



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **15 July 2021**

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**Country:** Republic of Moldova

**Description of the assignment:** National Legal Consultant to support introducing of climate services by improvement in the legal framework

**Project name:** NAP-2: Advancing Moldova's National Climate Change Adaptation Planning Project

**Period of assignment/services:** August 2021 – June 2022, 60 working days

**Contract type:** Individual Contract (IC)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **30<sup>th</sup> of July 2021**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [pavel.gavrilita@undp.org](mailto:pavel.gavrilita@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

Climate change is already profoundly impacting the conditions for resource availability and agricultural activities. Over the last decade, the country has experienced several extreme events, such as droughts and major floods, along with the cumulative effects caused by increased mean temperature and the uneven distribution of precipitation throughout the year, which have had negative consequences on the country's economy, and its population wellbeing and health. Severe droughts are recurring more frequently, causing significant economic losses. The increasing scope and intensity of extreme events have also resulted in increased frequencies of high-risk situations. By 2050, an increase of 2–3°C in the average temperature, an additional 32 days that exceed the current maximum temperature by 10%, and another 12 days with zero precipitation are projected.

The Government sees the National Adaptation Planning (NAP) process as key to achieving the adaptation objectives outlined in its 2014 Climate Change Adaptation Strategy of the Republic of Moldova and its 2020 Nationally Determined Contributions (NDC), as well as the continued mainstreaming of climate change considerations into its policies and budgeting processes. The proposed project supports the Republic of Moldova's Government in advancing the second cycle of its National Adaptation Planning process (known as NAP-2). The outcomes of the NAP-2 national adaptation planning processes are:

- **Outcome 1:** To strengthen and operationalize the national steering mechanism for climate change adaptation (CCA);
- **Outcome 2:** To improve the long-term capacity on planning and implementation of adaptation

- actions through CCA technologies;
- **Outcome 3:** To improve the mainstreaming of climate change adaptation through the increased alignment of national development priorities in the priority sectors (forestry, health, energy, and transport).

The project will contribute to UNDAF, 2018-2022 outcome #3 (The people of Moldova, especially the most vulnerable, benefit from enhanced environmental governance, energy security, sustainable management of natural resources, climate, and disaster-resilient development). Additionally, the project will contribute to the UNDP Country Programme Output 3.3 (National and sub-national governments have improved capacities to integrate resilience to climate change and disasters into development plans and practices to reduce population's vulnerability). Other than that, the project will contribute to the National Development Strategy "Moldova 2030" by ensuring resilience to climate change by reducing risks related to climate change and by facilitating adaptation in six priority sectors - agriculture, water resources, health, forestry, energy, and transport.

The preliminary work under the first cycle of the NAP (known as NAP-1) supported developing a NAP as a process, conceptualizing, and developing its elements, including the national steering mechanism, and laid down the groundwork towards long-term adaptation planning. Despite the progress, significant gaps remain in integrating climate change considerations into many of the national priority sectors' development policies and their associated budget priorities. National appropriations for CCA remain limited.

The NAP-2 goals will be achieved within two parallel implementation tracks. The first track implemented by UNDP expands and deepens the national approach developed under the NAP-1 and strengthens synergies both vertically, at different levels of the governance, and horizontally, between the sectors affected by climate change to reduce duplication of efforts, pool scarce resources for efficient use, and ensure a coherent and comprehensive approach to the integration of CCA responses into development planning. In contrast, the second track will focus on adaptation in the agriculture sector and will be concurrently implemented under FAO's auspices.

The National Designated Authority has coordinated with the UNDP and the FAO country offices to ensure the complementarity and congruency of the activities and exchange, as appropriate. By its very nature, the NAP-2 will facilitate the integration of CCA into existing strategies, policies, and programs and establish a strong foundation for the integration of methods, tools, and information systems in day-to-day planning activities to inform decision-makers on the climate risks effectively and to enable the informed formulation of resilient projects and financing strategies.

Statistical analyses show that the loss of life and property caused by hydrometeorological disasters has increased in recent decades. It is also reported that the frequency and severity of the weather, climate, and water-related hazards causing disasters have been increasing due to climate change. The losses from hydrometeorological and climate disasters can be prevented or mitigated by predicting severe weather and climate conditions causing disasters by issuing early warnings for decision-makers, disaster managers, and the public at large.

Furthermore, it must be considered that the assessment of the meteorological, hydrological, and climate data, products, and services, particularly long-term climate statistics, as the decisive criteria for all sectoral planning and applications will provide extreme contribution for risk reduction, increasing the structural and social resilience against disasters, and sustainable development of the country.

It is obvious that the service delivery capacity of the State Hydrometeorological Service (SHS) must be improved by making necessary investments in human resources, technological infrastructure, and research capabilities in order to ensure the provision of required products and services for the public and private

sectors, and for the wellbeing of whole Moldovan community. Obviously, no improvement could occur without strong legal and policy framework

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

This assignment's main objective is to enhance State Hydrometeorological Service legal competencies by integration of climate services into the existing legislative and regulatory framework (Law nr. 153 from 25.02.1998 on hydrometeorological activity and Regulation on organisation and functioning of SHS).

### **Specific tasks:**

The National Consultant will support national authorities to integrate the climate services into the relevant legal and regulatory frameworks. He/she will work closely with the project team, representatives of State Hydrometeorological Service, Ministry of Agriculture, Regional Development and the Environment and the other relevant stakeholders. The specific tasks are presented below:

- Review of existing relevant legislative and regulatory framework on hydrometeorological activity, familiarize with the relevant documents and studies in the area, including existing Law nr. 153 from 25.02.1998 on hydrometeorological activity and Regulation on organisation and functioning of SHS;
- Identify entry points for introducing new climate services into the new or updated legal and regulatory frameworks;
- Prepare legal documents to support the elaboration of the new Law including drafting together with the representatives of the State Hydrometeorological Service documents that are supporting the law-making process: analyse ex-ante; concept of the legal act;
- Participate in the sessions of the Working group established for the development of the legal document;
- Draft Law on hydrometeorological activity according to the provisions of Law no. 100/2017 on normative acts and ensure the transparency of the decision-making process and approval procedure;
- Based on the proposed changes to the Law on hydrometeorological activity, existing assessments and the recommendations from the World Meteorological Organization formulate the main chapters of the Regulation, that will include but not limited to: mission, vision, main responsibilities, duties, and other aspects according to the national legislative procedure requirements;
- Support the development of the Regulation of organization and functioning of the State Hydrometeorological Service;
- Participate in workshops, meetings and visits together with the representative of the State Hydrometeorological Service to present, and collect feedback from relevant stakeholders;
- In consultation with the State Hydrometeorological Service prepare Draft Regulatory Impact Assessment (RIA) under the national procedure for developing normative acts;
- In consultation with the State Hydrometeorological Service prepare a draft of the information note under the national procedure for developing normative acts;
- Participate in the sessions of the Working group established for the development of the legal document;
- Process feedback from stakeholders, develop the Table of Concordance and the adjusted version of the developed documents;
- Prepare a final report on the implementation of the assignment.

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

## **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

### **Academic Qualification:**

- University degree in Law

### **Experience:**

- At least 4 years of working experience in developing/contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/reviewing process;
- At least 3 legal acts, regulations, or similar documents in the environment and climate change fields drafted;
- Experience of work with international organizations and in international projects will be an asset.

### **Competencies:**

- Knowledge of the national climate-related legal and policy framework, will be an asset;
- Demonstrates excellent organizational skills and a proven ability for multi-disciplinary analysis;
- Excellent writing, presentation, public facilitation skills.

### **Language requirements:**

- Fluency in Romanian is required for this assignment; knowledge of English and Russian will be 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. Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.

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**

Applicants shall submit the following **required documents**:

- Offeror's Letter confirming Interest and Availability, including financial offer, according to Annex 2;
- CV, including information about experience in similar assignments;
- Brief description of why the individual considers him/herself the most suitable for the assignment.

If an applicant is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the applicant must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

## **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 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.

**6. EVALUATION**

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

- University degree in Law;
- At least 4 years of working experience in developing/contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/reviewing process.

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>		
University degree in Law	under-Master’s – 20 pts., Master’s degree – 40 pts., PhD degree – 50 pts.	50
At least 4 years of working experience in developing/ contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/ reviewing process	4 years – 40 pts, each additional year 5 pts up to max – 60 pts	60
At least 3 legal acts, regulations, or similar documents in the environment and climate change fields drafted	< 3 documents – 0 pts, 3 documents – 5 pts., > 3 documents – 5 pts. for each additional document up to 40 pts.	40
Experience of work with international organizations and in international projects will be an asset	each assignment 5 pts. up to max. 20 pts.	20

<b>Interview</b> (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness).		
Knowledge of the national climate-related legal and policy framework, will be a strong asset	limited –<15 pts, satisfactory – <35 pts, extensive – <50 pts	50
Demonstrates excellent organizational skills and a proven ability for multi-disciplinary analysis	limited –<10 pts, satisfactory – <20 pts, extensive – <25 pts	25
Excellent writing, presentation, public facilitation skills	limited –<10 pts, satisfactory – <20 pts, extensive – <25 pts	25
Fluency in English and Romanian, Russian is an asset	English – max 10 pts., Romanian – max 10 pts., Russian – max 5 pts.	25
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment <sup>1</sup>	no – 0 pts., to one group – 2 pts., to two or more groups – 5 pts.	5
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b>Financial Evaluation Scoring</b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> 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.		<b>200</b>

#### Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

#### **Important notice:**

The applicant's who has the statute of Government Official / Public Servant, prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the government, and;
- the applicant is certified in writing by the government to be on official leave without pay for the entire duration of the Individual Contract.

A retired government official is not considered in this case a government official, and as such, may be contracted.

#### **ANNEXES:**

**ANNEX 1 – TERMS OF REFERENCES (TOR)**

**ANNEX 2 – OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY**

**ANNEX 3 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**

<sup>1</sup> Under-represented group in the area of assignment are (men/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.