



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **28 JUNE 2021**

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**Country:** Republic of Moldova

**Description of the assignment:** National 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 25 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](mailto: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.

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### 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,<sup>1</sup> 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),<sup>2</sup> 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,<sup>3</sup> while the quality of

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<sup>1</sup> 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.

<sup>2</sup> 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>

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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,

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<sup>4</sup> 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.

<sup>5</sup> 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 National Consultant’s assignment is to offer support to the International Consultant on developing 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. Contribute to the methodology and the action plan for the assignment;
2. Provide inputs to the desk review on good practices referring to “Legal English” training programs;
3. Provide analytical support (provide insights of the relevant Moldovan legislation and internal regulations of the NIJ, collect data relevant for the assignment, identify and provide inputs on specific problems/issues, etc.) relevant for the assignment;
4. Facilitate key meetings of the International Consultant with the NIJ staff, trainers and trainees, as well as other relevant institutions and stakeholders during his/her working missions to Moldova, as needed;

5. Participate in and facilitate the activities performed by the International Consultant while in mission in Moldova;
6. Act as a liaison and ensure effective communication between the International Consultant, the NIJ staff, trainers and trainees, as well as other relevant institutions and stakeholders;
7. Under the general guidance of the International Consultant, coordinate the legal side (texts, terminology, case studies, etc.) of the assignment;
8. Provide inputs to the concept, full training program, reports and other documents prepared as part of the assignment;
9. Review the Romanian translation of any products delivered as part of the assignment to ensure harmonization and compliance with the terminology used at the national level;
10. Perform other assignment related activities.

*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 Law, Human Rights, Social Sciences, or another relevant field;

#### Work experience:

- At least 3 years of proven professional experience in developing and delivering training programmes. Developing training curricula for legal professionals is an advantage;
- Previous experience of working as a legal professional (judge, prosecutor, or lawyer);
- Previous experience of conducting trainings for trainers and/or acting as a mentor is an advantage;
- Previous working experience with UN entities, EU or other international organization is an advantage.

#### Competencies:

- Knowledge of interactive and applied teaching methods and techniques in professional training;
- Knowledge of the legal system and related problems to the system in the Republic of Moldova is an asset;
- 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);
- Knowledge of Romanian and English languages for the purposes of the assignment;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset;
- 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. *Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.*

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:

- Offeror's Letter confirming interest and availability for the Individual Contractor assignment and 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 equivalent (5-year university education) in Law, Human Rights, Social Sciences, or another relevant field;
- At least 3 years of proven professional experience in developing and delivering 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
<b><u>Technical</u></b>		
Master's Degree or equivalent (5-year university education) in Law, Human Rights, Social Sciences, or another relevant field	<i>Master – 10 pts., PhD – 15 pts.</i>	15
At least 3 years of proven professional experience in developing and delivering training programmes.	3 years – 30 pts., each additional year of experience – 5 pts. up to a maximum of 40 pts.	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"> <li>• Proven experience of working as a legal professional (judge, prosecutor, or lawyer)- (<i>None – 0 pts, limited – 20 pts, good – 35 pts, strong – 50 pts</i>)</li> <li>• Previous experience of conducting trainings for trainers and/or acting as a mentor is an advantage - (<i>None – 0 pts, limited – 10 pts, good – 25 pts, strong – 40 pts</i>)</li> <li>• Previous working experience with UN entities, EU or other international organization is an advantage - (<i>No – 0 pts, Yes - 40 pts.</i>)</li> <li>• Knowledge of interactive and applied teaching methods and techniques in professional training (<i>None – 0 pts, limited – 10 pts, good – 25 pts, strong – 40 pts</i>)</li> <li>• Knowledge of the legal system and related problems to the system in the Republic of Moldova is an asset (<i>None – 0 pts, limited – 10 pts, good – 25 pts, strong – 40 pts</i>)</li> <li>• Knowledge of Romanian and English languages for the purposes of the assignment. Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset (<i>each language 5 pts, up to 15 pts.</i>)</li> </ul>	225

Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	(no – 0 pts., to one group – 5 pts., to two or more groups – 10 pts.)	10
<b>Maximum Total Technical Scoring</b>		<b>300</b>

\* Under-represented groups in UN Moldova are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees and other non-citizens.

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

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**