

## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 04 April 2022

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Country: Republic of Moldova

Description of the assignment: National Legal Expert on Contraventions (misdemeanor procedures) and Contestation matters to train the staff of the Central Electoral Commission and develop supportive materials.

Period of assignment/ services: May 2022 – June 2022 (20 working days)

Contract type: Individual Contract (IC)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than 20<sup>th</sup> of April 2022, 15:30 Moldova Local time (GMT+2).

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

Electoral support and capacity development are part of UNDP's democratic governance assistance worldwide, through which UNDP helps nations build democratic frameworks to improve representation, accountability, and transparency for the benefit of citizens. In this context, UNDP has a long-standing partnership with the Central Electoral Commission (CEC) and the Center for Continuous Electoral Training (CCET) aiming at advancing the democratic electoral processes in Moldova by consolidating the transparency and efficiency of elections' management, modernization of electoral IT solutions and enhancing the inclusiveness and participation of voters. This partnership, which spans over 10 years, resulted in the establishment of strong professional institutions, development of a modern State Automated Information System "Elections" (SAISE), the enhancement of the State Register of Voters' accuracy and the design and implementation of effective long-term civic and voter education instruments.

Throughout the last electoral cycles, due to the continuous UNDP's support CEC and CCET have demonstrated strengthened capacities and, despite challenges and persistent financial limitations faced by the institutions, managed to successfully deliver "well-administered elections", as attested by OSCE/ODIHR Observation Missions. According to the report of the OSCE/ODIHR IOM on the 2021 Snap Parliamentary Elections<sup>1</sup>, while, in general, the complaints and appeals framework (*primarily regulated by the Electoral Code and the Administrative Code*) provides avenues for dispute resolution, there are some gaps and contradictions, and the complexity of the rules undermines the accessibility of dispute resolution for election participants. The IOM report also highlights<sup>2</sup> that "(...) legislative and judicial efforts should ensure a harmonized and clear legal framework on procedures, as well as substantive handling of electoral complaints and appeals".

Building on the sustainable results achieved during the first phase of the Project implementation (2017 – 2020), the overall Goal of the current Project's II phase (2020 – 2023) is to achieve an enhanced integrity, transparency, and inclusiveness of the electoral process in Moldova by ensuring a more independent and credible electoral administration and better informed and pro-active citizens. Thus, the UNDP Project aims to support the CEC with hiring an expert to train the CEC staff regarding contravention and complaints procedures, addressing the key legal gaps and respectively develop the knowledge of the CEC staff regarding the contravention and Complaints Procedures applicable within the existing Electoral Framework. The expected result of this assistance aims to enhance the knowledge of the CEC staff in understanding better the electoral complaints, the applicable regulations and provide answers for overlapping norms or encountered difficult procedural aspects.

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

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<sup>1</sup> ODIHR Limited Election Observation Mission / 2021 Snap Parliamentary Elections in the Republic of Moldova / Final Report, available at: <https://www.osce.org/files/f/documents/0/5/508979.pdf>

The general objective of the assignment is to provide necessary training and expert knowledge for the staff of the CEC regarding the electoral framework, contravention procedures, and electoral complaints processes and develop materials. The assignment is aimed to be implemented in two stages. The second stage will be subject to the necessity and confirmation by the CEC. The second stage will be confirmed separately after the fulfillment of the first stage.

The specific objectives will include:

During the first stage of the assignment (period: March 2022):

- The consultant will determine the trainings' structure and develop the training materials.
- The consultant will deliver at least 2 trainings (2 days each training), for 2 groups of people (with a maximum of 10 people in each group), in accordance with the timeline and preferences indicated by the CEC.
- Draft and present a comprehensive report and a summarizing power point presentation.

During the second stage of the assignment (period: April 2022):

- Elaborate an internal Guidelines material for the staff of the CEC which may serve as an internal resource for the applicability of the electoral framework (the Electoral Code, Contravention Code, Criminal Procedural Code, Law regulating the Political Parties and other normative acts referring to the contravention procedures and contestations).

*\*\*Note: for the purposes of the assignment, it is suggested that the consultant conducts on-site consultations with the representatives and staff of the CEC and CEC's divisions.*

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

### 3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- Bachelor's degree or higher in law

Experience:

- At least 5 years of demonstrated practical and recent experience within the Courts of Laws of the Republic of Moldova (both district and appellate courts) with specialization on contravention cases and contestations against the decisions, actions, or inactions of the public authorities (either as licensed attorney, practicing judge, or prosecutor).
- At least 3 assignments in conducting trainings/coaching for legal professionals, public authorities, and other relevant entities.

Competencies:

- Demonstrated experience in the practical application of the updated Electoral Code, Contravention Code, Criminal Procedural Code, Law regulating the Political Parties, regulations referring to the financing of political parties, and other relevant normative acts in electoral litigations (pertaining to the contravention procedures and contravention processes, preparation of the contravention enforcement protocols, documentation of the evidence and mandatory legal requirements, application of penalty charge notices and contestations against these, actions or inactions of the competent public authorities and contestation procedure per general).
- Consultancy and/or analysis/research related to electoral litigations would be a strong advantage.
- Demonstrated experience in developing guidelines, training methodology and materials for legal professionals, public authorities, and other relevant entities (reference/links to be included in the application package).
- Previous assignments related to the electoral/democratic processes is a strong advantage.
- Previous experience of work with UNDP, ISFED and/or other development partners is an advantage
- Fluency in Romanian and Russian language (verbal and written) is a must.

Personal qualities:

- Proven commitment to the core values of the United Nations, in particular respecting differences of culture, gender, religion, ethnicity, language, age, HIV status, disability, and sexual orientation, or other status.
- Excellent research, analytical and writing skills.
- Responsibility, creativity, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively.

*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.
- ✓ Technical proposal (*including brief description of experience, approach, and methodology for the completion of the assignment*).
- ✓ Proposal (Motivation Letter): explaining why they are the most suitable for the work including previous experience in similar Projects (please provide brief information on each of the above qualifications, item by item);
- ✓ Financial proposal (in USD, specifying a total requested amount per deliverable, including all related costs, e.g. fees, phone calls etc.);
- ✓ Duly completed and updated personal CV and at least 3 references.

Incomplete applications will not be considered.

#### 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. Payment will be made upon the successful completion of the tasks assigned and submission of the assessment report. Payments are based upon output, i.e. upon delivery of the services specified in the TOR. To assist the requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, communication costs, travel, per diems, and number of anticipated working days).

##### Travel

All envisaged local travel costs must be included in the financial proposal.

This includes all travel to join duty station.

No international travel is envisaged under this assignment.

#### 6. EVALUATION

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

- Bachelor's degree or higher (Master, PhD) in law
- At least 3 years of demonstrated practical and recent experience within the Courts of Laws of the Republic of Moldova (both district and appellate courts) with specialization on contravention cases and contestations against the decisions, actions, or inactions of the public authorities (either as licensed attorney, practicing judge, or prosecutor).
- At least three (3) assignments referring to the organization of trainings for legal professionals, public authorities, and other relevant entities. (Examples should be explicitly detailed in his/her CV).

Individuals who passed the minimum qualification criteria will be short-listed and will pass

##### Cumulative analysis:

The award of the contract shall be made to the Individual Consultants 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.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Bachelor's degree or higher (PhD) in law	Bachelor's degree – 20 pts. PhD – 30 pts.	30
At least 5 years of demonstrated practical and recent experience within the Courts of Laws of the Republic of Moldova (both district and appealation courts) with specialization on contravention cases and contestations against the decisions, actions, or inactions of the public authorities (either as licensed attorney, practicing judge, or prosecutor).	(5 years – max. 40 pts, each additional year – 5 pts, up to max. 70 pts)	70
At least 3 assignments referring to the organization of trainings for legal professionals, public authorities, and other relevant entities.	(3 assignments – 30 pts., each additional assignment – 10 points; up to max. 50 pts.)	50
Demonstrated experience in the application of the updated Electoral Code, Contravention Code, Criminal Procedural Code, Law regulating the Political Parties regulations referring to the financing of political parties, and other relevant normative acts in electoral litigations (pertaining to the contravention procedures and contravention processes, preparation of the contravention enforcement protocols, documentation of the evidence and mandatory legal requirements, application of penalty charge notices and contestations against these, actions or inactions of the competent public authorities and contestation procedure per general).	(each assignment – 15 points; up to max. 45 pts.)	45
Consultancy and/or analysis/research related to electoral litigations would be a strong advantage;	No- 0 pts; yes – 30 pts;	30
Demonstrated experience in developing guidelines, training methodology and materials for legal professionals, public authorities, and other relevant entities (reference/links to be included in the application package).	(Each assignment – 10 points; up to max. 30 pts.)	30
Previous experience of work with UNDP, ISFED and/or other development partners is an advantage	(Each assignment – 10 points; up to max. 30 pts.)	30
Fluency in Romanian and Russian language (verbal and written) is a must.	Fluency in Romanian - 10 pts, Russian – 5pts,	15
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).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS