



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **12 May 2022**

Country: Republic of Moldova

Description of the assignment: National Consultant on commercial law to support the launching of a large-scale vouchers programme for household appliances dedicated to energy vulnerable households (emergency support)

Project name: "Addressing the impacts of the energy crisis in the Republic of Moldova: Initiating solutions toward energy security and energy poverty" (FPI Programme)

Period of assignment/services: May 2022 - August 2023 (40 working days)

Contract type: Individual Contract (IC)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **26 May 2022**.

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

Moldova is part of the EU's European Neighborhood Policy (ENP) and in the Eastern Partnership framework, which aims at strengthening individual and regional relationships between the EU and countries in its neighborhood. Moldova is also part of the Energy Community Treaty since 2010 and has signed the Association Agreement with EU in June 2014, including the DCFTA which entered into force in 2016. As a follow-up, Moldova is required to ensure transposition of the EU *acquis Communautaire*, which underpins the EU energy legislation on electricity, gas, oil, renewables, energy efficiency and environment. The country has recently synchronized its electricity network with the ENTSO-E to connect to European electricity market.

The energy sector is one of the top priorities for the Government and it is addressed in Government's Plans and a number of policy documents, laws and regulations. The most important are the following: the draft National Development Strategy 2030, the National Energy Strategy 2030, Law on energy, Law on electricity, Law on promoting use of energy from renewable sources, Law on natural gas, Law on energy efficiency, Law on the energy performance of buildings, Law on the

labelling of products with energy impact, Law on eco-design requirements for energy-related products, etc., as well as a list of secondary legislation, meant necessary to ensure for the implementation of the primary legislation.

In accordance with the existing strategic planning documents, one of main priorities of the Government is to diversify the energy mix with more renewable energy, which is also fully in line with commitments under the EU Clean Energy for all Europeans packages. Achieving this goal will require significant investment in the medium and long term, but also the country's ability to attract and absorb the funds. The development of renewables, such as wind and solar, will also depend on improving the balancing capabilities of the Moldovan power system and its integration with neighboring countries.

Starting with October 2021, Moldova faced significant crisis in the gas sector, which outlined the need to undertake more actions towards improving energy security of the Republic of Moldova, both in the natural gas and electricity sectors. To enhance security of gas supply, Moldovan authorities are seeking various ways to diversify gas and electricity supply, to strengthen its energy security and enabling a transparent, fully open and well-functioning energy market.

The acute gas supply crisis in Moldova has also been subject of discussions within the Moldova-EU Association Council meeting on October 28, 2021. The EU and Moldova stressed the importance of resilience against any potential efforts by third parties to use energy as a geopolitical lever. The Association Council recalled the importance of continued energy market reform to strengthen competition and transparency in this sector. The EU has urged Moldova to ensure that the energy sector reform demonstrates full respect of the Energy Community acquis and is in line with the EU Third Energy Package. The EU side confirmed its support to the objective of Moldova for integration into the EU energy system and market, an important step being the recent synchronization of its electricity network with the Continental European Network (CEN).

Under these circumstances, the Government of Moldova will be assisted to tackle the current energy crisis and energy poverty, and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis. In partnership with EU, UNDP Moldova will therefore, support the Government of Moldova:

- To tackle the current energy crisis and energy poverty, and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis
- To support the Government of Moldova in building its capacities towards strengthening the national energy security, as well as in improving the legal and regulatory framework and operationalizing specific rapid large-scale interventions to tackle energy poverty and support most vulnerable and affected groups of population and businesses.

The Programme duration is envisaged between 2022- 2023 with support from Foreign Policy Instrument (herewith FPI) of EU.

In this context, UNDP Moldova is seeking to recruit a Legal Consultant to support design and implementation of a large-scale vouchers programme for household appliances dedicated to energy vulnerable households.

The vouchers programme aims to help energy vulnerable families to reduce their bills by replacing the old appliances such as electric bulbs, fridges, washing machines and electric stoves with the new energy efficient ones that own an energy label. The mechanism for issuing the vouchers will be developed on an electronic platform where the potential beneficiaries will have the possibility to apply for getting the voucher. A specialized IT company will be contracted to develop the electronic platform.

The sellers of the appliances will be approved in the programme on a competitive basis (it is expected to be signed contracts between UNDP and sellers of appliances) based on clear and transparent criteria, such as national coverage, capacity to ensure recycling or contract with authorized companies for recycling, capacity to ensure home delivery, a large offer of appliances with energy label etc. on a competitive basis. The beneficiaries (energy vulnerable households) will have the possibility to buy the appliances at a significant reduction of prices (between 70-80% depending on the category of appliances). For the rest of the amount will be assessed the payment possibility in installments over a period of 6-12 months.

The main target of the programme are the families beneficiaries of compensations from the government for the cold period of the year (about 200 000 families).

Under this action, the Consultant is expected to provide strategic/advisory and legal support to the FPI programme team on designing and running of the large-scale vouchers programme for household appliances for the identified vulnerable families.

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

This assignment has the objective of supporting the project team in designing and running of a large-scale vouchers programme for household appliances dedicated to energy vulnerable households.

More specifically the Consultant will support the FPI team in the design of the vouchers programme taking into consideration the existing legal arrangement, national and which are UNDP aligned, based on the existing experience and lessons learned in the region.

The Consultant will have the following responsibilities:

- Providing the legal expertise on the operational framework of the programme.
- Support to International Consultant in analysis of the country's context in terms of legal arrangements to initiate and run the voucher programme.
- Support in initiating the dialogue with potential partners from the private sector and other stakeholders, highlighting of the gray areas/risks to be taken into consideration.
- Support in drafting of the needed operational procedures/regulation of the vouchers programme which will describe the procedure of validation of the participants in the

programme (home appliance shops), the relation between all stakeholders part of the programme, their roles and responsibilities, the eligibility criteria for the potential beneficiaries, settlement of amounts by the validated commercial entities etc.

- Based on designed regulation/operational procedures, the National Consultant will support in drafting the legal part of the tendering documents to be launched by UNDP to select the partners from the private sector to be involved in the voucher programme, will prepare the required contract to be signed following the selection of the vendor, the template of the settlement request, the declaration on own responsibility of the beneficiary and other associated documents, as identified as needed. The procedures proposed for the voucher programme have to be also checked against the UNDP procedures and rules to ensure their feasibility.
- Provide on demand assistance for the design of the electronic platform and during the launching of the programme.
- Support to operationalize the Programme within the National Fund for Regional and Local Development.
- To participate occasionally in the consultation meeting between the FPI team and the beneficiaries of the programme (MIRD, MLSP, etc.).
- Any other support requested by the Programme manager and Team leaders.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Qualifications:

- Master's Degree or equivalent in Commercial law, economic law or other closely related fields.

Experience:

- At least 5 years of working/hands-on experience in the commercial and economic law;
- At least 3 years of relevant professional experience of engagement with a large variety of stakeholders (central public authorities, academia, CSO, private sector, etc.);
- Extensive experience of the country's legal and business profile;
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies.

Competencies:

- Computer proficiency, including knowledge of MS Office products (Word, Excel, Power Point) and electronic communication platforms such as Microsoft Teams, ZOOM, Google meet;
- A strong client-service orientation;
- High level of responsibility and organization capacities;
- Sensitivity and respect for sustainable development, human rights and gender equality;

- Ability to deal with people with tact and diplomacy;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout.

Language requirements:

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

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 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.

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:

- Master's Degree or equivalent in Commercial law, economic law or other closely related fields;
- At least 5 years of working/hands-on experience in the commercial and economic law.

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 Commercial law, economic law or other closely related fields	Master's degree – 40 pts., PhD degree – 50 pts.	50
At least 5 years of working/hands-on experience in the commercial and economic law	5 years – 40 pts, each additional year 10 pts. up to max – 70 pts.	70
At least 3 years of relevant professional experience of engagement with a large variety of stakeholders (central public authorities, academia, CSO, private sector, etc.)	3 years – 20 pts, each additional year 5 pts up to max – 50 pts.	50
Extensive experience of the country's legal and business profile	each assignment 10 pts., up to max. 50 pts.	50

Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies	each assignment 10 pts., up to max. 50 pts.	50
Fluency in English and Romanian is required for this assignment, Russian is an asset.	English and Romanian – max 10 pts. each., Russian max 5 pts.	25
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment ¹	no – 0 pts., to one group – 2.5 pts., to two or more groups – 5 pts.	5
Maximum Total Technical Scoring		300
Financial Evaluation Scoring		
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).

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

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.