



TERMS OF REFERENCE

Job title:	Team of 2 (two) national consultants to conduct a functional review of the Energy Efficiency Agency (EEA) and support in the elaboration of the Regulation on the functioning of the Agency
Duty station:	Chisinau
Reference to the:	“Addressing the impacts of energy crisis and initiating solutions toward energy security and addressing 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:	July – December 2022 (the estimated amount of work is 35 w.d. for each Consultant)

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

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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 several 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 to synchronize its electricity network with the Continental European Network (CEN), an important step towards the integration into the EU energy system and market.

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

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- 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.

The Project Concept has been approved by FPI of the EU in February 2022, paving the way for development of the full project proposal.

In this context, UNDP Moldova is seeking to recruit 2 (two) national consultants to conduct a functional review of the Energy Efficiency Agency (EEA) and support in elaboration of the Regulation on the functioning of the Agency.

3. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

UNDP Moldova intends to contract 2 (two) national consultants qualified and experienced to render consultancy and expertise services to carry out the following:

- **Position 1: 1 (one) National Consultant to conduct the functional review of the Energy Efficiency Agency (EEA)/35 w.d.**
- **Position 2: 1 (once) National Consultant to provide support in elaboration of the draft functioning Regulation of the Energy Efficiency Agency (EEA) / 35 w.d.**

Important note 1: The potential candidates should clearly state in the Application Letter for which of the two positions they apply.

The candidates may apply for both positions and this should be clearly stipulated in the Application Letter, with the possibility to be selected only for 1 position.

The National Consultants shall work as a team, based on the methodological approach and of a detailed action plan that shall be developed at the start of the activities, and which shall be agreed with the local public partners and approved by the Programme.

For the current mission, the National Consultants shall be responsible of:

- Performing the desk review of functional or similar reviews/analyses carried out over the last 5 years (or if relevant, even earlier ones) by different partners in the energy area;
- Assessing the general organizational structure with focus on the core functions;
- Offering recommendations for the new organizational structure through the following possible options:
 - relocation of specific functions within the structural subdivisions of the Agency;
 - restructuring and reorganizing the existing structural subdivisions;

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- establishing new structural units; and
- adjusting roles and responsibilities to managerial functions, heads of departments and other relevant functions identified after the analysis;

Elaboration of recommendations and proposals on the best form of organization based on the EEA as a Public Institution and the functions it will assume, as well as examples of good practice from EU and acceding countries in terms of implementing policies and financing projects in the field of energy efficiency and renewable energy sources. At this stage, the instrument through which the EEA can carry out projects in the field of EE and RES will also be examined, available by the units for the implementation of projects relevant to the energy field in the Republic of Moldova.

- Development of the organization chart of the institution and establishment of the limit number of staff necessary for the operation of the institution (exposed in number of people-days) based on the obligations of the EEA stipulated in the normative acts in force (eg Law 139/2016 (EEA keeping the Electronic Register of Energy Auditors and the Electronic Register of Energy Auditing, etc.));
- Development of recommendations regarding the justification of the functioning of the EEA activity and maintaining the financing line within the state budget through the prism of the energy efficiency fund;
- Elaboration of the draft regulation of function of the new Agency;
- Elaboration of draft document on Regulatory Impact Assessment;
- Support in promoting the normative act and the Regulatory Impact Assessment to be approved.

Note: The elaboration of the documents will also consider the recommendations set out in the decisions of the Court of Accounts addressed to the EEA and the Energy Efficiency Fund, as well as the provisions stipulated in Law 29/2022 for the amendment of some legislative acts.

4. EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

The assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe	Responsible team members
1	Deliverable 1: Analysis of the functional attributions of the EEA employees based on the existing legal framework and the provisions of EU directives on energy efficiency and the promotion of renewable energy sources. <i>(up to 10 working days)</i> .	July 2022	NC1
2.	Deliverable 2: Report on good international practice of similar institutions, including an analysis of the possibility of financing energy efficiency projects	July 2022	NC1

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	through units for the implementation of projects relevant to the energy sector in Moldova (<i>7 working day</i>)		
3.	Deliverable 3: Functional review report (in Romanian) with the following content, but not limited to: <ul style="list-style-type: none"> ▪ Executive summary ▪ Approached methodologies ▪ Analysis of current situation ▪ Organization chart of the Agency ▪ Identification number of people-days per each activity ▪ Proposals and recommendations (<i>Up to 15 working days</i>)	August 2022	NC1
4	Deliverable 4: Preparation and presentation of the results of the analysis to the staff of the Ministry and EEA (<i>1 work day</i>)	August – September 2022	NC1
5	Deliverable 5: Updating and submitting the final report after coordinating it with the beneficiary (<i>up to 2 working days</i>)	August-September – 2022	NC1
6	Deliverable 6: Elaboration of the draft Regulation of function of the new EEA and the related package required for its governmental consideration and approval, as established by Law 100/2017 on normative acts (e.g., draft governmental decision, informative note) (<i>up to 15 working days</i>)	July 2022	NC2
7	Deliverable 7: Elaboration of Regulatory Impact Assessment in line with Governmental Decision #23/2019 (<i>up to 7 working days</i>)	July- August 2022	NC2
8	Deliverable 8: Support of the MIDR promotion of the draft normative act (including the elaboration of the table of divergences), support for consultation of the draft regulation and Regulatory Impact Assessment with stakeholders, update of the regulation after receiving comments and preparation of the set of documents for promotion at the Government meeting and in the working group (<i>11 working days</i>)	August-September 2022	NC2

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

5. INSTITUTIONAL ARRANGEMENTS

This is individual contract. The timeframe for the work is July – December 2022.

The local consultants will be given access to relevant information and data necessary for execution of the tasks under this assignment. The consultant will work in close collaboration with the FPI

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Programme Manager and Team Leader for Component 2 - for substantive aspects of the assignment.

6. FINANCIAL ARRANGEMENTS

Payments will be disbursed in several instalments, upon submission and approval of deliverables, and certification by UNDP Moldova Programme Specialist/Cluster Lead that the services have been satisfactorily performed.

7. SKILLS AND EXPERIENCE REQUIRED

Position 1: 1 (one) National Consultant to conduct the functional review of the Energy Efficiency Agency (EEA)

I. Academic Qualifications:

- University degree in policy planning, law, public/business administration, engineering, energy, or other related areas.

II. Experience and knowledge:

- Minimum 5 years of relevant professional experience in conducting institutional and/or organizational analysis, functional reviews, quantitative and/or qualitative analysis of data, drafting public policies.
- Proven experience in engaging, organizing, and leading meetings with a wide variety of national and international stakeholders;
- Proven experience in facilitating dialogues in areas related to institutional development, strategic planning, or related;
- Advanced research skills and capacity to produce analyses using quantitative and qualitative data, work experience with huge data sets, referrals to documents to be provided;
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies would be an advantage.
- Fluency in written and spoken Romanian, Russian is required for this assignment. Good level of English is required.

Position 2: 1 (once) National Consultant to provide support in elaboration of the draft functioning Regulation of the Energy Efficiency Agency (EEA)

I. Academic Qualifications:

- University degree in policy planning, law, public/business administration, engineering, energy, or other related areas.

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II. Experience and knowledge:

- Minimum 7 years of relevant professional experience in conducting legal analysis, policy development, functional regulations and elaboration of the RIA (regulatory impact assessment);
- Proven experience in engaging, organizing, and leading meetings with a wide variety of national and international stakeholders;
- Proven experience in drafting Government decisions and analyzing the regulatory impact;
- Advanced research skills and capacity to produce analyses using quantitative and qualitative data, work experience with huge data sets, referrals to documents to be provided;
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies would be an advantage.
- Fluency in written and spoken Romanian, Russian is required for this assignment. Good level of English is required.

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.

8. PERFORMANCE EVALUATION

Contractors' performance will be evaluated against timeliness, responsibility, initiative, creativity, communication, accuracy, and overall quality of the delivered products.

9. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. [**OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR \(IC\) ASSIGNMENT**](#) ;
2. CV shall include Education/Qualification, Professional Certification, Employment Records /Experience.
3. Proposal, explaining why he/she is most suitable for the assignment, including 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;

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- 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.