



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **March 13, 2020**

**Country:** Republic of Moldova

**Description of the assignment:** **International consultant** on the application and enforcement of the „Revolving doors” regime by public authorities and the private sector

**Project name:** Curbing Corruption by building Sustainable Integrity in Moldova

**Period of assignment/services:** May – June 2020

Proposals should be submitted online by pressing the "Apply Online" button by 31 March, 2020.

Requests for **clarification** must be sent by standard electronic communication to the following e-mail [olga.crivoliubic@undp.org](mailto:olga.crivoliubic@undp.org). UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

### 1. BACKGROUND

Curbing Corruption by Building Sustainable Integrity in Moldova Project will contribute to achieving a sustainable integrity and anticorruption system in the Republic of Moldova through the strengthened capacities of the public and private sector entities and the civil society for the efficient application and monitoring of national integrity instruments and standards. It will contribute to the progressive implementation of the Sustainable Development Goal 16 that calls for a substantial reduction of corruption and bribery in all their forms and for developing effective, accountable and transparent institutions at all levels. The Project is framed around the National Integrity and Anticorruption Strategy (NIAS) 2017-2020 and responds to the needs of its various actors and stakeholders in addressing the challenges for the effective implementation of NIAS, including insufficient capacities within central and local public authorities to ensure the uniform compliance with anticorruption and integrity standards and the lack of mechanisms for enforcing integrity standards in private sector.

The Integrity Law is the framework Law, adopted by the Parliament of Moldova in 2017, which regulates the integrity in public sector at political, institutional, and professional levels, the responsibilities of the public entities, anticorruption agents, and other authorities competent to build, enhance, and control integrity in public sector, as well as the areas for building integrity in private sector. The Law provides for 14 anticorruption/integrity policies which have to be implemented by the public institutions and public agents.

One of the policies is the observance the regime of restrictions and limitations related to termination of the mandate, labour or duty relations, and migration to the private sector of the public agents (revolving doors) regulated in the Art. 24. However, this measure has represented a

novelty for the current anticorruption system in Moldova and lacks specific secondary legislation/normative framework for the application and enforcement. The secondary regulation needs to set specific competencies for the national stakeholders, anticorruption authorities and within public institutions, including control after cooling-off period.

The mobility between private and public sectors raises the risks of revolving doors or policy capture, when ex-public officials go to work for the sectors they used to regulate and are often hired not for their competence but for their connections and special access acquired while working in government. Revolving door may lead to conflicts of interest, regulatory capture and corruption, both during and after a regulator's term in public office.

To strengthen the capacities of the National Anticorruption Centre (NAC) and other relevant stakeholders to apply the revolving doors regime, the Project seeks to hire an international consultant on the application and enforcement of the „Revolving doors” regime by public authorities and the private sector. The Consultant will provide a one-day training and a one day workshop on the international standards and best practices on the revolving doors application and enforcement for the National Anti-corruption Centre staff and other relevant stakeholders (public and private institutions).

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

The main objective of the assignment is to strengthen the capacities of the National Anticorruption Center and other relevant stakeholders (public and private institutions) to apply the revolving doors regime by sharing the international standards and best practices on the revolving doors application and enforcement and advising on the most relevant enforcement mechanism in the context of Moldova.

The assignment will consist of a two-day mission. On the first day the Consultant is expected to conduct a one-day training for the NAC Prevention Division staff (20-25 persons) on the international standards and best practices in the field of the „Revolving doors” regime. On the second day it is expected for the Consultant to conduct a 2-3 hours workshop on best practices in applying the Revolving doors regime for the representatives of the relevant public institutions and a 2-3 hours workshop for the representatives of the private sector.

During the first training the consultant will present international standards on the revolving doors application and enforcement provided in the relevant conventions and guides; best practices in designing and applying concrete mechanisms for the enforcement of the Revolving doors regimes through regulations, reporting mechanisms, applied sanctions; recommendations containing guidelines on the enforcing mechanisms (reporting mechanism, responsible institutions, etc.) most relevant for the context of Moldova based on the international standards and best international/regional practices.

The second workshop day, which will follow the first training day for NAC will involve the presentation of the international standards and best practices on the revolving doors application and enforcement provided in the relevant conventions and guides; discussions on the most optimal reporting mechanism, enforcing institutional framework relevant for Moldova, based on the international standards and best international/regional practices. Final assessment report will be submitted to the NAC and UNDP after the second mission.

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

### **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

#### **I. Academic Qualifications**

- Master's Degree or equivalent (5-year university education) in Law, International Public Law or other relevant field.

#### **II. Years and sphere of experience**

- At least 6 years of experience related to corruption prevention in a public institution/NGO/international organization/private institution;
- At least two assignments related to designing/applying/monitoring the Revolving doors policy in a public or private institution;
- At least two similar assignments in consultancy related to anticorruption in Europe/CIS region.

#### **III. Competencies**

- Proven extensive knowledge on the „Revolving doors” subject and best practices of the application mechanism;
- Demonstrated acquaintance with the specific context of work in public and private sector is a strong asset;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Proven experience of providing training/coaching to civil servants/private entities in the field of anti-corruption policies and law enforcement;
- Previous successful experience in development assistance or consultancy for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;
- Knowledge of English; knowledge of Romanian or Russian languages will be an asset.

#### **IV. Personal qualities**

- Responsibility, capacity of collaboration and teamwork, flexibility, punctuality, creativity/resourcefulness;
- Proven commitment to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status

The 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.

### **4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

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

1. Offeror's Letter confirming Interest and Availability;
2. Proposal: explaining why they are the most suitable for the work including previous experience in similar Projects, links/references to the relevant reports/publications (please provide brief information on each of the above qualifications, item by item);

3. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, communication costs, insurance, visas etc.);
4. Personal CV and at least 3 references.

## 5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payment will be made upon the successful completion of the tasks assigned and submission of the assessment report. Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, communication costs, travel, per diems, and number of anticipated working days).

### Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

**One trip to Moldova is envisaged under this assignment.**

## 6. EVALUATION

Initially, individual consultants will be long-listed based on the following minimum qualification criteria:

- Master's Degree or equivalent (5-year university education) in Law, International Public Law or other relevant field.
- At least 6 years of experience related to corruption prevention in a public institution/NGO/international organization/private institution;
- At least two assignments related to designing/applying/monitoring the Revolving doors policy in a public or private institution;
- At least two similar assignments in consultancy related to anticorruption in Europe/CIS region.

The long-listed individual consultants will be further evaluated by a Selection Committee based on the following short-listing criteria:

| Technical Criteria   | Scoring   | Max. Points Obtainable |
|--|---|------------------------|
| Master's Degree or equivalent (5-year university education) in Law, International Public Law or other relevant field                       | (Master – 15 pts.,<br>PhD – 20 pts.)  | 20                     |
| At least 6 years of experience related to corruption prevention in a public institution/NGO/international organization/private institution | (less than 6 years – 0 pts.,<br>6 years – 30 pts, more than 6<br>years – up to max. 40 pts, 5<br>pts – for each additional<br>year) | 40                     |

|  |  |            |
|--|--|------------|
| At least two assignments related to designing/applying/monitoring the Revolving doors policy in a public or private institution  | (no – 0 pts., 2 assignments – 20 pts., each additional assignment - 10 pts, up to max. 50 pts)   | 50         |
| At least two similar assignments in consultancy related to anticorruption in Europe/CIS region.  | (no – 0 pts., 2 assignments – 15 pts., each additional assignment – 10 pts., up to max. 35 pts.) | 35         |
| Previous successful experience in development assistance or consultancy for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm | (each assignment – 5 pts., up to 20 pts.)  | 20         |
| <b>TOTAL</b>   |  | <b>165</b> |

The **first three candidates** who passed short-listing evaluation criteria with the best score shall be invited for a skype interview and pass cumulative analysis.

#### Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

| <b>Technical Criteria</b>  | <b>Scoring</b>   | <b>Max. Points Obtainable</b> |
|--|--|-------------------------------|
| Master’s Degree or equivalent (5-year university education) in Law, International Public Law or other relevant field                       | (Master – 15 pts., PhD – 20 pts.)  | 20                            |
| At least 6 years of experience related to corruption prevention in a public institution/NGO/international organization/private institution | (less than 6 years – 0 pts., 6 years –30 pts, more than 6 years – up to max. 40 pts, 5 pts – for each additional year) | 40                            |
| At least two assignments related to designing/applying/monitoring the Revolving doors policy in a public or private institution            | (no – 0 pts., 2 assignments – 20 pts., each additional assignment - 10 pts, up to max. 50 pts)                         | 50                            |
| At least two similar assignments in consultancy related to anticorruption in Europe/CIS region.  | (no – 0 pts., 2 assignments – 15 pts., each additional assignment – 10 pts., up to max. 35 pts.)                       | 35                            |

|  |  |            |
|--|--|------------|
| Previous successful experience in development assistance or consultancy for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm   | (each assignment – 5 pts., up to 20 pts.)  | 20         |
| Technical Criteria maximum points  |  | 165        |
| <b>Interview</b>   |  |            |
| Proven extensive knowledge on the „Revolving doors” subject and best practices of the application mechanism  | (no – 0 pts., to some extent – up to 20 pts., yes – up to 45 pts.)   | 45         |
| Demonstrated acquaintance with the specific context of work in public and private sector is a strong asset;  | (no – 0 pts., to some extent – up to 10 pts., if demonstrated by the previous assignments - up to 25 pts.) | 25         |
| Effective analytical and report writing skills demonstrated by previous assignments  | (each assignment – 5 pts., up to 20 pts.)  | 20         |
| Proven experience of providing training/coaching to civil servants/private entities in the field of anti-corruption policies and law enforcement   | (each assignment – 5 pts., up to 20 pts.)  | 20         |
| Knowledge of English; knowledge of Romanian or Russian languages will be an asset  | (English – 5 pts; Romanian – additional 5 pts; Russian – additional 5 pts;)                                | 15         |
| Responsibility, capacity of collaboration and teamwork, flexibility, punctuality, creativity.  | (no – 0 pts., to some extent – up to 5 pts., yes – up to 10 pts.)  | 10         |
| <b>Interview maximum points</b>  |  | <b>135</b> |
| <b>Maximum Total Technical Scoring</b>   |  | <b>300</b> |
| <b><u>Financial</u></b>  |  |            |
| Evaluation of submitted financial offers will be done based on the following formula:<br><b><u>S = Fmin / F * 200</u></b><br>S – score received on financial evaluation;<br>Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;<br>F – financial offer under consideration. |  | <b>200</b> |

#### Winning candidates

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

#### **ANNEXES:**

**ANNEX 1 – TERMS OF REFERENCES (TOR)**

**ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**