



TERMS OF REFERENCE

Job title:	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)
Duty station:	Chisinau
Reference to the:	"Addressing the impacts of the energy crisis in the Republic of Moldova: Initiating solutions toward energy security and energy poverty" (FPI Programme)
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract type:	Individual Contract (IC)
Contract Duration:	May 2022 - August 2023 (40 working days)
Evaluation method:	Desk review of shortlisted candidates

1. PROJECT OBJECTIVES AND EXPECTED RESULTS

The overall objective of the Programme is to assist the Government of Moldova to tackle the current energy crisis and energy poverty in addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis.

Specific objectives are to support the Government of Moldova to:

1. put in place the legal and regulatory framework in the energy sector with mainstreamed social and climate considerations in line with the EU requirements;
2. strengthen the capacities of the energy-related actors and enhancing institutional coordination mechanisms to address and avert risks entailed in recent and potential future energy crisis;
3. increased awareness and communication among the population to adopt the best energy saving practices and measures and to encourage the use of renewables;

4. operationalize nation-wide energy programmes and demonstrate solutions to increase energy affordability in residential and public buildings, targeting specifically the most vulnerable and affected groups of population.

2. 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.

3. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

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.

4. EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

The assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe
1	Report on the legal analysis and provisions enabling launching of the voucher programme (national and UNDP-related) and on the provided support to the International Consultant for elaboration of the vouchers programme (<i>5 working days</i>)	May – June 2022
2	Inputs provided to the tendering documents, support to the selection of the private sector partner and drafting of the contract, based on the UNDP template (<i>10 working days</i>)	June – July 2022
3	The template of the settlement request (<i>1 working day</i>)	June – July 2022
4	The declaration on own responsibility of the beneficiary (<i>1 working day</i>)	June – July 2022
5	Report on the provided support for the design of the electronic platform and during the launching of the programme (<i>10 working day</i>)	November 2022
6	Report on the support provided to the National Fund for Regional and Local Development (<i>10 working days</i>)	August 2023
7	Draft legal opinions on project related issues upon Programme Manager request. (<i>3 working days</i>)	August 2023

Note: Deliverables and the final timeline can be amended or specified for the purpose of the assignment.

5. MANAGEMENT ARRANGEMENTS

The National Consultant will work under direct supervision of the Team Leader – Component 4 of the FPI Programme. Overall supervision of the assignment will be the responsibility of the FPI Programme Manager. UNDP will provide administrative and logistical support in organization of the consultation workshop. The National Consultant will work under the direct supervision and guidance of the Programme Manager and expected to closely cooperate with the International Consultant and other National Consultants with financial profile. The Consultant has the responsibility of participating in all relevant working meetings with the project team at least twice per week. The estimated duration of a meeting is 2 hours.

This is a part-time consultancy. It is expected that the Consultant begins the assignment in May 2022 and completes it in August 2023.

Performance evaluation: The Consultant's performance will be evaluated against such criteria as timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

Language of the deliverables: All communications and deliverables related to the assignment will be in English and/or Romanian, as communicated prior by the Team Leader/Programme Manager.

Travel: All activities under this assignment shall be conducted in accordance with the COVID-19 health safety measures. Except the on-site missions in the Republic of Moldova, priority shall be given to office-based work and remote collaboration. Travel outside duty station (Chisinau), will be arranged with the support of the Programme Team.

6. QUALIFICATION AND SKILLS REQUIRED

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.

7. PAYMENT MODALITIES

The Consultant will organize and facilitate the implementation of all activities as described above; his/her payment will be lump sum amount based, disbursed in several instalments, upon submission and approval of deliverables and certification by Programme Manager that the services have been satisfactorily performed.

8. APPLICATION PROCESS

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 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.

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.

9. ANNEXES TO THE TOR

Annex 1 - Individual Consultant General Terms and Conditions;

Annex 2 - Offeror's letter confirming interest and availability, including a financial proposal (template).