



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **14 July 2021**

Country: Republic of Moldova

Description of the assignment: National Legal Expert to develop a draft methodology for environmental damage assessment from the regular (in accordance with the Operating rules) or irregular (in breach of the Operating rules) operation of the Dniester HPC.

Project name: The Dniester Hydro Power Complex Social and Environmental Impact Study

Period of assignment/services: July -September 2021, up to 35 working days per assignment

Proposals should be submitted online by pressing the "**Apply Online**" button, no later than **28 July 2021**. Requests for **clarification only** must be sent by standard electronic communication to the following e-mail nadejda.chilaru@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

The project aims to support the Moldovan Government's efforts to avoid further environmental degradation and likely negative socio-economic impacts resulting from functioning the Dnestrovsk HPC, through the provision of support in the course of the negotiation of inter Government Agreement between Moldova and Ukraine on the functioning of Dnestrovsk Hydro Power Complex in Ukraine

The Overall Objective of the project is to protect and effectively manage the water resources of the Dniester River in a sustainable and transboundary collaborative manner.

The Specific Objectives are:

- To ensure that the Government of the Republic of Moldova is fully prepared for negotiations on the Agreement on the functioning of the Dniester HPC.
- To contribute to public awareness raising and involvement in the protection of the Dniester River.

Three outputs shall be produced under the Dniester Project. These are:

- Output 1. Detailed Study on current and potential environmental and socio-economic impacts on the territory of Moldova resulting from the operation of the hydropower generation facilities on the Dniester River elaborated, and the findings widely distributed
- Output 2. Capacities of the Moldovan negotiation team enhanced
- Output 3. Public awareness raised, and transparency of the transboundary management of the Dniester River increased

Along above-mentioned objectives to be achieved, implementation of the Project shall also contribute to the improvement of the Moldo-Ukrainian transboundary cooperation by providing at both parties a better

understanding of the management objectives for the large scale hydropower infrastructure based on the improved knowledge of long-term negative environmental and socio-economic impacts on the downstream region, water resources management in a transboundary context, and state of the art requirement and proper due diligence.

2. DUTIES AND RESPONSIBILITIES

Under the guidance and direct supervision of the Project Team Leader, the incumbent provides effective, timely and efficient consultancy support to the project team. The Legal expert will embrace a client-oriented approach and comply with UNDP rules and regulations. He/she will ensure timely outputs.

The Legal expert must work in close collaboration with the other experts in the project for the effective achievement of results, anticipating and contributing to resolving complex project-related issues and information delivery.

The National Expert, in close cooperation with the Team Leader, will ensure the provision of development services and products (commensurate with the scope of the Project) of the highest quality and standards to national stakeholders through applying HRBA and GE approaches. More specifically:

1. The Legal expert, in close cooperation with the international expert will develop a draft methodology for environmental damage assessment from the regular (in accordance with the Operating rules) or irregular (in breach of the Operating rules) operation of the Dniester HPC. It is expected that this methodology should be drafted in a flexible way so that it can be used/adapted during the negotiating process taking place within or outside the Dniester Commission.
2. The Legal expert, in close collaboration with the national expert on hydrology and international hydropower specialist, will draft the methodology for estimating the minimum spring and environmental flows.
3. The legal expert is expected to provide necessary support in the organization and participate in a workshop on validation and prioritization of legal and technical arguments to be used in negotiations with the Ukraine side and which were developed based on conclusions and recommendations of the Dniester HPC Impact Study.
4. The legal expert will support the preparations of the Moldovan delegation for the upcoming meeting of the Dniester Commission (Autumn 2021).

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 in Law, public administration, water governance or closely related areas.

II. Years of experience:

- 5 years of experience in the field of jurisprudence;
- Proven knowledge of techniques for drafting legal acts; Experience in drafting regulations and methodologies will be an asset.
- At least 2 years of previous legal consultancy within technical assistance projects; Experience with water management/governance projects will be an asset.

- Knowledge of issues regarding the transboundary management of the Dniester River;
- Good command of MS Microsoft (Word, Excel, etc.).

III. Competencies:

- Ability to meet deadlines and prioritize multiple tasks;
- The ability to work remotely and managing virtual communication platforms;
- Strong communication and interpersonal skills, including the ability to effectively communicate with persons from a variety of backgrounds;
- Ability to enter new environments, adapt quickly and produce immediate results.

Language requirements:

- Fluency in oral and written English and Russian are required, English will be considered as 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 another status.

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. CV, including information about past experience in similar projects/assignments and contact details for at least 3 referees for a reference check;
2. Financial proposal - in USD, specifying a total lump sum amount and the number of anticipated working days, incorporated in the Offeror's Letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment.

5. FINANCIAL PROPOSAL

Lump-sum contracts

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 all related costs e.g., fees, taxes, travel, phone calls etc.) and the number of anticipated working days. The consultant shall bear costs for all supplies needed for data collection and data processing including possession of his own personal computer.

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 to 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.

6. EVALUATION

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

- Master's Degree or equivalent in Law, public administration, water governance or closely related areas.
- At least 5 years of experience in the field of jurisprudence and at least 2 years of previous legal consultancy within technical assistance projects; Experience with water management/governance projects will be an asset.

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 in Law, public administration, water governance or closely related areas.	University degree – 30 pts, Master's – 40 pts	40
5 years of experience in the field of jurisprudence.	<5 years – 30 pts, each additional year 5 pts up to 50 pts	50
Proven knowledge of techniques for drafting legal acts; Experience in drafting regulations and methodologies will be an asset	<5 years - 30 pts, each additional year 5 pts up to 50	50
At least 2 years of previous legal consultancy within technical assistance projects; Experience with water management/governance projects will be an asset	no – 0, up to 2 years – 40 pts, >2 years – 60 pts	60

Knowledge of issues regarding the transboundary management of the Dniester River;	No – 0 pts, yes – 30 pts	30
Good command of MS Microsoft (Word, Excel, etc.);	No – 0 pts, yes -20 pts	20
Fluency in oral and written Romanian and Russian are required, English will be considered as an advantage.	Romanian and Russian – 10 pts each; English – 20 pts	40
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
Maximum Total Technical Scoring		300
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

* Under-represented group in the area of the assignment are women. 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.

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