



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **28 JUNE 2021**

Country: Republic of Moldova

Description of the assignment: International Consultant on developing a curriculum on “Legal English” for the National Institute of Justice (NIJ)

Project name: “Support to Justice Sector Reform in Moldova – Reinforcing the National Capacities Skills – Based Training for Legal Professionals” Project” (NIJ2 Project)

Period of assignment/services: July 2021 – December 2021 (up to 40 working days)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **12 July 2021**

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: valentin.rosca@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

A well-functioning justice sector is critical for good governance, reducing corruption and efficient delivery of public services. Although important efforts have been deployed during the last years to improve the efficiency, transparency, fairness, and accessibility of the justice sector,¹ the justice system still fails to deliver at the level of users' expectations. Even though justice reform is ranked the fourth in importance by citizens (after healthcare, pension, and education reforms),² results matching this expectation are not achieved yet.

Quality and professionalism of justice sector personnel is an issue requiring specific attention. 45% of court users believe that justice professionals are not sufficiently qualified,³ while the quality of

¹ Introduction of a redesigned legal aid system, optimization of court map, implementation of Integrated Case Management System (ICMS), audio recording of court proceedings, reform of prosecution service, etc.

² World Bank, Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

³ 2018 Survey on Public Opinion about the Justice System in Moldova (Romanian), available at <https://www.justitietransparenta.md/rezultatele-sondajului-privind-opinia-publica-despre-sistemul-judecatoresc-din-moldova/>

judicial acts is assessed to be the weakest point of Moldovan judiciary.⁴ The causes of these shortcomings are varied, but the most significant factor is a lack of capacity. As a result, the justice professionals are ill-equipped to deliver the kind of judgments that might comply with the international standards, and to respond to the demands for efficient justice for all.

The National Institute of Justice (NIJ) plays the central role in training Moldovan judges and prosecutors (providing both initial and in-service training). Therefore, through its training activity, the NIJ can directly influence the quality of judicial acts, the reform of the justice system and ultimately the trust of people in justice institutions and processes.

The NIJ has been consistently developing its capacities to ensure that the trainings provided are up-to-date and the training activities are organized in adequate training facilities. During the 2015-2017 the NIJ with UNDP's support implemented a series of transformations aimed at developing the institution and improving the quality of trainings provided. As a result, the new practices-oriented and simulations-based training curricula has been introduced in 2017, which has completely rethought the training process at the NIJ. However, additional interventions are required to further improve institutional capacities, training facilities and approaches to the training processes, as well as to expand the integration of technologies with the NIJ's business processes.

Building on the previous collaboration, the NIJ2 Project is designed to foster a more efficient justice system accessible to all by reinforcing national capacities and structures to provide efficient skills-based training for legal professionals in Moldova.

Nowadays, delivering justice has gone beyond the borders of a particular jurisdiction. National justice systems are influenced by various factors and phenomena, including transborder crime, free movement of people and capital, migration, existence of supranational jurisdictions, etc. Therefore, mastering a foreign language and its legal terminology is important and should form part of the continuous training of legal practitioners. It is a precondition to effective contacts across the states, which are in turn the cornerstone for judicial cooperation. It is essential that all stakeholders pay attention to training on legal terminology of foreign languages.⁵

Legal English plays a key role in ensuring cooperation and understanding among justice actors coming from different jurisdictions. Therefore, the Project will work with the NIJ to develop a Legal English curriculum to be integrated with the legal professionals training program and contribute to nurturing next generation of legal professionals with relevant knowledge and skills.

The "Legal English" course will have a professional use purpose and will be addressed to NIJ trainees and other professionals trained at the NIJ to develop their linguistic skills in an international legal environment, combining English lexicon, grammatical constructions and legal terminology.

Language awareness focuses on the internalization of grammar areas such as verb tenses, active and passive voice, the system of modal verbs, conditionals, determiners, and quantifiers, linking devices, formal and informal register markers, alongside law-specific and workplace-related vocabulary and terminology.

Focusing the Project activities on this area is since the „Legal English" plays a key role in ensuring cooperation and understanding among justice actors coming from different jurisdictions. Therefore,

⁴ Soros-Moldova. Assessing the First Year of Moldova's Implementation of the Association Agenda – Progress and Opportunities in the Political Sphere. Working paper. Chisinau: Soros-Moldova, 2016.

⁵ European Commission – Communication of 13 September 2011 on Building trust in EU-Wide Justice, A new dimension to European judicial training (COM (2011) 551), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=en>

the Project will address this knowledge gap by working with the NIJ to conceptualize a “Legal English” curriculum in its training program for its trainees. The „Legal English” course aims to be more precise and consistent than ordinary language. The course will have as a primary goal training the NIJ beneficiaries in view of the need for language skills and knowledge of legal language for legal professions.

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

The expected output for the International Consultant’s assignment is to develop a “Legal English” curriculum to be integrated with the NIJ’s training program for legal professionals and to build the NIJ capacities to deliver the Legal English training through a Training-of-Trainers type of intervention.

The Legal English program will be developed as a professional toolkit that both local (for instance, the NIJ trainers or local legal professionals fluent in English) and international trainers (for instance, guest trainers from the U.S. Embassy or international community) can use for training. The curriculum will include all assigned readings, exercises, presentations and testing materials, with clear learning and instructional objectives set forth in detailed, timed lesson plans for every module. The lesson plans and related curricular materials will be sufficiently detailed to allow the trainer to deliver the module by following the lesson plan, without further assistance or supervision. The training instructions and materials will be structured in two handbooks: one for the trainers and one for the trainees.

The course will be built as an English-language immersion course, intended for Moldovan legal professionals with a reasonable level of English (~A2/B1), aligned with international language standards. The course will aim at developing both the legal and linguistics skills of the participants by combining legal information and language exercises in a practical and dynamic way.

The target course would tentatively contain the following components:

- 20 modules of 90 min each;
- Geared towards all legal professionals: judges, prosecutors, lawyers;
- Interactive exercises;
- Practice tests to reinforce learning;
- A final test to pass in order to receive the course certificate.

In order to achieve the stated objective, the Consultant shall perform the following tasks and activities:

1. Develop the methodology and action plan for the assignment, highlighting the specific objectives and competences to be achieved, milestones and timelines to be followed;
2. Conduct a desk review on good practices referring to “Legal English” training programs, showcasing new and innovative examples that could facilitate language acquisition and continuous long-life learning process;
3. Conduct a needs assessment on implementing “Legal English” training program, including a series of meetings and discussions with the NIJ representatives, trainers and trainees and other relevant stakeholders;
4. Develop and coordinate with the NIJ and other stakeholders the concept of the “Legal English” training program and establish relevant training materials;

5. Draft the “Legal English” training program with course outlines, lesson plans, classroom activities and instructions, accompanied by relevant training materials (i.e. textbooks, guidelines, case-studies, glossary, etc.);
6. Coordinate and ensure consistency between the methodological, pedagogical and legal sides of the assignment;
7. Organize the training materials and instructions in two distinct handbooks: one for the trainers and one for the trainees;
8. Conduct a Training-of-Trainers workshop for the NIJ on “Legal English” program, materials and teaching methodologies;
9. Produce and submit a final progress report that would provide details on the progress of the assignment, activities performed, any issues and problems identified, and solutions proposed;
10. Perform other assignment related tasks.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

The contractor’s performance will be evaluated against the following criteria: timeliness, professionalism, proactiveness, communication, accuracy, and quality of the products delivered. Any person applying for this Bid shall have a certain profile in terms of qualifications, skills and special professional experience required to carry out the assignment. The candidates shall have the following relevant skills, qualifications and experience:

Academic Qualifications:

- Master’s Degree or equivalent (5-year university education) in Foreign Languages, Law, Education, Pedagogy, or another relevant field;

Work experience:

- At least 7 years of proven professional experience in developing and delivering initial and continuous training programmes. Developing training curricula for legal professionals is an advantage;
- Proven experience with developing English language training for specific purposes;
- Previous experience of conducting trainings of trainers;
- Previous working experience related to professional legal training issues in Eastern European and/or CIS countries is an advantage;
- Experience in similar positions with UN entities, EU or other international organization is an advantage.

Competencies:

- Proficient knowledge in international and local standards in curriculum;
- Strong knowledge of interactive and applied teaching methods and techniques in professional training;
- Ability to analyse, plan, communicate effectively orally and in writing, draft reports, solve problems, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- Strong sense of initiative and ability to work independently;
- Proficiency in English language. Knowledge of Romanian and/or Russian is an advantage;
- Proven commitment to the core values of the United Nations, in particular, respecting

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 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:

- Offeror's Letter confirming interest and availability for the Individual Contractor assignment with financial proposal (LUMP SUM) (in USD, specifying a total requested amount per working day, including all related costs, including daily fee, travel expenses and per diems - quoted in separate line items for comparison purposes). The travel costs to Moldova shall be indicated separately and will be covered only if the travel will be allowed in the COVID-19 context. Financial proposal template included in Annex 2;
- Duly updated CV with at least 3 references;
- Proposal, explaining why he/she is most suitable for the assignment, including past experience in similar assignments, providing a brief information on above qualifications, and brief methodology on how he/she will approach and conduct the work.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). 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 will include a breakdown of this lump sum amount (including fees, taxes, travel costs, accommodation costs, communication, 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.

The travel costs to Moldova shall be indicated separately and will be covered only if the travel will be allowed in the COVID-19 context.

6. EVALUATION

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

- Master's degree (or 5 years university education) in Foreign Languages, Law, Education, Pedagogy, or another relevant field;
- At least 7 years of proven professional experience in developing and delivering initial and continuous training programmes.

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% (300 pts);

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

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master's Degree or equivalent (5-year university education) in Foreign Languages, Law, Education, Pedagogy, or another relevant field	<i>Master – 10 pts., PhD – 15 pts.</i>	15
At least 7 years of proven professional experience in developing and delivering initial and continuous training programmes.	<i>7 years – 30 pts., each additional year of experience – 5 pts. up to a maximum of 40 pts.</i>	40
Experience in developing training curricula for legal professionals is an advantage	<i>No – 0 pts, Yes – 10 pts</i>	10
<u>Interview</u>	<ul style="list-style-type: none"> • Proven experience with developing English language training for specific purposes (<i>None – 0 pts, limited – 20 pts, good – 35 pts, strong – 50 pts</i>) • Previous proven experience of conducting trainings of trainers - (<i>None – 0 pts, limited – 10 pts, good – 25 pts, strong – 40 pts</i>) • Previous working experience related to professional legal training issues in Eastern European and/or CIS countries is an advantage - (<i>None – 0 pts, limited – 10 pts, good – 20 pts, strong – 30 pts</i>) • Experience in similar positions with UN entities, EU or other international organization is an advantage (<i>No – 0 pts, Yes - 30 pts.</i>) • Proficient knowledge in international and local standards in curriculum (<i>None – 0 pts, limited – 10 pts, good – 25 pts, strong – 40 pts</i>) • Strong knowledge of interactive and applied teaching methods and techniques in professional training (<i>None – 0 pts, limited – 10 pts, good – 20 pts, strong – 30 pts</i>) • Proficiency in English language. Knowledge of Romanian and/or Russian is an advantage (<i>each language 5 pts, up to 15 pts.</i>) 	235
Maximum Total Technical Scoring		300

<u>Financial</u>	
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p><u>$S = F_{min} / F * 200$</u></p> <p>S – score received on financial evaluation;</p> <p>F_{min} – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p>F – financial offer under consideration</p>	200

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