

TERMS OF REFERENCE

For national consultant to undertake the review of national legal frameworks and develop amendments for incorporating gender responsive budgeting approach at all levels

Duty Station:	Chisinau, Moldova
Type of contract:	Individual Contract
Post Level:	National Consultant
Languages required:	Fluent in English
Application deadline:	7 July 2019
Starting date:	15 July 2019
<i>(date when the selected candidate is expected to start)</i>	
Expected duration of assignment:	Up to 62 work days within a 9 months assignment

BACKGROUND

UN Women, grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security. Placing women's rights at the center of all its efforts, the UN Women leads and coordinates the United Nations system efforts to ensure that commitments on gender equality and gender mainstreaming translate into action throughout the world.

Through its programmes and projects, UN Women is providing technical assistance to national partners (governmental and non-governmental) in the implementation of existing international and national commitments to women's rights and gender equality, it facilitates networking and exchange of good practices and advocates for women's rights and gender equality in all areas of life.

UN Women's presence in the Republic of Moldova has evolved from being a project-based office in 2007 to a Country Office with fully delegated authority as of 2015. The work of UN Women in Moldova is guided by its new Country Strategic Note for 2018-2022, aligned with the Republic of Moldova–United Nations Partnership Framework for Sustainable Development 2018–2022, the Global Strategic Plan of UN Women for 2018-2021, the National Strategy on Gender Equality for 2017-2021 (NSGE), and aims to contribute to the gender-responsive implementation of the 2030 Agenda for Sustainable Development.

The UN Women Strategy for Moldova 2018-2022 focuses on three main areas where gender equality gaps are still present: 1/strengthening women's participation in politics and decision making, 2/economic empowerment of women and 3/ending violence against women and girls. To achieve progress under these areas, UN Women works with variety of national and international partners and as part of different national and regional initiatives. Gender Responsive Budgeting (GRB) is integrated in the current Strategic Note for 2018-2022 under the "Women lead, participate and benefit equally from governance system" Outcome, and is meant to contribute to increased capacities of the public institutions to analyze and improve policies, regulations, and budgets to fulfill gender equality commitments.

The second National Strategy on Gender Equality (NSGE) for 2017-2021 and its associated Action Plan, approved in early 2017, focus on ten areas of interventions with one dedicated to GRB. These are: women's participation in decision-making, labour market and gender pay gap, social protection and family policies, health, education, climate change, institutional mechanism, stereotypes in the society and non-violent communication, gender equality in the security and defense sector and gender responsive budgeting. Under the "Gender Responsive Budgeting" area of intervention, the NSGE focuses on development, piloting and institutionalizing of GRB tools (gender sensitive indicators, expenditure strategies and concepts) by building capacity of government Gender Coordination

Groups/gender focal points to develop and promote gender responsive fiscal laws, policies, national and sectorial action plans to enable specific budgetary allocations for advancing gender equality and women's empowerment.

The Ministry of Health, Labour and Social Protection (MHLSP), is the central public institution that is responsible for gender sensitive policy elaboration, strategic planning in gender equality area, M&E and coordination of the implementation of the State's gender equality agenda. In 2018 a Memorandum of Understanding have been signed between UN Women and the Ministry of Health, Labour and Social Protection for implementation of NSGE.

RATIONALE

Since 2008, some actions have been taken to develop a strategic vision for gender-sensitive budgeting implementation, to strengthen the capacities of stakeholders and to pilot gender-sensitive budgeting in three districts. The Government of Moldova has embarked on a comprehensive program of modernization and reform covering central public administration, the budgetary processes and the delivery of public services, summarized in the Public Finance Management Development Strategy 2013-2020 (PFM). In terms of the budget, Moldova has made considerable progress in recent years in the modernization of its budget formulation process. Among the most significant reforms are the harmonization and unification of the budget (removal of off-budget expenditures), rolling out of a Medium-Term Budget Framework, adequate budget coverage of state guarantees, and regular macroeconomic forecasting.

Moldova introduced a Program Based Budgeting (PBB) for Central Public Authorities starting with the 2014 budget, Local Public Authorities Level II with the 2015 budget and Local Public Authorities Level I, starting with the 2016 budget. The implementation of the PBB system revealed certain shortcomings that have kept the PBB process from unfolding its full potential and effectively contributing to budget planning and resource allocation.

In 2018, the Ministry of Finance has decided to undertake a review of the PBB system aimed at rationalizing and improving the functionality of the system. Accordingly, starting from July 2018, a national consultant was contracted for providing direct technical assistance to the Ministry of Finance on the review and rationalization of the PBB system with UN Women support. The national consultant also advised the Gender Equality Coordination Group' members and other structures across the Ministry of Finance in adopting principles of gender equality in the public finance management system, commitments under the PFM, National Strategy on Gender Equality 2017-2021 and other sectorial and cross-cutting strategies, aiming at improving gender equality in public budgeting, revenues and expenditures.

International experience shows that in several countries, the GRB implementation is legally binding in normative acts at different levels, Budget Law, etc. The Ministry of Health, Labour and Social Protection has decided to review once again the national legislative framework on gender equality and link the gender sensitive policy formulation with the available state resources that would promote or facilitate achieving substantive gender equality. For example, to assess the fiscal aspects, public resource management, auditing and control of public finances, etc.

Moldova has adhered to Agenda 2030 and SDGs, and the process of nationalization of SDGs, in particular gender sensitive SDGs, is ongoing. Considerable progress was reached in gender disaggregated statistics by the National Bureau of Statistics. Currently, a sound set of gender-sensitive indicators is developed that allows for gender-sensitive policy and programme formulation.

Nevertheless, the integration of gender-sensitive budgeting is still at an early stage in the Republic of Moldova due to the discontinuous nature of the actions and commitments made. Gender-sensitive budgeting is a cross-cutting area that requires a comprehensive and committed approach to budgeting programs and policies geared to gender equality, as well as a fair allocation of resources, both locally and centrally.

In this respect, UN Women is planning to hire an expert to support the Ministry of Health, Labour and Social Protection (which is the lead agency under the NSGE, area of intervention: Gender-sensitive budgeting) and other relevant state stakeholders in revision of the national legislation and proposing amendments from the perspective of gender responsive budgeting for improving the existent legal and regulatory framework and aligning national legislation to the international standards.

SCOPE OF WORK:

For this purpose, the selected expert will work under the overall guidance of the Ministry of Health, Labour and Social Protection (MHLSP), and direct supervision of the Programme Specialist UN Women to review the range of national legal and normative framework and propose amendments for incorporating gender responsive budgeting principles within the legislation. MHLSP will provide the expert with information, policy drafts recommendations, notes relevant to the TOR task as described under the “Duties and Responsibilities” chapter.

DUTIES AND RESPONSIBILITIES

More specifically, the expert will be responsible for the following tasks:

Task 1. Review the regional and international legal framework from other countries, which have already incorporated GRB in their national legislation (for example Austria, Serbia, Albania, Macedonia, Romania, the Ukraine, etc.). Prepare examples of best international practices (models) of incorporation of GRB in the policy elaboration and financing.

Task 2. Review the national legal and normative framework for including GRB, and provide recommendations for possible revisions and amendments in order to incorporate gender responsive budgeting particularities in legislation, based on international standards and existing good practices.

The expert will consider the following normative acts within legislative review:

- Law 181/26.07.2014 on Public Finance and Fiscal Responsibility;
- Law 397/2003 on Local Public Finance;
- Law No. 5-XVI /09.02.2006 on Ensuring Equal Opportunities for Women and Men;
- Law No. 45-XVI / 01.03.2007 on Preventing and Combating Domestic Violence;
- Law No.241/2005 on Preventing and Combating Human Trafficking;
- Law No. 121 /25.05.2012 on Equality;
- Labor Code No. 154 / 28.03.2003;
- Law No.158 / 04.07.2008 on the public functions and status of the civil servants;
- Law no. 61-XVI /16.03.2007 on auditing;
- Tax Code No. 1163/ 24.04.1997
- Law No. 131 /03.07.2015 on public procurement;
- Law No 229 /23.09.2010 on public internal financial control;
- Law Lo. 113-XVI / 27.04.2007 on accounting;
- Law No. 847-XIII / 24.05.1996 on budgetary system and budgeting process;
- and other relevant normative and regulatory acts.

Task 3. Carry out initial consultations with various key stakeholders with a view to obtaining information that can be used in developing appropriate legislation and normative frame, including:

- Institutions: Ministry of Health, Labour and Social Protection, Ministry of Finance, other line ministries, Main State Tax Inspectorate, The Court of Accounts of Republic of Moldova, etc.;
- international organizations active in the field of gender responsive budgeting (UN Women, OSCE, IMF, UNDP, ADA, SDC, etc.); Civil society and gender CSOs, (GRB CSO Watchdogs, academia (ASEM, APA) that are active in the fields of gender equality/ gender responsive budgeting;
- other stakeholders that may be identified by the Consultant and/or recommended by UN Women (3 districts where the GRB was piloted).

Task 4. Prepare and present to the MHLSP and UN Women a preliminary legislative review, including proposed amendments to the legislation in the field, reflecting clear arguments based on the reviews conducted and the initial stakeholder consultations undertaken. The Expert will consider all inputs presented by the MHLSP and undertake relevant adjustments to the prepared document.

Task 5. Submit to the MHLSP and UN Women the final analytical paper reflecting the proposed amendments and briefs with relevant arguments supporting the proposed amendments.

Task 6. Participate with advisory support in the inter-governmental dialogue and public consultations on the proposed amendments (Government, MHLSP, Ministry of Finance, other stakeholders).

Task 7¹. Providing technical assistance to the MHLSP in promoting the proposed amendments within submission to the Parliament for their consideration.

DELIVERABLES AND TIMEFRAME:

The selected national consultant will be responsible for delivering the following specific outputs, comprised of the main milestones:

No	Activities and Deliverables	Tentative timeframe for completion of task	Tentative # of days required for accomplishment of task
1	A report on review of regional and international legal and normative framework from other countries which already incorporated GRB in their national legislation. The report will include examples (models) of best international practices of incorporation of GRB in the policy elaboration and financing (Task 1).	By end July 2019	12 days
2	A report/ analysis on the national legal and normative framework in force (Task 2).	By mid-August, 2019	10 days
3	A report on a series of consultative meetings with all relevant stakeholders to validate the findings (Task 3).	By mid-September 2019	12 days
4	Present a preliminary proposal for legislative amendments to reflect the GRB principles (Task 4)	By end September, 2019	5 days
5	The final set of proposed legislative amendments (Task 5).	By mid - October 2019	4 days
6	Providing technical assistance to the MHLSP on promoting and public consultations of the amendments (Government, MHLSP, Ministry of Finance, other stakeholders) (Task 6).	By end November 2019	10 days
7	Providing technical assistance to the MHLSP in promoting the proposed amendments within submission to the Parliament Commission for their consideration.	March 2020	7 days
8	Final synthesis report providing a summary on carried out activities, achievements, challenges and recommendations.	April 2020	2 days
	Total		62 days

NOTE: The final report will be presented for final approval to UN Women in both Romanian and English languages, electronic copy.

DURATION:

It is expected that the expert shall begin the work in July 2019, with the assignment being completed before end April 2020, in conformity with the indicative timeframe described under “Deliverables and Timeframe” section. However, the above-mentioned timeframe is tentative.

¹ Optional task - to be delivered only at the request of MHLSP and UN Women, depending on the progress of promoting the draft policy amendments.

UN Women will require at least three (3) days to review the outputs, provide comments, approve and certify acceptance of deliverables.

MANAGEMENT ARRANGEMENTS

All deliverables shall be agreed with the Ministry of Health, Labour and Social Protection and approved by the UN Women Programme Specialist. The timeframe for the work of the expert is tentatively planned from July 2019 – April 2020 with an estimated total volume of work not to exceed 62 working days, coordinated in advance with the UN Women Programme Specialist.

CONFIDENTIALITY

The expert agrees to keep confidential all information that it receives, directly or indirectly, from the all relevant stakeholder, as well as all copies or analyses that they make, or have been made by third parties, on the basis of such information (collectively, the Material). The expert shall use the Material exclusively for the purpose of preparing deliverables relevant to this assignment. The confidentiality obligations shall not apply to information in the public domain. The expert shall only permit access to the Material to persons within its organization on a need-to-know basis. The expert shall explicitly inform such persons of the confidential nature of the Material and, prior to providing them the Material, subject them to the confidential obligations contained in these Terms of Reference.

PERFORMANCE EVALUATION

Consultant's performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered. All reports must be provided in Romanian and English, electronically.

FINANCIAL ARRANGEMENTS

Payment will be disbursed to the consultant upon submission and approval of deliverables and timesheets with actual days worked and certification by the supervisor that the services have been satisfactorily performed with the tentative timeframe indicated in the table from the section Deliverables and Timeframe.

REQUIRED SKILLS AND EXPERIENCE

Education:

- Master degree in public finance or economic science related to the areas relevant for the assignment.
- University degree in public finance, gender studies, development studies, law, statistics and/or other social or economic science related to the areas relevant for the assignment;
- Other formal education relevant for the assignment is an asset.

Experience:

- Minimum 4 years of proven experience working/collaborating with the Government sectors in assisting/ supporting drafting policy recommendations/ policy reports, coordinating activities;
- Minimum 3 years of proven work experience in the field of public finance;
- Minimum 2 years of proven work experience in gender responsive budgeting methodologies and approaches;
- Minimum 2 years of experience in working with international organizations (successful experience in working with UN agencies is an asset)

Language skills:

- Excellent verbal and written Romanian. Working knowledge of English and Russian are required.

EVALUTATION PROCEDURE

Interested candidates are invited to submit their online applications by 7 July 2019 with the following documents.

- Duly filled Personal History Form PHF11/CV;
- Letter of Intent to include a brief overview about which of your previous experiences makes you the most suitable candidate for the advertised position;
- Financial proposal (in MDL) - specifying an all-inclusive fixed total contract price, supported by a breakdown of costs as per template provided.

In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merges and builds on the important work of four previously distinct parts of the UN system (DAW, OSAGI, INSTRAW and UNIFEM), which focused exclusively on gender equality and women's empowerment.

The United Nations in 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.

EVALUATION OF APPLICANTS:

Initially, national consultants will be short-listed based on the following minimum qualification criteria:

- Master degree in public finance or economic science related to the areas relevant for the assignment.
- Minimum 4 years of proven experience working/collaborating with the Government sectors in assisting/supporting drafting policy recommendations/ policy reports, coordinating activities;
- Minimum 3 years of proven work experience in the field of public finance;
- Minimum 2 years of proven work experience in gender responsive budgeting methodologies and approaches;

For evaluation of short-listed candidates, a cumulative analysis scheme will be applied with a total score being obtained upon the combination of weighted technical and financial attributes. Cost under this method of analysis is rendered as an award criterion, which will be 30% out of a total score of 500 points.

Evaluation of submitted offers will be done based on the following formula:

$$B = T + \frac{C_{low}}{C} \times X$$

where:

- T is the total technical score awarded to the evaluated proposal (only to those proposals that pass 70% of maximum 350 points obtainable under technical evaluation);
- C is the price of the evaluated proposal;
- C_{low} is the lowest of all evaluated proposal prices among responsive proposals; and
- X is the maximum financial points obtainable (150 points)

Technical evaluation will be represented through desk review of applications and further interview will be organized if needed, depending on the short-listed candidates' qualifications.

- A) Technical Evaluation:** The technical part is evaluated based on its responsiveness to the Terms of Reference (TOR).

#	Criteria for technical evaluation	Max. points
1	Master degree in, public finance or economic science related to the areas relevant for the assignment. <i>(University – 30 pts; Master - 35 pts; PhD – 40 pts);</i> Other formal education relevant for the assignment <i>(10 pts);</i>	40
2	Minimum 4 years of proven experience working/collaborating with the Government sectors in assisting/ supporting drafting policy recommendations/ policy reports, coordinating activities; <i>(4 years – 60 pts, for each year over 5 years – 10 pts, up to a max of 80 pts);</i>	80
3	Minimum 2 years of proven work experience in gender responsive budgeting methodologies and approaches; <i>(2 years – 50 pts, each year over 2 years – 10 pts, up to a max of 80 pts);</i>	80
4	Minimum 3 years of proven work experience in the field of public finance; <i>(3 years – 60 pts, for each year over 5 years – 10 pts, up to a max of 80 pts);</i>	80
5	Minimum 2 years of experience in working with international organizations (successful experience in working with UN agencies is an asset); <i>(2years –20 pts, each year over 3 years –5 pts, up to a maximum of 40 pts)</i>	40
6	Excellent verbal and written Romanian. Working knowledge of English and Russian are required.	30
	Total Technical Scoring	350

B) Financial evaluation: In the Second Stage, the financial proposal of candidates, who have attained minimum 70% score in the technical evaluation (at least 245 points), will be compared.

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

Annex I:

Price Proposal Guideline and Template

The prospective National Consultant should take the following explanations into account during submission of his/her price proposal.

1. Daily fee

The daily price proposal should indicate a "lump sum amount" which is "all-inclusive"; All costs (professional fees, communications, consumables during field related missions, etc.) that could possibly be incurred by the Contractor needs to be factored into the proposed price.

UN Women will not withhold any amount of the payments for tax and/or social security related payments. UN Women shall have no liability for taxes, duties or other similar charges payable by the Individual Contractor in respect of any amounts paid to the Individual Contractor under this Contract, and the Contractor acknowledges that UN Women will not issue any statements of earnings to the Individual contractor in respect of any such payments.

2. Travel costs

UN Women will not cover transportation cost within Chisinau.

3. Daily Subsistence Allowance

Not applicable.

4. Currency of the price proposal

The applicants are requested to submit their price proposals in MDL. In case of proposals in other currency, these shall be converted into MDL using the official UN exchange rate for currency MDL conversion to MDL at the date of applications' submission deadline.

Annex II:

Price Proposal Submission Form

To: United Nations Entity for Gender Equality and the Empowerment of Women

Ref: For national consultant to undertake the review of national legal frameworks and develop amendments for incorporating gender responsive budgeting approach at all levels

Dear Sir / Madam,

I, the undersigned, offer to provide professional consulting services to UN Women Moldova within the scope of the referred Assignment.

Having examined, understood and agreed to the Terms of Reference and its annexes, the receipt of which are hereby duly acknowledged, I, the undersigned, offer to deliver professional services, in conformity with the Terms of Reference.

My maximum total price proposal for the assignment is given below:

A. Cost Breakdown by Cost Component

Description	Unit of measure (days, units)	No of Units	Unit price, MDL	Total Price, MDL
Daily fee, all inclusive	days	62		
Other costs (if any)				

I confirm that my financial proposal will remain unchanged.

I also confirm that the price that I quote is **gross**, and is inclusive of all legal expenses, including but not limited to social security, income tax, pension, etc., which shall be required applicable laws.

I agree that my proposal shall remain binding upon me for 60 days.

I understand that you are not bound to accept any proposal you may receive.

[Signature]

Date:

Name:

Address:

Telephone/Fax:

Email: