



## INDIVIDUAL CONSULTANTS PROCUREMENT NOTICE

Date: **8 June 2022**

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**Country:** Republic of Moldova

**Description of the assignment:** National legal consultant for supporting the legislative alignment with Regulation on Energy Governance and Climate Action

**Project name:** Programme “Addressing the impacts of energy crisis and initiating solutions toward energy security and addressing energy poverty” (FPI Programme)

**Period of assignment/services:** July – December 2022 (up to 65 working days)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than 22 June 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](mailto: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.

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### 1. PROJECT GOAL 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, efficiency and environment. The country is planning to fully synchronize 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.

Moldova is Part to Energy Community Treaty since 2010. By adopting the Energy Community Treaty, Moldova made legally binding commitments to adopt core EU energy legislation, the so-called "*acquis communautaire*". The Treaty and its *acquis* evolve constantly to incorporate new sectors as well as update or replace older acts. To stay on track with the evolution of European Union law, Articles 24 and 25 of the Treaty allow the adaptation of the *acquis* and implementing of possible amendments. Thus, in November 2021, the first set of ***Clean energy package acts*** were incorporated into the Energy Community *acquis*.

On 18 November 2015, the European Commission adopted a Communication stating that integrated national energy and climate plans, addressing all five key dimensions of the energy union, are crucial tools for the implementation of the Energy Union Strategy and for the development of more strategic energy and climate policy planning.

In November 2018, the Energy Community Ministerial Council adopted the Recommendation 2018/01/EnC-MC, recognizing, that the development of integrated national energy and climate plans by the Contracting Parties would support the attainment of the long-term energy and climate policy objectives, reduce the administrative burden and enhance transparency while promoting investor certainty in the region.

The adoption of Governance Regulation 2018/1999 on 30 November 2021 marked the next step. Adopted and adapted by Decision 2021/14/MC-EnC, the Regulation sets common rules for planning, reporting and monitoring on energy and climate policies and targets. In particular, the Contracting Parties will be required to submit National Energy and Climate Plans (NECPs).

*For details, please refer to the Terms of Reference.*

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

The objective of the assignment is to provide support to the Government of Moldova in establishing the energy and climate related policy planning legislative framework by transposing into national legislation the Energy Governance Regulation 2018/1999.

Being supervised by Programme Manager and/or Team Leader for Component 1, and in close cooperation with international consultant, national RIA consultant and the staff of the Energy Department of the Ministry of Infrastructure and Regional Development (MoIRD), the national legal consultant is expected to perform the following tasks:

1. To support international consultant to conduct a desk review of the national legislation on energy, climate, policy planning framework and other sectors, as well as of available studies, roadmaps, analysis in the area for preparing of an assessment report, analyzing the legal and regulatory contexts that have to be taken into account when designing the energy and climate related policy planning legislative act. The assessment will include also the concept/approach of transposing of the Energy Governance Regulation 2018/1999 into national legislation.

2. To contribute to the consultation of the concept/approach of transposing of the Energy Governance Regulation 2018/1999 into national legislation with (but not limited to) Ministry of Infrastructure and Regional Development, Ministry of Environment, State Chancellery and Energy Community Secretariat;

3. Based on the concept developed by international consultant, to develop draft legal act that transpose into national legislation the Energy Governance Regulation and its related package required for Governmental consideration and approval (informative note and table of concordance).

4. To conduct public consultation of the draft legal act that transpose Energy Governance Regulation 2018/1999 into national legislation.

5. To provide support/consultancy during the promotion for adoption by the Government of the draft legal act that transpose Energy Governance Regulation 2018/1999 into national legislation.

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

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

##### **I. Education:**

- Advanced degree (Master or Ph.D.) in Law, energy, climate change, environment management or other related fields is required.

##### **II. Experience:**

- At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making.

##### **III. Competencies:**

- Excellent knowledge of the EU energy and climate related acquis, including the Energy Governance Regulation 2018/1999, demonstrated by previous assignments;
- Excellent knowledge of the national legislative process (drafting and promotion for adoption)
- Familiarity with RM-EU Association Agreement, Energy Community Treaty and other international and regional commitments of Moldova;
- Strong analytical and report-writing skills demonstrated by previous assignments;
- Strong interpersonal and communication skills, ability to work with Government representatives, demonstrated by previous assignments;
- Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments;
- Proficiency of English and Romanian. Knowledge of Russian would be an asset.

The UNDP Moldova is committed to the 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.

## **5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal, explaining why he/she is most suitable for the work, including past experience in similar assignments, providing a brief information on above qualifications and methodology on how he/she will approach and conduct the work (if applicable).
2. [OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR \(IC\) ASSIGNMENT](#)
3. CV with at least three names for a reference check.

## **6. FINANCIAL PROPOSAL**

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.

## **7. EVALUATION**

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

- Advanced degree (Master or Ph.D.) in Law, energy, climate change, environment management or other related fields is required.
- At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making.

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.

Criteria	Scoring	Maximum Points Obtainable
<b>Technical</b>		
<ul style="list-style-type: none"> <li>Advanced degree (Master or Ph.D.) in Law, energy, climate change, environment management or other related fields is required</li> </ul>	(Master – 20 pts. PhD- 30 pts)	30
<ul style="list-style-type: none"> <li>At least 6 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis</li> </ul>	(6 years – 35 pts, more than 6 years – up to 45 pts, 5 pts – for each additional year)	45
<ul style="list-style-type: none"> <li>At least 5 years of working experience in the institutional consultancy and law-making</li> </ul>	(5 years – 35 pts, more than 5 years – up to 45 pts, 5 pts – for each additional year)	45
<ul style="list-style-type: none"> <li>Interview</li> </ul>	<p>45 pts. - Excellent knowledge of the EU energy and climate related acquis, including the Energy Governance Regulation 2018/1999, demonstrated by previous assignments (limited knowledge – up to 10 pts; satisfactory – up to 30 pts; extensive – up to 45 pts);</p> <p>45 pts. - Excellent knowledge of the national legislative process (drafting and promotion for adoption) (limited knowledge – up to 10 pts, satisfactory – up to 30 pts; extensive – up to 45 pts);</p> <p>45 pts. – Familiarity with RM-EU Association Agreement, Energy Community Treaty and</p>	180

Criteria	Scoring	Maximum Points Obtainable
	<p>other international and regional commitments of Moldova (limited knowledge – up to 10 pts; satisfactory – up to 30 pts; extensive – up to 45 pts);</p> <p>45 pts. – other competences:  (analytical skills – Yes - 10 pts, No – 0 pts;  communication skills – Yes - 10 pts, No – 0 pts;  ability to work with government representatives – Yes - 10 pts, No – 0 pts;  proficiency in English – 5 pts,  knowledge of Romanian and/or Russian will be an asset – 5 pts. per each language)</p>	
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
<p>Evaluation of submitted financial offers will be done based on the following formula:  <b><u><math>S = F_{min} / F * 200</math></u></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.</p>		<b>200</b>

#### Winning candidate

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

## **8. ANNEXES**

### **ANNEX 1 – TERMS OF REFERENCES**

### **ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**