



INDIVIDUAL CONSULTANTS PROCUREMENT NOTICE

Date: **09 August 2021**

Country: Republic of Moldova

Description of the assignment: National legal expert responsible for revision of the National Commodity Description and Coding System

Project name: Implementing Enabling Activities for the Ratification of the Kigali Amendment by the Republic of Moldova

Period of assignment/services: August – December 2021 (up to 12 working days)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **23 August 2021, 16:30 (Moldova local time)**.

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

I. BACKGROUND

The Republic of Moldova is Party to the Vienna Convention for the Protection of the Ozone Layer (Vienna, March 22, 1985) and Montreal Protocol (Montreal, September 16, 1987) since 1996. In this line, the country has committed to gradual phase-out of ozone depleting substances (ODS), such as hydrochlorofluorocarbons (HCFCs), mostly because of their high Ozone Depleting Potential (ODP).

The Montreal Protocol has been recognized as the most successful Multilateral Environmental Agreement (MEA) and, in 2016, the Parties to the Montreal Protocol adopted the Kigali Amendment, a landmark agreement that can avoid additional emissions of around 80 billion tonnes of CO₂ eq. and up to 0.5° Celsius of global warming by phasing down 80-85% of hydrofluorocarbons (HFCs) by the year 2050.

Under the Kigali Amendment, the Montreal Protocol will manage and phase-down the consumption of high-Global Warming Potential (GWP) hydrofluorocarbons (HFCs), the most common alternatives used to replace the ODS being phased-out under the Montreal Protocol, particularly in the Refrigeration and Air Conditioning (RAC) sector, which, under the Business-as-Usual (BAU) scenarios, their demand is expected to grow in the next years. In this regard, there are important opportunities to enhance energy efficiency (EE) in the RAC sector by taking advantage of the refrigerant conversion processes and other activities driven by the Montreal Protocol projects, as well, to cope with the energy demand of this base of RAC equipment that is expected to keep growing, as the RAC sector was responsible for roughly 17% of the world energy consumption in 2015.

In this regard, this Project, supported by the Multilateral Fund (MLF), aims to provide technical assistance to the Republic of Moldova to support the implementation of the Enabling Activities that will enable the ratification and the earlier implementation of the Kigali Amendment (as per ExCom Decision 79/46) by carrying out activities to support the ratification process, to help the Government of the Republic of Moldova through its national Montreal Protocol Unit (MPU) to fulfil the initial obligations on the HFCs control and phases-down, including country-specific activities aimed at initiating support on institutional arrangements, the review of licensing systems, data reporting on HFCs consumption, and development of initial research on national strategies for compliance.

The Project will support the Republic of Moldova to:

- 1) Review and assess the legal/regulatory framework required to allow implementation and initial controls and reporting of HFCs under the Kigali Amendment's obligations;
- 2) Follow the steps required to ratify the Kigali Amendment;
- 3) Build capacities at the Ministry of Environment (MoE) and its national Montreal Protocol Unit on the ratification and implementation of the Kigali Amendment and energy efficiency improvements as result of the Montreal Protocol activities;
- 4) Propose initial research on a long-term national strategy to control HFCs in selected sectors;
- 5) Assess the opportunities to establish a long-term coordination mechanism between all relevant Governmental institutions impacted by the Kigali Amendment commitments.

In order to achieve the expected results of the project, UNDP is currently seeking a national consultant (a legal expert) to implement in close coordination with the national Montreal Protocol Unit (MPU) under the Public Institution "Environmental Projects Implementation Unit" (P.I. "EPIU") of the MoE, the activities scheduled within the Enabling Activities for the Ratification of the Kigali Amendment by the Republic of Moldova.

II. OBJECTIVES AND EXPECTED DELIVERABLES OF THE ASSIGNMENT

The overall objective of the assignment is to provide technical/legal support to the Republic of Moldova's Government for aligning the National Commodity Description and Coding System with Harmonized System Nomenclature (2022 edition).

Specific tasks:

The national consultant, under the supervision of the national Montreal Protocol Unit of the P.I. "EPIU" and UNDP Country Office, will have responsibility to carry out the following main tasks:

- 1) Assess the new coding system contained in the Harmonized System (HS) nomenclature of 2022 Edition for the series of pure and blended HFCs and propose revisions of the National Commodity Description and Coding System, approved through Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods;
- 2) To deliver a national workshop in coordination with the Customs Service of the Republic of Moldova to present the results of the assessment and the proposed revisions to the Law No. 172 as of 27.07.2014 on Combined Nomenclature of Goods.

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

III. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualification:

- Advanced degree (Master or Ph.D.) in law, customs law, environment or closely related area.

II. Experience:

- At least 4 years of proven professional experience in legal acts drafting/transposing EU regulations into national legislation and normative acts analysis;

- Experience in assignments related to control of chemicals import export, including ozone-depleting substances (ODSs);
- Experience in working with legal and normative framework of the Customs tariffs;
- Experience in activities/projects related to legal and normative framework of the Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali Amendment to Montreal Protocol, would be an asset;
- Strong analytical and reporting skills (legal acts/national reports/policy papers and research papers), demonstrated by previous assignments;
- Experience of team work, working with a national team of experts etc.;
- Proven experience in working with international or local organizations on similar assignments (successful experience in working with UN agencies) demonstrated by previous assignments (will be an asset).

III. Competencies:

- Knowledge of principles, legal and normative framework of the Customs tariffs;
- Knowledge of principles under the Vienna Convention on Ozone Layer Protection and Montreal Protocol;
- Knowledge of the legal process of drafting legislation (Law 100/ 2017);
- Strong interpersonal and communication skills, ability to work in a team, demonstrated by previous assignments;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout.

Language requirements:

- Fluency in Romanian and good knowledge of Russian is required for this assignment, English 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.

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.

IV. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Applicants shall submit the following 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 as the most suitable for the assignment.

Incomplete applications will not be considered.

Important notice:

The applicants who have 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.

V. 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) (see Annex 2 of the Offeror's Letter Confirming Interest and availability attached to this Procurement Notice).

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.

VI. EVALUATION

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

- Advanced degree (Master or Ph.D.) in law, customs law, environment or closely related area;
- At least 4 years of proven professional experience in legal acts drafting/transposing EU regulations into national legislation and normative acts analysis;

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

For team leader

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
• Advanced degree (Master or Ph.D.) in law, customs law, environment or closely related area	(Master - 30 pts., PhD – 40 pts.)	40

Criteria	Scoring	Maximum Points Obtainable
At least 4 years of proven professional experience in legal acts drafting/transposing EU regulations into national legislation and normative acts analysis	(4 years – max. 20 pts, each additional year 5 pts. up to max – 50 pts.)	50
Experience in assignments related to control of chemicals import export, including ozone-depleting substances (ODSs)	(10 pts. for each assignment)	30
Experience in working with legal and normative framework of the Customs tariffs	(10 pts. for each assignment)	40
Experience in activities/projects related to legal and normative framework of the Vienna Convention on Ozone Layer Protection and the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali Amendment to Montreal Protocol, would be an asset	(10 pts. for each assignment)	30
Strong analytical and reporting skills (legal acts/national reports/policy papers and research papers), demonstrated by previous assignments	(5 pts. for each assignment)	25
Experience of team work, working with a national team of experts etc.	(10 pts. for each assignment)	30
Proven experience in working with international or local organizations on similar assignments (successful experience in working with UN agencies) demonstrated by previous assignments (will be an asset)	(10 pts. for each assignment)	30
Excellent command of Romanian and Russian, English is an asset	(Romanian and Russian – 8 pts. each; English – 4 pts)	20
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment¹	(no – 0 pts., to one group – 2 pts., to two or more groups – 5 pts)	5
Maximum Total Technical Scoring		300
<u>Financial</u>		
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

Winning candidate

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

7. ANNEXES

ANNEX 1 – TERMS OF REFERENCES (TOR)

Annex 2- OFFEROR'S LETTER CONFIRMING INTEREST AND AVAILABILITY, including financial proposal (template).

ANNEX 3 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

¹ 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.