



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **30 April, 2020**

Country: Republic of Moldova

Description of the assignment: Two consultants to draft the Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following two sectors:

- 1) Fiscal sector
- 2) Administrative decentralization

Project name: Curbing corruption by building sustainable integrity in the Republic of Moldova

Period of assignment/services: June – August 2020; up to 20 working days

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **18 May, 2020**.

Requests for clarification only must be sent by standard electronic communication to the following e-mail: 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

Anticorruption proofing of legal and normative acts represents a process of the identification of corruption risks which can emerge in relation to the process of promoting normative acts by public entities, identification of the factors generating such risks and formulating recommendations to exclude such risks in the content of draft normative acts. It was introduced as a mandatory tool in 2006 and is carried out by the National Anticorruption Center. The current methodology for anti-corruption proofing expertise was adopted in 2017¹.

According to the Integrity Law no.82/2017, all draft legal and normative acts drafted by public entities shall pass the anticorruption proofing, except:

- a) policy documents;

¹

https://www.cna.md/public/files/colegiu_3/MetodREAacte_norm.dupaSed.Col20.07.18.pdf

- b) acts on the staff reshuffle of individual character;
- c) Government dispositions;
- d) Government Decisions on the approval of the reviews of draft laws and the Decrees of the President of the Republic of Moldova;
- e) International treaties, acts of investment with full powers and of expressing the consent of the Republic of Moldova to be bound by an international treaty.

Anticorruption proofing has the following objectives:

- Prevention of corruption acts by excluding the risk factors from the draft normative documents;
- Information of the authors and of the public at large on the risk factors and corruption risks identified in a draft document;
- Offering supplementary guaranties that the legislative process is in compliance to the citizens' interest and the public interest.

Within the corruption proofing process, the NAC experts identify the legal norms' corruptibility factors and formulate conclusions and recommendations on excluding or diminishing their effects². According to the NAC 2019 Activity Report³, 1137 drafts were sent to the NAC for examination in 2019 (241 more compared to 2018). During the reference period, 581 anticorruption expertise reports were prepared and 562 opinions on draft normative acts were issued.

To identify and analyse the risk factors and corruption risks, there is a need to review both the draft normative act and the related legal framework regulating the related field/sector. UNDP through the Curbing Corruption by Building Sustainable Integrity Project (further the Project) aims to strengthen the capacities of NAC in performing anti-corruption proofing expertise of the legislation in the aforementioned vulnerable areas with the aim to increase the efficiency and effectiveness of the recommendations proposed to exclude corruption risks. In this context, the project intends to contract two consultants to draft the Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following two areas: (1) Fiscal area; (2) Administrative decentralization.

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

The main objective of the assignment is to strengthen the capacities of NAC in performing anti-corruption proofing of legal and normative acts by drafting Guidelines for NAC employees and other relevant civil servants on the anticorruption proofing expertise of the legal and normative acts in the following sectors: (1) Fiscal area; (2) Administrative decentralization.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

For the consultant in the field of Fiscal area:

² <https://www.cna.md/reports.php?l=ro>

³ https://cna.md/public/files/Raport_CNA_2019_ro_engl.pdf

I. Academic Qualifications:

- Master's Degree or equivalent (5 years of University studies) in Finance.

II. Years and sphere of experience:

- At least 5 years of professional experience and/or consultancy in the Fiscal area;
- At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the Fiscal area;

III. Competencies:

- Excellent knowledge of Moldovan legal and institutional framework in the fiscal area demonstrated by previous assignments;
- Knowledge of international standards and good practices in the fiscal area;
- Previous experience of work with fiscal authorities will be a strong advantage;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Previous successful experience in development assistance or related work for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;
- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;

IV. Personal qualities:

- 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;
- Responsibility, flexibility, punctuality.

For the consultant in the field of Administrative decentralization:

I. Academic Qualifications:

- Master's Degree or equivalent (5 years of University studies) in Public administration, Law or other relevant field.

II. Years and sphere of experience:

- At least 5 years of professional experience and/or consultancy in the field of Public administration;
- At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the field of Administrative decentralization;

III. Competencies:

- Excellent knowledge of Moldovan legal and institutional framework in the field of Public administration and administrative decentralization demonstrated by previous assignments;
- Knowledge of international standards and good practices in the field of Administrative decentralization;
- Previous experience of work with local public authorities will be a strong advantage;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Previous successful experience in development assistance or related work for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage;

- Knowledge of English, Romanian, Russian languages for the purposes of the assignment;

IV. Personal qualities:

- 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;
- Responsibility, flexibility, punctuality.

The United Nations Country Team in the Republic of 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 (please provide brief information on each of the above qualifications, item by item; please attach or provide the link for any relevant publications/works);
3. Financial proposal (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.);
4. Personal CV including past experience in similar projects 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.

No travel is envisaged under this assignment.

6. EVALUATION

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

- Master's Degree or equivalent (5 years of University studies) in the selected area of expertise;
- At least 5 years of progressive professional experience and/or consultancy in the selected area of expertise (Public Administration or Fiscal Area);
- At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in the selected area of expertise (Administrative decentralization or Fiscal Area);

The short-listed individual consultants will be further evaluated based on the following **methodology**:

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.

* Technical Criteria weight – 60% (max 300 pts);

* Financial Criteria weight – 40% (max 200 pts).

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

Technical Criteria	Scoring	Max. Points Obtainable
Master's Degree or equivalent (5 years of University studies) in the selected area of expertise (Finance for Fiscal sector; Public Administration, Law for the Administrative Decentralization)	(Master degree – 20 pts., PhD – 25 pts.)	25
At least 5 years of professional experience and/or consultancy in the selected area of expertise (Public administration or Fiscal Area);	(5 years – max. 30 pts, each additional year – 5 pts, up to max. 50 pts)	50
At least 3 assignments in drafting complex research and analyses and/or methodological guidelines in in the selected area of expertise (Administrative decentralization or Fiscal Area);	(3 assignments – 25 pts., each additional assignment – 5 points; up to max. 40 pts.)	40
Strong analytical and report writing skills demonstrated by previous assignments	(each assignment – 5 pts., up to max. 30 pts.)	30
Previous successful experience in development	(each assignment – 5 points;	25

assistance or related work for a donor organization, in particular UNDP, governmental institutions, NGO/think-tank or consulting firm is a strong advantage	up to max. 25 pts)	
Maximum Technical Scoring		170
Interview evaluation criteria*		
Excellent knowledge of Moldovan legal and institutional framework in the selected area of expertise (Administrative decentralization or Fiscal Area) demonstrated by previous assignments	(no – 0 pts.; to some extend – up to 25 pts., yes (demonstrated by previous assignments) - up to max. 50 pts.	50
Knowledge of international standards and good practices in the selected area of expertise (Administrative decentralization or Fiscal Area)	(no – 0 pts.; to some extend – up to 15 pts., yes - up to max. 25 pts.	25
Previous experience of work with local public authorities or with fiscal authorities depending on the selected area of expertise will be a strong advantage	(each assignment – 10 points; up to max. 30 pts	30
Knowledge of English, Romanian, Russian languages for the purposes of the assignment	(Romanian, Russian – 3 pts each., English – 4 pts. – up to 10 pts.)	10
Responsibility, flexibility, punctuality	No – 0 pts; to some extend - up to 10 pts; yes – 15 pts.	15
Maximum Interview Scoring		130
Financial		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

*** Interview evaluation criteria**

The highest scoring for the technical evaluation 3 candidates will be invited for the interview evaluation.

Winning candidate

The winning candidate will be the candidate, 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