



## TERMS OF REFERENCE

<b>Title:</b>	<b>National consultant to support with legal aspects of introducing a modernized public nutrition mechanism in kindergartens</b>
<b>Project:</b>	UNDP Moldova Policy Unit
<b>Reporting to:</b>	UNDP Policy Specialist
<b>Duty Station:</b>	Chisinau, Moldova
<b>Contract Type:</b>	Individual Contract (IC)
<b>Duration:</b>	up to 25 working days in the period April – June 2020
<b>Start date:</b>	17 April, 2020

### 1. BACKGROUND

The management of public nutrition in the Republic of Moldova is decentralized. In Chisinau, the public nutrition is managed by the General Division on Education of Chisinau Municipality, following the food safety standards of the National Agency for Food Safety. The local authorities have made significant efforts to manage the nutrition system at the highest level and improve its quality. In support to that, the previous Government has put in place an action plan to improve the public nutrition<sup>1</sup>, which has not materialized. Recent developments in the public nutrition tells us there are many aspects to be improved, including the quality of the menus, a fairer and more sustainable procurement process, better monitoring and evaluation, constant evaluation of the impact of improved processes.

The deficiencies in the public nutrition system, and specifically at the level of kindergartens, have been reflected through media during the last years and refer to the quality of delivered products, quality of food prepared at kindergartens' premises, transparency in the procurement system, among others. Those created a public distrust not only among parents, who want better nutrition for their kids, but also among private sector companies who want a more transparent acquisition process.

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<sup>1</sup> [https://cancelaria.gov.md/sites/default/files/plan\\_08-07-873\\_30.10.2019\\_1.pdf](https://cancelaria.gov.md/sites/default/files/plan_08-07-873_30.10.2019_1.pdf)

According to FAO, nutrition has an important role to play in kids' cognitive development, with a well-balanced nutrition supporting the cognitive development, and malnutrition negatively affecting the ability of children to stay in school and to learn throughout childhood<sup>2</sup>. While in the Republic of Moldova the hunger has been reduced significantly, reducing malnutrition in all its forms, which is registered among children and other vulnerable groups, is a priority for Moldova (SDG 2.2).

In this context, the Mayorality of Chisinau has partnered with UNDP Moldova to develop and put in place a modernized public nutrition program in kindergartens, which is to reply to the actual challenges in the system. The modernized program will ensure it integrates efficiency, transparency and international food standards, and also addresses the SDG target 2.2. related to reducing malnutrition among children.

**The modernized public nutrition program will follow these principles:**

- Transparency – transparency of the system and its components, actors, procedures, results, impact, etc.
- Participation – wide engagement of all stakeholders in the system, including parents, kids, personnel of the educational institutions, private sector, vendors, etc.
- Fair competition – apply international standards to procurement, logistics, and so on when it regards the selection of the participants to the system
- Best value for money
- Integration and concentration – wholistic view on the system and integration of its components to ensure highest standards of quality
- Externalization – external credible partners are connected for transitory period to re-design and implement the new system
- Impact evaluation – robust impact evaluation is conducted to understand and evaluate the transformation produced by the system

**The components of the modernized public nutrition program:**

Modernization of the public nutrition system in kindergartens in Chisinau Municipality has three key components:

- improvement of the quality of the nutrition (in terms of calories, quality and structure of the menu for kids, diversity of the produce, quality of the monitoring system),
- improvement of the quality of the procurement and distribution processes (centralization of the procurement, modernization of the acquisition mechanism in line with international standards and good practices, implementation in practice of the principle of 'best value for money', modernization of the distribution and logistics and monitoring) and
- promotion of healthy diets in public kindergartens.

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<sup>2</sup> Quoted in FAO Nutrition guidelines and standards for school meals, 2019, at <http://www.fao.org/3/CA2773EN/ca2773en.pdf>

To support the process, UNDP Moldova is looking for support from several area consultants, including a legal consultant, with responsibilities described here below.

## **2. DESCRIPTION AND OBJECTIVES OF ASSIGNMENT**

The goal of the assignment is to determine the legal considerations related to the design and implementation of a revised public nutrition mechanism in pre-school education system in Moldova. Under this assignment, the consultant is expected to undertake the assessment of legal and regulatory aspects of the public nutrition system in kindergartens and prepare recommendations for the needed legal and regulatory amendments for the modernized nutrition program. The work will cover two components:

1. Legal and regulatory framework related to the structure, quality and quantity of the menus;
2. Legal and regulatory framework related to the procurement system (planning, acquisition, monitoring and evaluation, reporting).

To propose the recommendations, the consultant will take into consideration the international guidelines and standards governing public nutrition system, as well as UN best practices in running public procurement mechanism.

The analytic work of the consultant will be part of the UNDP preparatory work on introducing a modernized public nutrition mechanism in kindergartens, covering also other non-legal aspects, such as nutrition, procurement, data and IT. Thus for, the consultant will work in consultation with UNDP Policy Specialist, with UNDP Procurement Officers, UNDP Consultant on Nutrition and IT Specialist, seeking relevant inputs and support during the consultancy.

For the nutrition related component, the consultant will work in close collaboration with the Nutritionist, who will cover the consultancy related to the:

- Evaluation of the current system of nutrition in kindergartens;
- Development of a vision and recommendations for modernized nutrition in public kindergartens;
- Contribute to preparing the recommendations for modifications to the public regulations/ laws/ norms to make them aligned to the new vision;
- Revision of the menus and norms based on the new vision.

UNDP will provide all necessary support for undertaking needed consultations and meetings, and will participate, upon necessity, to the meetings.

UNDP Moldova will be developing the Project Document for the intervention and will seek inputs and support from the consultant during project document drafting.

### 3. KEY DELIVERABLES AND TENTATIVE TIMETABLE

SN	Deliverables	Tentative schedule
1	Legal part of the preparatory work, to include: <ul style="list-style-type: none"><li>- Assessment of the legal considerations related to the design and implementation of a revised public nutrition mechanism;</li><li>- Recommendations for modifications to the public regulations/ laws/ norms so that they respond to the modernized nutrition scheme;</li><li>- Assessment of legal aspects of the public procurement mechanism and barriers to support a modernized nutrition mechanism;</li><li>- Proposal for adjustments to the public procurement mechanism to support deployment of the modernized procurement system at the municipality level.</li></ul>	during April 2020  during April – May 2020  by end of May 2020  by end of June 2020
2	Support with the approval of the new menu/structure and nutrition norm/standards with the relevant state regulatory bodies	during May – June 2020
3	Inputs to the development of the Project Document	during April 2020

### 4. INSTITUTIONAL ARRANGEMENTS

#### 4.1 Language

Most of the communications and documentation related to the assignment will be in Romanian, though English will be also used as working language, especially for screening through the international level documentation and interacting with various counterparts

#### 4.2 Timeframe

The timeframe for the work of the national consultant is tentatively planned between April and June, 2020.

### **4.3 Financial arrangements**

Payment will be distributed in several installments, upon submission and approval of final deliverable and certification by UNDP Policy Specialist that the services have been performed satisfactorily.

## **5. QUALIFICATIONS AND SKILLS REQUIRED**

### **5.1 Academic qualifications**

Master degree or equivalent (5 year university degree) in law, legal studies, or related discipline.

### **5.2 Work experience**

- At least 5 years of experience in law, legal and regulatory framework analysis, legal consultancy support in public institutions;
- Experience in analyzing and/or revision of national regulations, legal and policy frameworks governing public nutrition, including but not limited to public budgeting, procurement, contracting, monitoring and evaluation, reporting;
- Previous work in public nutrition system field in Moldova is an advantage;
- Experience with applying international guidelines and standards governing public nutrition system is an advantage;
- Strong research, analytic, and report writing skills demonstrated through previous experience in developing analytic products and/or reports;
- Excellent communication, convening and teamwork skills.

### **5.3 Competencies**

- Fluency in Romanian and English. Knowledge of Russian will be an asset. English is needed for researching the international standards in public nutrition.
- Proven commitment to the core values of the United Nations, in particular, respecting differences in culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status.