



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **1 July 2022**

Country: Republic of Moldova

Description of the assignment: National legal consultant to develop the Regulation on conditions of individual disconnection from/reconnection to the Centralized Thermal Energy Supply System and its ex-ante assessment (emergency support)

Project name: “Addressing the impacts of the energy crisis in the Republic of Moldova: Initiating solutions toward energy security and energy poverty”

Period of assignment/services: July – September 2022 (up to 31 working days)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **14 July 16:30 (Moldova local time)**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: veronica.lopotenco@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. 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

Regulation on way of providing and paying the housing services, communal and non-communal services for housing, metering of apartments and conditions for disconnection from/reconnection to heating systems and water supply (GD nr. 191/2002¹), Annex 7, established the conditions for individual disconnection from/reconnection to heating system. Pts. 8 - 8⁴ and 8⁶ establish the amount to be paid (considering different scenarios) for heating services by consumers that were disconnected from heating system. Particularly, it referred to the obligation of consumers to pay a predetermined percentage (5-10%) in case of complete disconnection made of the apartment from the district heating

On 3rd March 2022, Constitutional Court (CC) of the Republic of Moldova adopted the Decision 4 as of 3 March 2022². By this Decision, pts. 8 - 8⁴ and 8⁶ of Annex 7 of the Regulation mentioned above were declared unconstitutional. The Court also found that the immediate application of this judgment would allow for an unbalanced distribution of payments, including for common areas, in cases of full or partial disconnection from the district heating. For this reason, in order to avoid the consequences, the Court considered it necessary to apply its judgment starting with 1st May 2022.

In this regard, the Court requested the Government to regulate a mechanism for the payment of heating services in the case of apartments disconnected from the district heating in accordance with the reasoning of the Constitutional Court Decision nr. 4 as of 3 March 2022.

Considering this Court's request, Ministry had created a working group, approved through the Ministry's Order no. 84 of May 26, 2022, which is responsible for drafting the Methodology for the distribution of volumes and the cost of thermal energy delivered between consumers of a residential block, as well as the draft Regulation on the conditions of individual disconnection / reconnection from / to the heating system. The working group consists of representatives from Ministry of Infrastructure and Regional Development, National Regulator, Public Property Agency, Energy Efficiency Agency, CHPs, Technical University of Moldova and Institute of Power Engineering.

Working Group decided the need of development of the following documents that will support the process of reviewing the regulatory framework related to the distribution of volumes and the cost of thermal energy delivered between consumers of a residential block:

1. the Study on the distribution of thermal energy consumption in residential blocks in which some of the apartments are disconnected from the Centralized Thermal Energy Supply System (CTESS);
2. the Methodology of distribution of the volume and cost of thermal energy among the consumers of a residential block;
3. draft normative act/draft Regulation on conditions of individual disconnection from/reconnection to the Centralized Thermal Energy Supply System and its ex-ante assessment.

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/MoIRD to regulate a mechanism for the payment of heating services in the case of apartments disconnected from the district heating in accordance with the reasoning of the Constitutional Court Decision nr. 4 as of 3 March 2022, by drafting and support the promotion for adoption of the Regulation on conditions of

¹ https://www.legis.md/cautare/getResults?doc_id=130553&lang=ro#

² <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=800&l=ro>

individual disconnection from/reconnection to the Centralized Thermal Energy Supply System and conducting its ex-ante assessment.

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

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I.Education:

- Advanced degree (Master or equivalent, or Ph.D.) in law, energy, engineering or other related fields is required.

II.Experience:

- At least 4 years of proven professional experience in legal acts drafting;
- At least 3 years of relevant professional experience of engagement with a large variety of stakeholders (central public authorities, academia, CSO, private sector, etc.);
- Experience with proven records in the preparation of analyses of the impact assessment (RIA, ex-ante, or related) of legal acts, policies;
- Experience with proven records regarding the regulatory framework on the conditions of connection to/disconnection from the Central Heating System;
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies.

III.Competencies:

- Excellent facilitation, public presentation and diplomatic skills;
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout;
- Proven commitment to the core values of the United Nations respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Computer proficiency, including knowledge of MS Office products (Word, Power Point) and electronic communication platforms such as Microsoft Teams, ZOOM, Google meet;
- Ability to work with Government representatives, demonstrated by previous assignments;
- Fluency in written and spoken Romanian is required for this assignment. Good level of English and Russian will be an advantage.

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, considering the Constitutional Court Decision nr. 4 as of 3 March 2022 and its effects.
2. OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT
3. CV, including information about experience in similar assignments with at least 3 references.

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, if applicable. 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 equivalent, or Ph.D.) in law, energy, engineering or other related fields is required.
- At least 4 years of proven professional experience in legal acts drafting;
- At least 3 years of relevant professional experience of engagement with a large variety of stakeholders (central public authorities, academia, CSO, private sector, etc.).

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
<u>Technical</u>		
Advanced degree (Master or equivalent, or Ph.D.) in law, energy, engineering or other related fields is required	Master or equivalent – 30 pts. PhD - 35 pts	35
At least 4 years of proven professional experience in legal acts drafting	No- 0 pts, 4 years – 40 pts, more than 4 years – for each additional year, 5 pts up to the max – 50 pts	50
At least 3 years of relevant professional experience of engagement with a large variety of stakeholders (central public authorities, academia, CSO, private sector, etc.).	No- 0 pts, 3 years – 40 pts, more than 3 years – for each additional year, 5 pts up to the max – 50 pts	50
Experience with proven records in the preparation of analyses of the impact assessment (RIA, ex-ante, or related) of legal acts, policies	No – 0 pts; Each assignment – 20 pts, Max. – 40 pts.	40
Experience with proven records regarding the regulatory framework on the conditions of connection to/disconnection from the Central Heating System	No- 0 pts, 3 years – 40 pts, more than 3 years – for each additional year, 5 pts up to the max – 50 pts	50
Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies	No – 0 pts; Yes – 10 pts.	10
Ability to work with Government representatives, demonstrated by previous assignments	No – 0 pts; Each assignment – 10 pts, Max. – 30 pts.	30
Fluency in written and spoken Romanian is required for this assignment. Good level of English and Russian will be an advantage	Romanian – 10 pts, Russian and English – 5 pts per each language	20
Belonging to the group(s) under-represented in the UN Moldova	No – 0 pts., to one group 10 pts, to 2 or more groups – 5 additional pts.	15
Maximum Total Technical Scoring		300

Criteria	Scoring	Maximum Points Obtainable
Financial Evaluation Scoring		
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p><u>$S = F_{min} / F * 200$</u></p> <p>S – score received on financial evaluation;</p> <p>Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p>F – financial offer under consideration.</p>		200

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