Those that were undertaken by the individual entities of the JV, Consortium or Association.</p> <p>14.6 Previous contracts completed by individual experts working privately but who are permanently or were temporarily associated with any of the member firms cannot be claimed as the experience of the JV, Consortium or Association or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.</p> <p>14.7 JV, Consortium or Associations are encouraged for high value, multi-sectoral requirements when the spectrum of expertise and resources required may not</p>



	be available within one firm.
<b>15. Only One Proposal</b>	<p>15.1 The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.</p> <p>15.2 Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:</p> <ul style="list-style-type: none"> <li>a) they have at least one controlling partner, director or shareholder in common; or</li> <li>b) any one of them receive or have received any direct or indirect subsidy from the other/s; or</li> <li>c) they have the same legal representative for purposes of this RFP; or</li> <li>d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFP process;</li> <li>e) they are subcontractors to each other's Proposal, or a subcontractor to one Proposal also submits another Proposal under its name as lead Bidder; or</li> <li>f) some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFP process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Proposal.</li> </ul>
<b>16. Proposal Validity Period</b>	<p>16.1 Proposals shall remain valid for the period specified in the BDS, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNDP and rendered non-responsive.</p> <p>16.2 During the Proposal validity period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Personnel, the proposed rates and the total price.</p>
<b>17. Extension of Proposal Validity Period</b>	<p>17.1 In exceptional circumstances, prior to the expiration of the proposal validity period, UNDP may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing, and shall be considered integral to the Proposal.</p> <p>17.2 If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.</p> <p>17.3 The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.</p>
<b>18. Clarification of Proposal</b>	<p>18.1 Bidders may request clarifications on any of the RFP documents no later than the date indicated in the BDS. Any request for clarification must be sent in writing in the manner indicated in the BDS. If inquiries are sent other than specified channel, even if they are sent to a UNDP staff member, UNDP shall have no obligation to respond or confirm that the query was officially received.</p> <p>18.2 UNDP will provide the responses to clarifications through the method specified in the BDS.</p> <p>18.3 UNDP shall endeavor to provide responses to clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of UNDP to extend the submission date of the Proposals, unless UNDP deems that such an extension is justified and necessary.</p>
<b>19. Amendment of Proposals</b>	<p>19.1 At any time prior to the deadline of Proposal submission, UNDP may for any reason, such as in response to a clarification requested by a Bidder, modify the</p>

	<p>RFP in the form of an amendment to the RFP. Amendments will be made available to all prospective bidders.</p> <p>19.2 If the amendment is substantial, UNDP may extend the Deadline for submission of proposal to give the Bidders reasonable time to incorporate the amendment into their Proposals.</p>
<b>20. Alternative Proposals</b>	<p>20.1 Unless otherwise specified in the BDS, alternative proposals shall not be considered. If submission of alternative proposal is allowed by BDS, a Bidder may submit an alternative proposal, but only if it also submits a proposal conforming to the RFP requirements. UNDP shall only consider the alternative proposal offered by the Bidder whose conforming proposal ranked the highest as per the specified evaluation method. Where the conditions for its acceptance are met, or justifications are clearly established, UNDP reserves the right to award a contract based on an alternative proposal.</p> <p>20.2 If multiple/alternative proposals are being submitted, they must be clearly marked as "Main Proposal" and "Alternative Proposal"</p>
<b>21. Pre-Bid Conference</b>	<p>21.1 When appropriate, a Bidder's conference will be conducted at the date, time and location specified in the BDS. All Bidders are encouraged to attend. Non-attendance, however, shall not result in disqualification of an interested Bidder. Minutes of the Bidder's conference will be disseminated on the procurement website and shared by email or on the e-Tendering platform as specified in the BDS. No verbal statement made during the conference shall modify the terms and conditions of the RFP, unless specifically incorporated in the Minutes of the Bidder's Conference or issued/posted as an amendment to RFP.</p>
<b>C. SUBMISSION AND OPENING OF PROPOSALS</b>	
<b>22. Submission</b>	<p>22.1 The Bidder shall submit a duly signed and complete Proposal comprising the documents and forms in accordance with the requirements in the BDS. The submission shall be in the manner specified in the BDS.</p> <p>22.2 The Proposal shall be signed by the Bidder or person(s) duly authorized to commit the Bidder. The authorization shall be communicated through a document evidencing such authorization issued by the legal representative of the bidding entity, or a Power of Attorney, accompanying the Proposal.</p> <p>22.3 Bidders must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Bidder fully accepts the UNDP General Contract Terms and Conditions.</p>
<b>Hard copy (manual) submission</b>	<p>22.4 Hard copy (manual) submission by courier or hand delivery allowed or specified in the BDS shall be governed as follows:</p> <ol style="list-style-type: none"> <li>The signed Proposal shall be marked "Original", and its copies marked "Copy" as appropriate. The number of copies is indicated in the BDS. All copies shall be made from the signed original only. If there are discrepancies between the original and the copies, the original shall prevail.</li> <li>The Technical Proposal and the Financial Proposal envelopes MUST BE COMPLETELY SEPARATE and each of them must be submitted sealed individually and clearly marked on the outside as either "TECHNICAL PROPOSAL" or "FINANCIAL PROPOSAL", as appropriate. Each envelope SHALL clearly indicate the name of the Bidder. The outer envelopes shall: <ol style="list-style-type: none"> <li>Bear the name and address of the bidder;</li> <li>Be addressed to UNDP as specified in the BDS</li> </ol> </li> </ol>

<p><b>Email Submission</b></p>	<p>iii. Bear a warning that states <i>"Not to be opened before the time and date for proposal opening"</i> as specified in the BDS.</p> <p>If the envelopes and packages with the Proposal are not sealed and marked as required, UNDP shall assume no responsibility for the misplacement, loss, or premature opening of the Proposal.</p> <p>22.5 Email submission, if allowed or specified in the BDS, shall be governed as follows:</p> <ul style="list-style-type: none"> <li>a) Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS;</li> <li>b) The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE. The financial proposal shall be encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address specified in the BDS.</li> <li>c) The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.</li> </ul> <p>22.6 Electronic submission through eTendering, if allowed or specified in the BDS, shall be governed as follows:</p> <ul style="list-style-type: none"> <li>a) Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS;</li> <li>b) The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE and each of them must be uploaded individually and clearly labelled.</li> <li>d) The Financial Proposal file must be encrypted with a password so that it cannot be opened nor viewed until the password is provided. The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose technical proposal has been found to be technically responsive. Failure to provide the correct password may result in the proposal being rejected.</li> <li>c) Documents which are required to be in original form (e.g. Bid Security, etc.) must be sent via courier or hand delivery as per the instructions in BDS.</li> <li>d) Detailed instructions on how to submit, modify or cancel a bid in the eTendering system are provided in the eTendering system Bidder User Guide and Instructional videos available on this link:  <a href="http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notices/resources/">http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notices/resources/</a></li> </ul>
<p><b>23. Deadline for Submission of Proposals and Late Proposals</b></p>	<p>23.1 Complete Proposals must be received by UNDP in the manner, and no later than the date and time, specified in the BDS. UNDP shall only recognize the date and time that the bid was received by UNDP</p> <p>23.2 UNDP shall not consider any Proposal that is submitted after the deadline for the submission of Proposals.</p>
<p><b>24. Withdrawal, Substitution, and Modification of</b></p>	<p>24.1 A Bidder may withdraw, substitute or modify its Proposal after it has been submitted at any time prior to the deadline for submission.</p> <p>24.2 Manual and Email submissions: A bidder may withdraw, substitute or modify its</p>

<b>Proposals</b>	<p>Proposal by sending a written notice to UNDP, duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal, if any, must accompany the respective written notice. All notices must be submitted in the same manner as specified for submission of proposals, by clearly marking them as "WITHDRAWAL" "SUBSTITUTION," or "MODIFICATION"</p> <p>24.3 eTendering: A Bidder may withdraw, substitute or modify its Proposal by Canceling, Editing, and re-submitting the proposal directly in the system. It is the responsibility of the Bidder to properly follow the system instructions, duly edit and submit a substitution or modification of the Proposal as needed. Detailed instructions on how to cancel or modify a Proposal directly in the system are provided in Bidder User Guide and Instructional videos.</p> <p>24.4 Proposals requested to be withdrawn shall be returned unopened to the Bidders (only for manual submissions), except if the bid is withdrawn after the bid has been opened</p>
<b>25. Proposal Opening</b>	<p>25.1 There is no public bid opening for RFPs. UNDP shall open the Proposals in the presence of an ad-hoc committee formed by UNDP, consisting of at least two (2) members. In the case of e-Tendering submission, bidders will receive an automatic notification once their proposal is opened.</p>
<b>D. EVALUATION OF PROPOSALS</b>	
<b>26. Confidentiality</b>	<p>26.1 Information relating to the examination, evaluation, and comparison of Proposals, and the recommendation of contract award, shall not be disclosed to Bidders or any other persons not officially concerned with such process, even after publication of the contract award.</p> <p>26.2 Any effort by a Bidder or anyone on behalf of the Bidder to influence UNDP in the examination, evaluation and comparison of the Proposals or contract award decisions may, at UNDP's decision, result in the rejection of its Proposal and may be subject to the application of prevailing UNDP's vendor sanctions procedures.</p>
<b>27. Evaluation of Proposals</b>	<p>27.1 The Bidder is not permitted to alter or modify its Proposal in any way after the proposal submission deadline except as permitted under Clause 24 of this RFP. UNDP will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.</p> <p>27.2 Evaluation of proposals is made of the following steps:</p> <ol style="list-style-type: none"> <li>Preliminary Examination</li> <li>Minimum Eligibility and Qualification (if pre-qualification is not done)</li> <li>Evaluation of Technical Proposals</li> <li>Evaluation of Financial Proposals</li> </ol>
<b>28. Preliminary Examination</b>	<p>28.1 UNDP shall examine the Proposals to determine whether they are complete with respect to minimum documentary requirements, whether the documents have been properly signed, and whether the Proposals are generally in order, among other indicators that may be used at this stage. UNDP reserves the right to reject any Proposal at this stage.</p>
<b>29. Evaluation of Eligibility and Qualification</b>	<p>29.1 Eligibility and Qualification of the Bidder will be evaluated against the Minimum Eligibility/Qualification requirements specified in the Section 4 (Evaluation Criteria).</p> <p>29.2 In general terms, vendors that meet the following criteria may be considered qualified:</p> <ol style="list-style-type: none"> <li>They are not included in the UN Security Council 1267/1989 Committee's</li> </ol>

	<p>list of terrorists and terrorist financiers, and in UNDP's ineligible vendors' list;</p> <ul style="list-style-type: none"> <li>b) They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,</li> <li>c) They have the necessary similar experience, technical expertise, production capacity where applicable, quality certifications, quality assurance procedures and other resources applicable to the provision of the services required;</li> <li>d) They are able to comply fully with UNDP General Terms and Conditions of Contract;</li> <li>e) They do not have a consistent history of court/arbitral award decisions against the Bidder; and</li> <li>f) They have a record of timely and satisfactory performance with their clients.</li> </ul>
30. Evaluation of Technical and Financial Proposals	<p>30.1 The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other RFP documents, applying the evaluation criteria, sub-criteria, and point system specified in the Section 4 (Evaluation Criteria). A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score indicated in the BDS. When necessary and if stated in the BDS, UNDP may invite technically responsive bidders for a presentation related to their technical proposals. The conditions for the presentation shall be provided in the bid document where required.</p> <p>30.2 In the second stage, only the Financial Proposals of those Bidders who achieve the minimum technical score will be opened for evaluation. The Financial Proposals corresponding to Technical Proposals that were rendered non-responsive shall remain unopened, and, in the case of manual submission, be returned to the Bidder unopened. For emailed Proposals and e-tendering submissions, UNDP will not request for the password of the Financial Proposals of bidders whose Technical Proposal were found not responsive.</p> <p>30.3 The evaluation method that applies for this RFP shall be as indicated in the BDS, which may be either of two (2) possible methods, as follows: (a) the lowest priced method which selects the lowest evaluated financial proposal of the technically responsive Bidders; or (b) the combined scoring method which will be based on a combination of the technical and financial score.</p> <p>30.4 When the BDS specifies a combined scoring method, the formula for the rating of the Proposals will be as follows:</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p><u>Rating the Technical Proposal (TP):</u></p> <p style="text-align: center;"><b>TP Rating</b> = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100</p> <p><u>Rating the Financial Proposal (FP):</u></p> <p style="text-align: center;"><b>FP Rating</b> = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100</p> <p><u>Total Combined Score:</u></p> <p style="text-align: center;"><b>Combined Score</b> = (TP Rating) x (Weight of TP, e.g. 60%) + (FP Rating) x (Weight of FP, e.g., 40%)</p> </div>
31. Due Diligence	<p>31.1 UNDP reserves the right to undertake a due diligence exercise, also called post qualification, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented</p>

	<p>and may include, but need not be limited to, all or any combination of the following:</p> <ul style="list-style-type: none"> <li>a) Verification of accuracy, correctness and authenticity of information provided by the Bidder;</li> <li>b) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team;</li> <li>c) Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder;</li> <li>d) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;</li> <li>e) Physical inspection of the Bidder's offices, branches or other places where business transpires, with or without notice to the Bidder;</li> <li>f) Other means that UNDP may deem appropriate, at any stage within the selection process, prior to awarding the contract.</li> </ul>
<b>32. Clarification of Proposals</b>	<p>32.1 To assist in the examination, evaluation and comparison of Proposals, UNDP may, at its discretion, ask any Bidder for a clarification of its Proposal.</p> <p>32.2 UNDP's request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNDP in the evaluation of the Proposals, in accordance with RFP.</p> <p>32.3 Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNDP, shall not be considered during the review and evaluation of the Proposals.</p>
<b>33. Responsiveness of Proposal</b>	<p>33.1 UNDP's determination of a Proposal's responsiveness will be based on the contents of the Proposal itself. A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.</p> <p>33.2 If a Proposal is not substantially responsive, it shall be rejected by UNDP and may not subsequently be made responsive by the Bidder by correction of the material deviation, reservation, or omission.</p>
<b>34. Nonconformities, Repairable Errors and Omissions</b>	<p>34.1 Provided that a Proposal is substantially responsive, UNDP may waive any non-conformities or omissions in the Proposal that, in the opinion of UNDP, do not constitute a material deviation.</p> <p>34.2 UNDP may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.</p> <p>34.3 For Financial Proposal that has been opened, UNDP shall check and correct arithmetical errors as follows:</p> <ul style="list-style-type: none"> <li>a) if there is a discrepancy between the unit price and the line item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line item total shall be corrected, unless in the opinion of UNDP there is an obvious misplacement of the decimal point in the unit price; in which case the line item total as quoted shall govern and the unit</li> </ul>

	<p>price shall be corrected;</p> <p>b) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and</p> <p>c) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.</p> <p>34.4 If the Bidder does not accept the correction of errors made by UNDP, its Proposal shall be rejected.</p>
<b>E. AWARD OF CONTRACT</b>	
<b>35. Right to Accept, Reject, Any or All Proposals</b>	35.1 UNDP reserves the right to accept or reject any Proposal, to render any or all of the Proposals as non-responsive, and to reject all Proposals at any time prior to award of contract, without incurring any liability, or obligation to inform the affected Bidder(s) of the grounds for UNDP's action. UNDP shall not be obliged to award the contract to the lowest priced offer.
<b>36. Award Criteria</b>	36.1 Prior to expiration of the proposal validity, UNDP shall award the contract to the qualified Bidder based on the award criteria indicated in the BDS.
<b>37. Debriefing</b>	37.1 In the event that a Bidder is unsuccessful, the Bidder may request a debriefing from UNDP. The purpose of the debriefing is to discuss the strengths and weaknesses of the Bidder's submission, in order to assist the Bidder in improving its future proposals for UNDP procurement opportunities. The content of other proposals and how they compare to the Bidder's submission shall not be discussed.
<b>38. Right to Vary Requirements at the Time of Award</b>	38.1 At the time of award of Contract, UNDP reserves the right to vary the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.
<b>39. Contract Signature</b>	39.1 Within fifteen (15) days from the date of receipt of the Contract, the successful Bidder shall sign and date the Contract and return it to UNDP. Failure to do so may constitute sufficient grounds for the annulment of the award, and forfeiture of the Proposal Security, if any, and on which event, UNDP may award the Contract to the Second Ranked Bidder or call for new Proposals.
<b>40. Contract Type and General Terms and Conditions</b>	40.1 The types of Contract to be signed and the applicable UNDP Contract General Terms and Conditions, as specified in BDS, can be accessed at <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
<b>41. Performance Security</b>	41.1 40.1 A performance security, if required in BDS, shall be provided in the amount specified in BDS and form available at <a href="https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default</a> within fifteen (15) days of the contract signature by both parties. Where a performance security is required, the receipt of the performance security by UNDP shall be a condition for rendering the contract effective.
<b>42. Bank Guarantee for Advanced Payment</b>	42.1 Except when the interests of UNDP so require, it is UNDP's preference to make no advance payment(s) (i.e., payments without having received any outputs). If an advance payment is allowed as per BDS, and exceeds 20% of the total



	contract price, or USD 30,000, whichever is less, the Bidder shall submit a Bank Guarantee in the full amount of the advance payment in the form available at <a href="https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default</a>
<b>43. Liquidated Damages</b>	43.1 If specified in BDS, UNDP shall apply Liquidated Damages resulting from the Contractor's delays or breach of its obligations as per the Contract.
<b>44. Payment Provisions</b>	44.1 Payment will be made only upon UNDP's acceptance of the work performed. The terms of payment shall be within thirty (30) days, after receipt of invoice and certification of acceptance of work issued by the proper authority in UNDP with direct supervision of the Contractor. Payment will be effected by bank transfer in the currency of contract.
<b>45. Vendor Protest</b>	45.1 UNDP's vendor protest procedure provides an opportunity for appeal to those persons or firms not awarded a contract through a competitive procurement process. In the event that a Bidder believes that it was not treated fairly, the following link provides further details regarding UNDP vendor protest procedures: <a href="http://www.undp.org/content/undp/en/home/procurement/business/protest-and-sanctions.html">http://www.undp.org/content/undp/en/home/procurement/business/protest-and-sanctions.html</a>
<b>46. Other Provisions</b>	<p>46.1 In the event that the Bidder offers a lower price to the host Government (e.g. General Services Administration (GSA) of the federal government of the United States of America) for similar services, UNDP shall be entitled to same lower price. The UNDP General Terms and Conditions shall have precedence.</p> <p>46.2 UNDP is entitled to receive the same pricing offered by the same Contractor in contracts with the United Nations and/or its Agencies. The UNDP General Terms and Conditions shall have precedence.</p> <p>46.3 The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15 <a href="http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer">http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer</a></p>



## Section 3. Bid Data Sheet

The following data for the services to be procured shall complement, supplement, or amend the provisions in the Request for Proposals. In the case of a conflict between the Instructions to Bidders, the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall prevail.

BDS No.	Ref. to Section.2	Data	Specific Instructions / Requirements
1	7	Language of the Proposal	English
2		Submitting Proposals for Parts or sub-parts of the TOR (partial bids)	Not Allowed
3	20	Alternative Proposals	Shall not be considered
4	21	Pre-proposal conference	<p>Will be Conducted</p> <p>Date: <b>02 October 2020</b></p> <p>Time: <b>10:30 GMT+3 (Moldova Local Time)</b></p> <p>Venue: <b>Online ZOOM Meeting</b></p> <p>To express your interest to take part please send a notification to the UNDP focal point for the arrangement, Anna Soltan, at <a href="mailto:anna.soltan@undp.org">anna.soltan@undp.org</a>, by 01 October 2020, COB.</p> <p>Only those registered will receive the access link to the ZOOM Meeting.</p>
5	10	Proposal Validity Period	90 days
6	14	Bid Security	Not Required
7	41	Advanced Payment upon signing of contract	Not Allowed
8	42	Liquidated Damages	<p>Will be imposed as follows:</p> <p>Percentage of contract price per day of delay: 0.2%</p> <p>Max. number of days of delay 30, after which UNDP may terminate the contract.</p>
9	40	Performance Security	Not Required
10	18	Currency of Proposal	United States Dollar

11	31	Deadline for submitting requests for clarifications/questions	5 days before the submission deadline
12	31	Contact Details for submitting clarifications/questions	Focal Person in UNDP: Victoria Muntean Address: 105, Alexei Sciusev Street, Chisinau, Moldova E-mail address: <a href="mailto:victoria.muntean@undp.org">victoria.muntean@undp.org</a>
13	18, 19 and 21	Manner of Disseminating Supplemental Information to the RFP and responses/clarifications to queries	Direct communication to prospective Proposers by email and Posting on the website sc.undp.md
14	23	Deadline for Submission	<b>13 October 2020, 16:30 GMT+3 (Moldova Local Time)</b> For eTendering submission - as indicated in eTendering system. Note that system time zone is in EST/EDT (New York) time zone.
15	22	Allowable Manner of Submitting Proposals	<input checked="" type="checkbox"/> e-Tendering
16	22	Proposal Submission Address	<a href="https://etendering.partneragencies.org">https://etendering.partneragencies.org</a> <u>BU Code and Event ID 0000007224</u>
17	22	Electronic submission (email or eTendering) requirements	<ul style="list-style-type: none"> <li>Format: PDF, ZIP, JPG, RAR, DOCX files only (as per Section 4)</li> <li>File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard.</li> <li>All files must be free of viruses and not corrupted.</li> <li>Password for financial proposal must not be provided to UNDP until requested by UNDP.</li> <li>Max. File Size per transmission: 50 MB</li> </ul>
18	27 36	Evaluation Method for the Award of Contract	Combined Scoring Method, using the 60%-40% distribution for technical and financial proposals respectively  The minimum technical score required to pass is 70%.
19		Expected date for commencement of Contract	<b>November 2, 2020</b>
20		Maximum expected duration of contract	Until May 2021
21	35	UNDP will award the contract to:	One Proposer Only
22	39	Type of Contract	Contract for Goods and Services for UNDP

			<a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
23	39	UNDP Contract Terms and Conditions that will apply	UNDP General Terms and Conditions for Mixed Goods and Services  <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>

## Section 4. Evaluation Criteria

### Required documents

- Company Profile, which should not exceed ten (10) pages, including printed brochures and product catalogues relevant to the goods/services being procured;
- Certificate of Registration of the business, including Articles of Incorporation, or equivalent document if Bidder is not a corporation;
- Latest Audited Financial Statement (Income Statement and Balance Sheet) including Auditor's Report for the past 3 years;
- Supporting documentation to evidence the successfully completed similar projects;
- Description of the functional analysis process organization and conduct; how objectives mentioned in ToR will be achieved, proposed working plan, with suggested timeline;
- Should part of the work under this ToR be sub-contracted, the Bidder shall provide documents and experience related information concerning the sub-contractor. Sub-contracting arrangements in this case must be clearly described in the Technical Proposal;
- CVs and documentation supporting the experience and qualifications of the proposed implementation team and their functions: Team Leader/Task Manager, Key Forensic expert; Key Legal expert, Key Financial expert, as per Form E, Section 3;
- CVs and documentation supporting the experience and qualifications of the proposed Non key experts and responsibilities in relation to project deliverable, as per Form E, Section 3;
- Duly signed Technical and financial proposals as per Forms A, B, F and G. Financial proposal must be in a separate file and password protected.
- Statement of Satisfactory Performance from the Top 3 Clients in terms of Contract Value the past 3 years.

### Preliminary Examination Criteria

Proposals will be examined to determine whether they are complete and submitted in accordance with RFP requirements as per below criteria on a Yes/No basis:

- Appropriate signatures
- Power of Attorney
- Minimum documents provided
- Technical and Financial Proposals submitted separately
- Bid Validity

### Minimum Eligibility and Qualification Criteria

Eligibility and Qualification will be evaluated on Pass/Fail basis.

If the Proposal is submitted as a Joint Venture/Consortium/Association, each member should meet minimum criteria, unless otherwise specified in the criterion.

Subject	Criteria	Document Submission requirement
<b>ELIGIBILITY</b>		
<b>Legal Status</b>	Vendor is a legally registered entity.	Form B: Bidder Information Form
<b>Eligibility</b>	Vendor is not suspended, nor debarred, nor otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization in accordance with RFP clause 3.	Form A: Technical Proposal Submission Form
<b>Conflict of Interest</b>	No conflicts of interest in accordance with RFP clause 4.	Form A: Technical Proposal Submission Form

<b>Bankruptcy</b>	Not declared bankruptcy, not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the vendor that could impair its operations in the foreseeable future.	Form A: Technical Proposal Submission Form
<b>QUALIFICATION</b>		
<b>History of Non-Performing Contracts<sup>1</sup></b>	Non-performance of a contract did not occur as a result of contractor default for the last 3 years.	Form D: Qualification Form
<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Bidder for the last 3 years.	Form D: Qualification Form
<b>Previous Experience</b>	At least 5 years of experience in the sphere of conducting institutional, operational, functional analysis, business processes analysis; Proven experience (minimum 3 projects) in conducting similar works/projects relevant to the scope and size of the current project in the past 5 years. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
<b>Financial Standing</b>	Minimum average annual turnover of USD 120,000 for the last 3 years. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
	Bidder must demonstrate the current soundness of its financial standing and indicate its prospective long-term profitability. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form

<sup>1</sup> Non-performance, as decided by UNDP, shall include all contracts where (a) non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

## Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's Qualification, Capacity and Experience	300
2.	Proposed Methodology, Approach and Implementation Plan	300
3.	Management Structure and Key Personnel	400
	<b>Total</b>	<b>1000</b>

Section 1. Bidder's qualification, capacity and experience		Points obtainable
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing	20
1.2	General Organizational Capability which is likely to affect implementation: <ul style="list-style-type: none"> <li>Financial stability (yes - 15 pts., no - 0 pts.)</li> <li>Age/size of the firm (5 years - 25 pts., each additional year - 5 pts., up to max 40 pts.)</li> <li>Project management support mechanism (no - 0 pts, yes -15 pts.)</li> <li>Project financing capacity (up to 10 pts.)</li> <li>Project management controls (up to 10 pts.)</li> </ul>	90
1.3	Quality assurance procedures and risk mitigation measures (no - 0 pts, up to some extent description - 20 pts., clearly described mechanism/existing proven certification - 40 pts.)	40
1.4	Relevance of specialized knowledge and experience: <ul style="list-style-type: none"> <li>At least 5 years of experience in the sphere of conducting institutional, operational, functional analysis, business processes analysis (5 years - 25 pts., 5 pts. for each additional year to a max of 50 pts.)</li> <li>Have proven experience (minimum 3 projects) in conducting similar works/projects relevant to the scope and size of the current project in the past 5 years (3 projects - 30 pts., each additional project - 5 pts., up to max 40 pts.)</li> <li>Experience in performing functional and institutional analysis of the forensic systems (No - 0 pts., Yes - 20 pts.);</li> <li>Successful experience in working with UN system organizations or other international organizations will be considered as an asset (No - 0 pts., Yes 10 pts.);</li> </ul>	120
1.5	Organizational Commitment to Sustainability (mandatory weight) <ul style="list-style-type: none"> <li>-Organization is compliant with ISO 14001 or ISO 14064 or equivalent - 10 points</li> <li>-Organization is a member of the UN Global Compact -5 points</li> <li>-Organization demonstrates significant commitment to sustainability through some other means- 15 points, <i>for example internal company policy documents on women empowerment, renewable energies or membership of trade institutions promoting such issues, overall gender balance in the team, diversity within the team: people from minority, vulnerable or marginalized groups are part of the team, demonstrated experience in applying the Human Rights Based Approach and Gender Mainstreaming in the area (if relevant)</i></li> </ul>	30
<b>Total Section 1</b>		<b>300</b>

<b>Section 2. Proposed Methodology, Approach and Implementation Plan</b>			<b>Points obtainable</b>
2.1	Understanding of the requirement: Have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another?		80
2.2	Description of the Offeror's approach and methodology for meeting or exceeding the requirements of the Terms of Reference		70
2.3	Details on how the different service elements shall be organized, controlled and delivered		50
2.4	Description of available performance monitoring and evaluation mechanisms and tools; how they shall be adopted and used for a specific requirement		30
2.5	Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic		40
2.6	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract		30
<b>Total Section 2</b>			<b>300</b>

<b>Section 3. Management Structure and Key Personnel</b>			<b>Points obtainable</b>
3.1	Qualifications of key personnel proposed		
3.1 a	<b>Team Leader/Task Manager</b>		111
	Master's degree (or 5 years university degree) in the fields of management, economics, law, or related fields	10	
	At least 5 years of professional experience in the field of institutional development, reform, reorganisation and restructuring of public or quasi-public institutions (5 years – 15 pts., each additional year – 5 pts., up to max of 25 pts.);	25	
	At least 3 years of work experience in strategic planning and conduct of different analytical tools like SWOT analysis, PEST analysis (3 years – 14 pts., each additional year –3 pts., up to max of 20 pts.);	20	
	At least 3 similar successfully completed projects, proven by brief descriptions of project scope and outcome, and proofs of completion (3 projects – 10 pts., each additional project–5 pts., up to max of 20 pts)	20	
	Experience in working in Central and Eastern Europe countries state/governmental institutions will be an asset (yes – 15 pts; no - 0 pts)	15	
	Knowledge of Moldovan forensic system specifics is an asset (yes – 10 pts; no - 0 pts)	10	
	Fluency in English. Knowledge of Romanian or Russian will be an asset (English 5 pts, each additional language 3 pts, up to max of 11 pts.)	11	
3.1 b	<b>Key Forensic Expert</b>		110
	Master's degree (or 5 years university degree) in Law, Economy, Forensic Sciences, or related fields of equivalent scope	10	
	At least 7 years of professional experience in the area of forensics/ judicial expertise and/or implementing and ensuring quality standards in forensic institutions (7 years – 15 pts., each additional year – 5 pts., up to max of 25 pts.)	25	

	At least 5 years of experience in the implementation of change and institutional development activities related to forensic services improvement and/or accreditation and compliance with forensic quality standards (5 years – 15 pts., each additional year – 5 pts., up to max of 25 pts.)	25	
	Proven experience in at least 3 similar projects related to improvement of forensic system/services and/or reorganization of forensic institutions system (3 projects – 10 pts., each additional project – 5 pts., up to max of 20 pts)	20	
	Previous experience in designing and implementation of quality assurance mechanism within forensics institutions (including forensic laboratories) will be an asset (yes – 12 pts; no - 0 pts)	12	
	Professional experience in Central and Eastern Europe on similar assignments will be an asset (yes – 7 pts; no - 0 pts)	7	
	Fluency in English; Knowledge of Romanian or Russian will be an asset (English 5 pts, each additional language 3 pts, up to max of 11 pts.)	11	
3.1 c	<b>Key Legal Expert</b>		98
	Master's degree (or 5 years university degree) in Law or related fields of equivalent scope	10	
	At least 7 years of professional experience in the field of legal advice to state institutions from the justice system or forensic area (7 years – 25 pts., each additional year – 5 pts., up to max of 35 pts.)	35	
	At least 5 years of experience in drafting by-laws, normative framework and public policies (5 years – 14 pts., each additional year – 3 pts., up to max of 20 pts.)	20	
	Proven participation in at least 3 successfully implemented projects in the area of public institutions reorganization (3 projects – 16, each additional project– 3 pts., up to max of 22 pts)	22	
	Fluency in English. Knowledge of Romanian or Russian will be an asset (English 5 pts, each additional language 3 pts, up to max of 11 pts.)	11	
3.1 d	<b>Key Financial Expert</b>		81
	Master's degree (or 5 years university degree) in Finance or related fields of equivalent scope	10	
	At least 7 years of professional experience in the area of public finance management (7 years – 25 pts., each additional year – 5 pts., up to max of 35 pts.)	35	
	Proven previous experience (at least 3 projects) in implementation of projects related to reorganization or restructuring of public institutions, functional and financial/budgeting management, consolidating and planning of reorganization related costs (3 projects – 15 pts, each additional project– 5 pts., up to max of 25 pts)	25	
	Fluency in English. Knowledge of Romanian or Russian will be an asset (English 5 pts, each additional language 3 pts, up to max of 11 pts.)	11	
<b>Total Section 3</b>			<b>400</b>



## Section 5. Terms of Reference

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### Company to conduct a Functional Analysis of the National System of Forensic Institutions in the Republic of Moldova

#### BACKGROUND INFORMATION

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 system of forensic institutions<sup>2</sup> is an integral part of the justice system. 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.

The Law no. 68/2016 on the Judicial Expertise and the Status of Judicial Expert<sup>3</sup> provides for the 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.

A well-established forensic infrastructure, compliant with the international quality standards, with better capacities of the experts, more transparent and efficient institutional processes, standardization in line with the ISO requirements and automation of internal workflows is crucial for the ability of forensic evidence to adequately put the case under review at all stages of the process. 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.

One of the latest assessments of the forensic infrastructure in the Republic of Moldova was conducted in 2011 by UNDP<sup>4</sup>. The assessment identified a number of areas which required improvement, amongst which the necessity of the ISO certification to strengthen the institutional management, confirm compliance with internationally recognized quality standards and demonstrate that the institutions operate competently and generate valid results, thereby promoting confidence in their work both nationally and around the world. Thus, while the laboratories of the National Centre for

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<sup>2</sup> The system of forensic institutions includes public institutions of judicial expertise and private forensic experts’ bureaus. In line with the art.65 para.(2) Law no. 68/2016 on the Judicial Expertise and the Status of Judicial Expert, the system of public institutions of judicial expertise includes the specialized institutions of the Ministry of Justice and the Ministry of Health, Labor and Social Protection, the operative technical-forensic subdivisions or judicial expertise of the Ministry of Internal Affairs and the National Anticorruption Center. The state can also create other public institutions of judicial expertise.

<sup>3</sup> [https://www.legis.md/cautare/getResults?doc\\_id=93158&lang=ro](https://www.legis.md/cautare/getResults?doc_id=93158&lang=ro)

<sup>4</sup> The Feasibility study on the forensic infrastructure in the Republic of Moldova and Findings of the external audit of the Centre of Forensic Medicine of Ministry of Health of the Republic of Moldova, conducted within the context of the “Strengthening the forensic examination of torture and other forms of ill-treatment in Moldova” project implemented by UNDP with the European Commission support

Judicial Expertise (NCJE) and the Forensic Centre of the General Police Inspectorate (GPI) have already obtained accreditation in line with ISO/IEC 17025:2005 standard with UNDP's support, the Centre for Legal Medicine (CLM) is at the beginning of this process.

The assessment also underlines the lack of uniformity across the forensic institutions in the processes of judicial expertise and forensic investigations, as each institution has its own system of records, as well as the necessity of improving forensics' regulating legislation.

Moreover, in line with the findings of the Assessment of the existing technical and infrastructural capacities of the three national forensic institutions performed by UNDP in 2017, the existing operational procedures are predominantly paper-based and thus their expertise reports are vulnerable in terms of safety and integrity. The internal workflows, as well as the documents' flow with other justice system actors (prosecution, courts, etc.) take longer than they could. Whilst, a number of justice sector institutions, such as judiciary, prosecution service and the legal aid system, have already introduced e-systems in their operations, some with the support of UNDP.

UNDP is currently addressing the national forensic institutions' needs and supporting their institutional development as well supporting development of e-tools aimed at integrating isolated and uncoordinated forensic investigations into a consistent and coordinated process.

Recognizing the important role of forensics in ensuring a fair access to justice, aiming at improving forensic infrastructure and assuring its compliance with the international quality standards, as well as equipping national forensic institutions with relevant capacities and tools for an efficient and evidence-based performance, UNDP Moldova, through its A2J Project, seeks to contract a qualified Company or a Consortium of Companies (hereinafter "Service Provider") to conduct a functional analysis of forensic expertise system in Moldova.

### **Scope of Services and expected outputs**

The scope of work of the current assignment is to conduct the functional analysis of the system of forensic institutions of the Republic of Moldova, as defined in the Background Section.

The main objective of the functional analysis is to better prioritize system's available resources, identify challenges and opportunities, improve the efficiency and performance of the institutes part of the system of forensic institutions, as well as to guide their progress toward their overall mission of offering reliable and accurate services to justice sector.

The **specific objectives of this analysis** are to:

- Review the functions currently performed by the national forensic institutions and their efficiency;
- Identify strengths and weakness of the system of forensic institutions;
- Identify any justified and required institutional, structural, functional, financial or any other changes aimed at the improvement and consolidation of the system of forensic institutions \*;
- Assess the feasibility of applying alternative approaches of achieving the goals of the entire national system of forensic institutions, as well as alternatives for eliminating the identified weaknesses, improving the system's efficiency and performance in terms of timing, quality, reliability, accuracy and safety of outputs to the justice sector in order for the forensic system fully fit its purpose. The proposed approaches for change shall be supported by a regulatory impact assessment, as well as consider the potential impact upon the justice sector, comparing its effects to the existent impact of the current forensic system on the justice system (in terms of quality, timing, cases outcomes etc.).

*\* Amongst the potential changes could be included the rational and even distribution of functions within and/or amongst the national institution(s) mandated to perform judicial/forensic expertise activities, identifying new required functions and dropping the redundant, inexpedient functions as well as eliminating duplicate functions, applying an efficient financial model, using outsourcing, other innovative solutions like fundraising for specific needs etc.*

The expected output for the Service Provider's assignment is the Report on Functional Analysis of the National System

of Forensic Institutions in the Republic of Moldova. To ensure achievement of the output the Service Provider shall identify, consult and run most suitable methodological approaches for conducting the functional analysis.

In conducting this assignment, the Service Provider shall ensure close cooperation and work with the Ministry of Justice and institutions part of the forensic system, including but not limited to:

- National Centre for Judicial Expertise under the Ministry of Justice;
- Forensic and Judicial Expertise Centre under the General Police Inspectorate;
- Centre of Legal Medicine under the Ministry of Health, Labour and Social Protection;
- National Anticorruption Centre;
- Moldovan Border Police.

To achieve the stated objectives, the Service Provider shall have the following responsibilities:

1. Undertake a comprehensive desk review of the national forensic system working mechanism, relevant legal framework, policies and regulations related to the national forensic institutions' roles and responsibilities. As part of the review the Service Provider shall also analyse the strategic documents approved by the institutions as well as the A2J project document and Results Framework;
2. Prepare a detailed work plan and inception report describing the methodology and approach to be applied for this assignment;
3. Conduct the functional analysis of the system of forensic institutions. In this regard the Service Provider's assignments shall include, but not limited to:
  - 3.1 Propose the methodology and tools to be used for conducting the functional analysis and for collection of quantitative and qualitative baseline data, applying a participatory and inclusive approach;
  - 3.2 Design questionnaires to identify existing structural, functional, financial, or any other type of gaps and bottlenecks within the national forensic system;
  - 3.3 Conduct interviews and consultation meetings with stakeholders within the national forensic system, both service providers and beneficiaries, justice chain actors and NGOs in the sector, other relevant interlocutors;
  - 3.4 Identify strengths and weakness of the system, as well as the strengths and weakness of each of the institutions part of the system of forensic institutions;
  - 3.5 Identify institutional, structural, functional, financial or any other changes required in order to improve and consolidate the system of forensic institutions. These might include a rational and even distribution of functions within the institution(s), identifying new required functions and dropping redundant, inexpedient functions and elimination of the duplication of functions, using outsourcing, other innovative solutions like fundraising for specific needs, reorganisation, an efficient financial model, etc.
4. Assess the impact of the current system of forensic institutions set-up on the justice delivery in the Republic of Moldova;
5. Develop a Report on Functional Analysis of the National System of Forensic Institutions in the Republic of Moldova\*, providing findings and recommendations based on the best international practices and specificities of the Moldovan environment. The Report shall contain proposals on approaches for achieving an efficient forensic system, as well as options for eliminating the identified weaknesses, improving the system's efficiency in terms of timing, quality, reliability, accuracy and safety of outputs used in the context of justice delivery, as well as ensuring that the forensic institutions are fit for purpose. All proposals and recommendations shall be supported by a regulatory impact assessment, as well as consider the potential impact upon the justice sector performance, comparing its effects to the current impact of the forensic system on the justice system (in terms of quality, timing, cases outcomes, etc.);
6. Organize and facilitate consultation activities with management and staffers from the national forensic system, both service providers and beneficiaries, justice chain actors and NGOs in the sector, other relevant stakeholders to present and validate the findings of the functional analysis and recommendations.

*\*Expected content: The Report on Functional Analysis of the National System of Forensic Institutions in the Republic of Moldova shall include, but shall not be limited to:*

**1. Overview** of the current forensic infrastructure, in terms of:

- a. Current structure of each of the forensic institutions, communication and coordination networks with beneficiaries,

*justice chain actors and NGOs in the sector, other relevant structure;*

- b. Legal framework applicable to and within forensic system;*
- c. Collaboration and inter-institutional interaction between the forensic system institutions;*
- d. Costs related to forensic infrastructure' functioning, as well as the costs related to the functioning of each of the forensic institution that is part of the system;*
- e. Financial model of functioning of the system and each if the forensic institutions;*
- f. Internal structure and functions of the forensic institutions;*
- g. Types of the rendered services of the forensic institutions;*
- h. Human resources and staffing within the national forensic institutions;*
- i. The framework and approach for professional training and certification/qualification of forensic experts;*
- j. Standards to which forensic institutions are accredited to, further needs and sustainability;*
- k. Laboratory infrastructure (including equipment, laboratory informational systems, procedures and materials);*
- l. Available/existent databases;*
- m. Quality assurance methods;*
- n. Management, planning and reporting procedures (including the effectiveness and quality);*
- o. Issues related to, or influencing quality standards of the forensic expertise;*
- p. Any other areas the Service Provider considers necessary.*

## **2. Findings on:**

- a. Each of the assessed areas;*
- b. Strengths and weakness of the Moldovan forensic system in general and of each of the forensic institutions;*
- c. Impact of the current forensic system upon the justice delivery (in terms of quality, timing, etc.);*
- d. Any other areas the Service Provider considers necessary.*

## **3. Recommendations on:**

- a. Consolidate the existing forensic system by keeping the strengths and eliminating the weakness;*
- b. Alternative options for strategic development of forensic institutions, required to deliver a comprehensive and efficient service model;*
- c. Enhancing the business/financial model for the Moldovan national institutional forensic system;*
- d. Organizational structure and human resources policy model for the system;*
- e. Enhancing the efficiency of the professional training and certification/qualification of forensic experts' system;*
- f. Laboratory infrastructure improvement, accreditation/quality standards maintenance and improvement;*
- g. Internal procedures and procedures between the forensic institutions and other state bodies using the forensic services;*
- h. Actions to be undertaken for the immediate, short, medium and long term in order to achieve the improvement and consolidation goals efficiently and as soon as possible;*
- i. Forensic policy at national level;*
- j. Any other areas the Service Provider considers necessary.*

## **METHODOLOGY**

In the context of the assignment the Service Provider shall ensure that for carrying out the functional analysis are used both quantitative and qualitative data to complement each other and present a holistic, developed picture of the current forensic system and prospective improvements.

Therefore, the Service Provider shall adopt a mixed-methods analysis approach, combining available quantitative data from any sources, as for ex. previous assessments, surveys. In order to assess those topics not easily captured by quantitative metrics, are recommended targeted listening sessions to be conducted with groups of stakeholders and subject matter experts from varied forensic disciplines, and across the justice system, as for ex. forensic institutions' management, judges, prosecutors, attorneys, civil society and any potential beneficiary of the forensic services.

In conducting this assessment, the Service Provider shall consider the increased use and institutionalization of systems-based approaches. A systems-based approach involves coordination and collaboration among forensic institutions, law

enforcement entities, legal professionals, and other stakeholders.

The process will be divided into two successive phases:

- The first phase will be to establish an overview of the current forensic infrastructure and setting findings;
- The second phase will focus on the recommendations on the improvement of the forensic expertise system.

## DELIVERABLES AND INDICATIVE TIMEFRAME

	Deliverables	Deadline
1.	Work plan and inception report describing the methodology and approach to be applied for this assignment developed and submitted to the A2J project team	November 13, 2020
2.	Draft report on the functional analysis of the national system of forensic institutions developed and submitted for coordination to the A2J project team covering the overview and findings listed at Section B of the ToR, point 5, <i>Expected content of the report</i>	December 21, 2020
3.	Consultations with management and staffers from the national forensic system, both service providers and beneficiaries, justice chain actors and NGOs in the sector, other relevant stakeholders to present and validate the findings of the functional analysis, organised	January 19, 2021
4.	Draft report on the functional analysis of the forensic system developed and submitted for coordination to the A2J project team covering the recommendations listed at Section B of the ToR, point 5, <i>Expected content of the report</i>	March 19, 2021
5.	Consultations with management and staffers from the national forensic system, both service providers and beneficiaries, justice chain actors and NGOs in the sector, other relevant stakeholders to present the recommendations of the functional analysis, organised	
6.	Report on the functional analysis of the forensic system reviewed, finalised and submitted for clearance to the A2J project team	April 23, 2021

## INSTITUTIONAL ARRANGEMENTS

The Service Provider will work under the guidance of the UNDP Project Manager for substantive aspects of the assignment and under the direct supervision of the UNDP Project Officer for administrative aspects.

The Service Provider is expected to cooperate closely with the representative of the Ministry of Justice, management and delegated staffers from the National Centre for Judicial Expertise under the Ministry of Justice, Forensic and Judicial Expertise Centre under the General Police Inspectorate, Centre of Legal Medicine under the Ministry of Health, Labour and Social Protection; National Anticorruption Centre; Moldovan Border Police.

All the deliverables shall be submitted in English and Romanian language, in hard copy and electronic format. Before submission of final deliverables, the Service Provider will discuss the draft documents with the parties involved, so that the final products reflect their comments. All the deliverables of the Service Provider shall be coordinated with the A2J project team.

As of 11 March 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic as the new coronavirus rapidly spread to all regions of the world. Travel to and in the country has been also restricted since March 2020.

Due to limited possibilities to travel to or within the country the Service Provider should develop a methodology to conduct the assignment virtually and remotely, including the use of remote interview methods and extended desk reviews, data analysis, surveys and evaluation questionnaires. This should be detailed in the inception report and agreed with the A2J project team. The limitations like stakeholder availability, ability or willingness to be interviewed remotely, accessibility to the internet/ computer and working from home arrangements must be reflected in the final report.

While preparing and undertaken interviews, meetings, presentations and briefings through telephone or online (skype, zoom etc.) the Service Provider shall work remotely with consistent support of the UNDP Project Officer. Hence, no stakeholders, consultants or UNDP staff should be put in harm's way and safety is the key priority.

Two missions may be considered only when it is confirmed to be safe for staff, consultants, stakeholders and if such missions are possible within the assignment's schedule. The exact duration and period of the missions shall be coordinated with UNDP. For purpose of estimation of services' costs, the expected duration of the mission, could be up to five working days, depending on the scope.

In line with the UNDP's financial regulations, when determined by the UNDP Moldova Country Office and/or the Service Provider that a deliverable or service cannot be satisfactorily completed due to the impact of COVID-19 and limitations to the assignment, that deliverable or service will not be paid.

Due to the current COVID-19 situation in the country and its implications, a partial payment may be considered if the Service Provider invested time towards the deliverable but was unable to complete to circumstances beyond his/her control.

### **Language requirements:**

All documentation related to the assignment shall be in English and Romanian. All documents submitted, in English and Romanian, 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 assignment.

The Service Provider shall ensure, if necessary, interpretation during interviews, meetings, presentations and briefings organised through telephone or online, during the missions, to the Republic of Moldova, should these be organised, as well as translation of assignment related documentation and deliverables.

Any translation, interpretation and proof-reading costs shall be listed separately in the financial proposal.

### **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 working days allocated for each deliverable shall be submitted, clearly explaining the role of the team members involved in producing the deliverable. In this context, the Service Provider shall ensure a clear presentation of distribution of tasks and allocation of working days deemed necessary for engagement of key and non – key experts.

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

- Team Leader/Task Manager
- Key expert in forensic system;
- Key legal expert;
- Key financial expert;
- Senior non-key experts;
- Junior non-key experts.

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

### **Minimum Eligibility and Qualification Criteria**

- Legally registered entity or consortium of companies;
- At least 5 years of experience in the sphere of conducting institutional, operational, functional analysis, business processes analysis;

- Provide evidence of minimum 3 successfully completed projects similar to the scope and size of the current assignment in the past 5 years;

## **Criteria for the evaluation of key project personnel**

### **Team Leader/Task Manager**

The Team Leader will have overall responsibility for the management of the project activities including co-ordination of the work of other experts, as well as between consortium members, if selected, for implementing components of the project, and proper reporting to UNDP. The Team Leader shall be also responsible for the overall preparation of the implementation plan during the inception phase, and for monitoring, supporting and ensuring a smooth implementation of the tasks under the assignment. In carrying out this and other tasks deemed necessary for the successful implementation of the assignment, he/she shall ensure coordination and consultation with the project stakeholders.

- Master's degree (or 5 years university degree) in the fields of management, economics, law, or related fields;
- At least 5 years of professional experience in the field of institutional development, reform, reorganisation and restructuring of public or quasi-public institutions;
- At least 3 years of experience in strategic planning and conduct of different analytical tools like SWOT analysis, PEST analysis;
- At least 3 similar successfully completed projects, proven by brief descriptions of project scope and outcome, and proofs of completion;
- Experience in working in Central and Eastern Europe countries state/governmental institutions will be an asset
- Knowledge of Moldovan forensic system specifics is an asset;
- Fluency in English. Knowledge of Romanian or Russian will be an asset.

### **Key experts**

Key experts have a crucial role in implementing the assignment. These terms of reference contain the expected key experts' profiles; however, the bidder shall consider allocation of resources deemed necessary for the successful implementation of the assignment. The bidder shall submit CVs and documentation supporting the experience and qualifications for the following team members:

#### **Key Forensic expert**

- Master's degree (or 5 years university degree) in Law, Economy, Forensic Sciences, or related fields of equivalent scope;
- At least 7 years of professional experience in the area of forensics and judicial expertise and/or implementing and ensuring quality standards in forensic institutions;
- At least 5 years of experience in the implementation of change and institutional development activities related to forensic services improvement and/or accreditation and compliance with forensic quality standards;
- Proven experience in at least 3 similar projects related to improvement of forensic system/services and/or reorganization of forensic institutions system;
- Previous experience in designing and implementation of quality assurance mechanism within forensics institutions (including forensic laboratories) will be an asset;
- Professional experience in Central and Eastern Europe on similar assignments will be an asset;
- Fluency in English; Knowledge of Romanian or Russian will be an asset.

#### **Key Legal expert**

- Master's degree (or 5 years university degree) in Law or related fields of equivalent scope;
- At least 7 years of professional experience in the field of legal advice to state institutions from the justice system or forensic area;

- At least 5 years of experience in drafting by-laws, normative framework and public policies;
- Proven participation in at least 2 successfully implemented project in the area of public institutions reorganization;
- Fluency in English. Knowledge of Romanian or Russian will be an asset.

### **Key Financial expert**

- Master's degree (or 5 years university degree) in Finance or related fields of equivalent scope;
- At least 7 years of professional experience in the area of public finance management;
- Proven previous experience (at least 3 projects) in implementation of projects related to reorganization or restructuring of public institutions, functional and financial/budgeting management, consolidating and planning of reorganization related costs;
- Fluency in English. Knowledge of Romanian or Russian will be an asset.

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

### **Non key experts**

The function of the Non-Key Experts is to enable the project to have the means to respond to specific priority needs for additional expertise and to meet these in the most appropriate, cost effective and timely manner. The engagement of the non-key experts shall be estimated as maximum planned number of working days in relation to each project deliverable, where such support might be necessary, and shall be listed separately in the financial proposal. The number of consumed working days for completion of tasks shall be documented by means of timesheets.

**Senior non-key experts** shall have:

- A university degree in an appropriate discipline, depending on the scope of expertise;
- At least 5 years of experience in the required field of expertise;
- Work experience in similar projects;
- Fluency in English. Knowledge of Romanian or Russian will be an asset.

**Junior non-key experts** shall be mainly experts that work under guidance of key experts and senior short-term experts.

- A university degree in an appropriate discipline, depending on the scope of expertise;
- At least 3 years of experience in the required field of expertise;
- Work experience in similar projects;
- Fluency in English. Knowledge of Romanian or Russian will be an asset.

The bidder will provide support facilities to their team of experts (back-stopping) during the implementation of the contract.

UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic 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.



## Section 6: Returnable Bidding Forms / Checklist

This form serves as a checklist for preparation of your Proposal. Please complete the Returnable Bidding Forms in accordance with the instructions in the forms and return them as part of your Proposal submission. No alteration to format of forms shall be permitted and no substitution shall be accepted.

Before submitting your Proposal, please ensure compliance with the Proposal Submission instructions of the BDS 22.

### Technical Proposal Envelope:

<b>Have you duly completed all the Returnable Bidding Forms?</b>	
▪ Form A: Technical Proposal Submission Form	<input type="checkbox"/>
▪ Form B: Bidder Information Form	<input type="checkbox"/>
▪ Form C: Joint Venture/Consortium/ Association Information Form	<input type="checkbox"/>
▪ Form D: Qualification Form	<input type="checkbox"/>
▪ Form E: Format of Technical Proposal	<input type="checkbox"/>
▪ Form H: Proposal Security Form	<input type="checkbox"/>
<b>Have you provided the required documents to establish compliance with the evaluation criteria in Section 4?</b>	<input type="checkbox"/>

### Financial Proposal Envelope

**(Must be submitted in a separate sealed envelope/password protected email)**

▪ Form F: Financial Proposal Submission Form	<input type="checkbox"/>
▪ Form G: Financial Proposal Form	<input type="checkbox"/>

## Form A: Technical Proposal Submission Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium /Association members or subcontractors or suppliers for any part of the contract:

- a) is not under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists;
- b) have not been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization;
- c) have no conflict of interest in accordance with Instruction to Bidders Clause 4;
- d) do not employ, or anticipate employing, any person(s) who is, or has been a UN staff member within the last year, if said UN staff member has or had prior professional dealings with our firm in his/her capacity as UN staff member within the last three years of service with the UN (in accordance with UN post-employment restrictions published in ST/SGB/2006/15);
- e) have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future;
- f) undertake not to engage in proscribed practices, including but not limited to corruption, fraud, coercion, collusion, obstruction, or any other unethical practice, with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN and we embrace the principles of the United Nations Supplier Code of Conduct and adhere to the principles of the United Nations Global Compact.

We declare that all the information and statements made in this Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification and/or sanctioning by the UNDP.

We offer to provide services in conformity with the Bidding documents, including the UNDP General Conditions of Contract and in accordance with the Terms of Reference

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand and recognize that you are not bound to accept any Proposal you receive.

I, the undersigned, certify that I am duly authorized by [Insert Name of Bidder] to sign this Proposal and bind it should UNDP accept this Proposal.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*[Stamp with official stamp of the Bidder]*

## Form B: Bidder Information Form

<b>Legal name of Bidder</b>	[Complete]
<b>Legal address</b>	[Complete]
<b>Year of registration</b>	[Complete]
<b>Bidder's Authorized Representative Information</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Are you a UNGM registered vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UGNM vendor number]
<b>Are you a UNDP vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UNDP vendor number]
<b>Countries of operation</b>	[Complete]
<b>No. of full-time employees</b>	[Complete]
<b>Quality Assurance Certification (e.g. ISO 9000 or Equivalent) (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company hold any accreditation such as ISO 14001 related to the environment? (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company have a written Statement of its Environmental Policy? (If yes, provide a Copy)</b>	[Complete]
<b>Contact person UNDP may contact for requests for clarification during Proposal evaluation</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Please attach the following documents:</b>	<b>Required documents</b> <ul style="list-style-type: none"> <li>• Company Profile, which should not exceed ten (10) pages, including printed brochures and product catalogues relevant to the goods/services being procured;</li> <li>• Certificate of Registration of the business, including Articles of Incorporation, or equivalent document if Bidder is not a corporation;</li> <li>• Latest Audited Financial Statement (Income Statement and Balance Sheet) including Auditor's Report for the past 3 years;</li> <li>• Supporting documentation to evidence the successfully completed similar projects;</li> <li>• Description of the functional analysis process organisation and conduct; how objectives mentioned in ToR will be achieved, proposed working plan, with</li> </ul>

suggested timeline;

- Should part of the work under this ToR be sub-contracted, the Bidder shall provide documents and experience related information concerning the sub-contractor. Sub-contracting arrangements in this case must be clearly described in the Technical Proposal;
- CVs and documentation supporting the experience and qualifications of the proposed implementation team and their functions: Team Leader/Task Manager, Key Forensic expert; Key Legal expert, Key Financial expert, as per Form E, Section 3;
- CVs and documentation supporting the experience and qualifications of the proposed Non key experts and responsibilities in relation to project deliverable, as per Form E, Section 3;
- Duly signed Technical and financial proposals as per Forms A, B, F and G. Financial proposal must be in a separate file and password protected;
- Statement of Satisfactory Performance from the Top 3 Clients in terms of Contract Value the past 3 years.

## Form C: Joint Venture/Consortium/Association Information Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

To be completed and returned with your Proposal if the Proposal is submitted as a Joint Venture/Consortium/Association.

No	Name of Partner and contact information <i>(address, telephone numbers, fax numbers, e-mail address)</i>	Proposed proportion of responsibilities (in %) and type of services to be performed
1	[Complete]	[Complete]
2	[Complete]	[Complete]
3	[Complete]	[Complete]

<b>Name of leading partner</b>  (with authority to bind the JV, Consortium, Association during the RFP process and, in the event a Contract is awarded, during contract execution)	[Complete]
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

We have attached a copy of the below document signed by every partner, which details the likely legal structure of and the confirmation of joint and severable liability of the members of the said joint venture:

☐ Letter of intent to form a joint venture      **OR**      ☐ JV/Consortium/Association agreement

We hereby confirm that if the contract is awarded, all parties of the Joint Venture/Consortium/Association shall be jointly and severally liable to UNDP for the fulfillment of the provisions of the Contract.

Name of partner: \_\_\_\_\_ Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Name of partner: \_\_\_\_\_ Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Form D: Qualification Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

If JV/Consortium/Association, to be completed by each partner.

Historical Contract Non-Performance

☐ Contract non-performance did not occur for the last 3 years

☐ Contract(s) not performed for the last 3 years

Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Reason(s) for non-performance:	

Litigation History (including pending litigation)

☐ No litigation history for the last 3 years

☐ Litigation History as indicated below

Year of dispute	Amount in dispute (in US\$)	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Matter in dispute: Party who initiated the dispute: Status of dispute: Party awarded if resolved:	

## Previous Relevant Experience

Please list only previous similar assignments successfully completed in the last 3 years.

List only those assignments for which the Bidder was legally contracted or sub-contracted by the Client as a company or was one of the Consortium/JV partners. Assignments completed by the Bidder's individual experts working privately or through other firms cannot be claimed as the relevant experience of the Bidder, or that of the Bidder's partners or sub-consultants, but can be claimed by the Experts themselves in their CVs. The Bidder should be prepared to substantiate the claimed experience by presenting copies of relevant documents and references if so requested by UNDP.

Project name & Country of Assignment	Client & Reference Contact Details	Contract Value	Period of activity and status	Types of activities undertaken

Bidders may also attach their own Project Data Sheets with more details for assignments above.

☐ Attached are the Statements of Satisfactory Performance from the Top 3 (three) Clients or more.

## Financial Standing

<b>Annual Turnover for the last 3 years</b>	Year	USD
	Year	USD
	Year	USD
<b>Latest Credit Rating (if any), indicate the source</b>		

Financial information (in US\$ equivalent)	Historic information for the last 3 years		
	Year 1	Year 2	Year 3
	<i>Information from Balance Sheet</i>		
Total Assets (TA)			
Total Liabilities (TL)			
Current Assets (CA)			
Current Liabilities (CL)			
	<i>Information from Income Statement</i>		
Total / Gross Revenue (TR)			
Profits Before Taxes (PBT)			
Net Profit			
Current Ratio			

☐ Attached are copies of the audited financial statements (balance sheets, including all related notes, and income statements) for the years required above complying with the following condition:

- a) Must reflect the financial situation of the Bidder or party to a JV, and not sister or parent companies;
- b) Historic financial statements must be audited by a certified public accountant;
- c) Historic financial statements must correspond to accounting periods already completed and audited. No statements for partial periods shall be accepted.



## Form E: Format of Technical Proposal

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

The Bidder's proposal should be organized to follow this format of Technical Proposal. Where the bidder is presented with a requirement or asked to use a specific approach, the bidder must not only state its acceptance, but also describe how it intends to comply with the requirements. Where a descriptive response is requested, failure to provide the same will be viewed as non-responsive.

### SECTION 1: Bidder's qualification, capacity and expertise

- 1.1 Brief description of the organization, including the year and country of incorporation, and types of activities undertaken.
- 1.2 General organizational capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted (if so, provide details).
- 1.3 Relevance of specialized knowledge and experience on similar engagements done in the region/country.
- 1.4 Quality assurance procedures and risk mitigation measures.
- 1.5 Organization's commitment to sustainability.

### SECTION 2: Proposed Methodology, Approach and Implementation Plan

This section should demonstrate the bidder's responsiveness to the TOR by identifying the specific components proposed, addressing the requirements, providing a detailed description of the essential performance characteristics proposed and demonstrating how the proposed approach and methodology meets or exceeds the requirements. All important aspects should be addressed in sufficient detail and different components of the project should be adequately weighted relative to one another.

- 2.1 A detailed description of the approach and methodology for how the Bidder will achieve the Terms of Reference of the project, keeping in mind the appropriateness to local conditions and project environment. Details how the different service elements shall be organized, controlled and delivered.
- 2.2 The methodology shall also include details of the Bidder's internal technical and quality assurance review mechanisms.
- 2.3 Explain whether any work would be subcontracted, to whom, how much percentage of the work, the rationale for such, and the roles of the proposed sub-contractors and how everyone will function as a team.
- 2.4 Description of available performance monitoring and evaluation mechanisms and tools; how they shall be adopted and used for a specific requirement.
- 2.5 Implementation plan including a Gantt Chart or Project Schedule indicating the detailed sequence of activities that will be undertaken and their corresponding timing.
- 2.6 Demonstrate how you plan to integrate sustainability measures in the execution of the contract.
- 2.7 Any other comments or information regarding the project approach and methodology that will be adopted.

### SECTION 2A: Bidder's Comments and Suggestions on the Terms of Reference

Provide comments and suggestions on the Terms of Reference, or additional services that will be rendered beyond the requirements of the TOR, if any.

### SECTION 3: Management Structure, Key and Non-Key Personnel

- 3.1 Describe the overall management approach toward planning and implementing the project. Include an organization chart for the management of the project describing the relationship of key positions and designations. Provide a spreadsheet to show the activities of each personnel and the time allocated for his/her involvement.
- 3.2 Provide CVs for key and non-key personnel that will be provided to support the implementation of this project using the format below. CVs should demonstrate qualifications in areas relevant to the Scope of Services.

### Format for CV of Proposed Key and Non-Key Personnel

<b>Name of Personnel</b>	[Insert]
<b>Position for this assignment</b>	[Insert]
<b>Nationality</b>	[Insert]
<b>Language proficiency</b>	[Insert]
<b>Education/Qualifications</b>	<i>[Summarize college/university and other specialized education of personnel member, giving names of schools, dates attended, and degrees/qualifications obtained.]</i> [Insert]
<b>Professional certifications</b>	<i>[Provide details of professional certifications relevant to the scope of services]</i> <ul style="list-style-type: none"> <li>▪ Name of institution: [Insert]</li> <li>▪ Date of certification: [Insert]</li> </ul>
<b>Employment Record/Experience</b>	<i>[List all positions held by personnel (starting with present position, list in reverse order), giving dates, names of employing organization, title of position held and location of employment. For experience in last five years, detail the type of activities performed, degree of responsibilities, location of assignments and any other information or professional experience considered pertinent for this assignment.]</i> [Insert]
<b>References</b>	<i>[Provide names, addresses, phone and email contact information for two (2) references]</i> Reference 1: [Insert]  Reference 2: [Insert]

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe my qualifications, my experiences, and other relevant information about myself.

\_\_\_\_\_  
Signature of Personnel

\_\_\_\_\_  
Date (Day/Month/Year)

Form F: Financial Proposal Submission Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

Our attached Financial Proposal is for the sum of [Insert amount in words and figures].

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand you are not bound to accept any Proposal you receive.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

[Stamp with official stamp of the Bidder]

Form G: Financial Proposal Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

The Bidder is required to prepare the Financial Proposal following the below format and submit it in an envelope separate from the Technical Proposal as indicated in the Instruction to Bidders. Any Financial information provided in the Technical Proposal shall lead to Bidder’s disqualification.

The Financial Proposal should align with the requirements in the Terms of Reference and the Bidder’s Technical Proposal.

Currency of the proposal: [Insert Currency]

Table 1: Summary of Overall Prices

	Amount(s)
Professional Fees (from Table 2)	
Other Costs (from Table 3)	
Total Amount of Financial Proposal	

Table 2: Breakdown of Professional Fees \*

*\*The table below shall provide separate information on professional fees for Team Leader/Task Manager, Key and Non – key experts, clearly presenting their engagement in the assignment. The number of consumed working days for completion of tasks by non-key experts shall be documented by means of timesheets and are payable following certification by the Task Manager and UNDP Project Manager.*

Name	Position	Fee Rate	No. of Days/months/ hours	Total Amount
		A	B	C=A+B
In-Country				
Home Based				
Subtotal Professional Fees:				

### Table 3: Breakdown of Other Costs \*\*

\*\*\*The table below shall provide separate information on costs for Team Leader/Task Manager, Key and Non – key experts.

Description	UOM	Quantity	Unit Price	Total Amount
International flights	Trip			
Subsistence allowance	Day			
Miscellaneous travel expenses	Trip			
Local transportation costs	Lump Sum			
Out-of-Pocket Expenses				
Other Costs: (please specify)				
Subtotal Other Costs:				

### Table 4: Breakdown of Price per Deliverable/Activity \*\*\*

\*\*\*The table below shall provide separate information on costs for Team Leader/Task Manager, Key and Non – key experts, as to present level of engagement in relation to deliverables of each of the category of team members.

Deliverable/ Activity description	Time (person days)	Professional Fees	Other Costs	Total
Deliverable 1				
Deliverable 2				
Deliverable 3				
.....				