



INDIVIDUAL CONSULTANTS PROCUREMENT NOTICE

Date: **11 July 2022**

Country: Republic of Moldova

Description of the assignment: National legal consultant to support to the Government of Moldova to transpose into national legislation the Regulation 2019/941 on risk-preparedness in the electricity sector (emerging support)

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 **25 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

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. Ministerial Council adopted the Decision on amending Annex I to the Treaty establishing the Energy Community and incorporating Regulation 2019/941 on risk-preparedness in the electricity sector¹, that lays down rules for cooperation between Contracting Parties with a view to preventing, preparing for and managing electricity crises in a spirit of solidarity and transparency and in full regard for the requirements of a competitive internal market for electricity.

According to Regulation 2019/941 each Contracting Parties to the Energy Community Treaty shall ensure that all relevant risks relating to security of electricity supply are assessed in accordance with the rules laid down in this Regulation and in Regulation (EC) 714/2009 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011.

The Methodology to Identify Regional Electricity Crisis Scenarios² in accordance with Article 5 of the Regulation 2019/941 has been prepared by ENTSO-E and provides the process for identification of the most relevant electricity crisis scenarios at regional level. Subsequently, ENTSO-E shall use the methodology to identify the most relevant electricity crisis scenarios at regional level and update at least every four years as required by Article 6 of the Regulation 2019/941. The national competent authorities shall thereafter rely on the methodology and regional scenarios, in the identification of electricity crisis scenarios at national level as required by Article 7 of the Regulation 2019/941.

Title 2, Art. 7 of the Methodology establishes that national crisis scenarios (the national crisis scenarios are for the purposes of identifying regional crisis scenarios, not for satisfying the requirements of Article 7 of Regulation 2019/941) which are candidates for regional crisis scenarios shall be determined by TSOs in close cooperation with the national competent authority. The Methodology provides the template for crisis scenario description (Appendix III.1 Description of national electricity crisis scenarios).

ENTSO-E collects national electricity crisis scenarios (developed based on the Methodology to Identify Regional Electricity Crisis Scenarios) as input to regional electricity crisis scenarios.

¹ <https://www.energy-community.org/legal/acquis.html>

² https://consultations.entsoe.eu/system-operations/risk-preparedness-regulation-methodology-for-ident/supporting_documents/Methodology%20for%20Identification%20of%20Regional%20Electricity%20Crisis%20Scenarios.pdf

Consequently, national competent authorities will use the regional crisis scenarios for establishing risk preparedness plans as required by Article 10 of the Regulation 2019/941.

In 2019, Government of Moldova has adopted the Regulation on exceptional situations in the energy market and the Action Plan for Situations exceptional effects on the electricity market (GD nr. 149/2019)³ that has the aim to create the necessary legal framework to ensure the security of electricity supply by organizing the normal and continuous operation of the electricity market and by taking measures to prevent limitation and / or disruption supply of consumers with electricity or its restoration within the shortest possible time in case of exceptional situations on the electricity market.

For details, please refer to the Terms of Reference.

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

The general objective of the assignment is to support Ministry of Infrastructure and Regional Development (MoIRD) to advance preparedness and reaction measures for emergencies on the electricity market. More specifically, national legal consultant is expected to develop the draft normative act that transposes into national legislation the Regulation 2019/941 on risk-preparedness in the electricity sector.

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

1. To conduct a desk review of the legislation in place on risk preparedness in electricity sector and to identify and propose the scenario for transposition of the Regulation 2019/941 into national legislation (e.g., amending the current legislation, develop new legislative framework, etc.);
2. Provide informative support to the international consultant for designing the draft risk-preparedness plan in line with requirements of Chapter III of Regulation 2019/941;
3. Based on the agreed scenario for transposition, develop the normative act that transposes into national legislation the Regulation 2019/941, including the package needed for its promotion for adoption (e.g., informative note, concordance table). The draft normative act needs to integrate the risk-preparedness plan.
4. Conduct consultation of the draft normative act with stakeholders.
5. Update the draft normative act base on the consultations results and support MIRD with promotion of the draft for adoption by the Government.

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

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Education:

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

II. Experience:

³ https://www.legis.md/cautare/getResults?doc_id=113272&lang=ro

- At least 4 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy related acquis;
- At least 4 years of working experience in the institutional consultancy.

III.Competencies:

- Good knowledge of the national and European legislation on risk-preparedness in the electricity sector;
- 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;
- Familiarity with Moldova TSO responsibilities and activity with regards risk-preparedness in electricity sector;
- 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;
- Fluency in Romanian and good working knowledge of English. 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/equivalent or Ph.D.) in Law, energy, climate change, environment management or other related fields is required.
- At least 4 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy related acquis;
- At least 4 years of working experience in the institutional consultancy.

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/equivalent or Ph.D.) in Law, energy, climate change, environment management or other related fields is required	(Master/equivalent – 20 pts. PhD- 30 pts)	30
• At least 4 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy related acquis	(4 years – 30 pts, more than 4 years – up to 40 pts, 5 pts – for each additional year)	40

Criteria	Scoring	Maximum Points Obtainable
<ul style="list-style-type: none"> At least 4 years of working experience in the institutional consultancy 	(4 years – 30 pts, more than 4 years – up to 40 pts, 5 pts – for each additional year)	40
<ul style="list-style-type: none"> Interview 	<p>40 pts. - Good knowledge of the national and European legislation on risk-preparedness in the electricity sector (limited knowledge – up to 10 pts; satisfactory – up to 25 pts; extensive – up to 40 pts);</p> <p>40 pts. – Excellent knowledge of the national legislative process (drafting and promotion for adoption) (limited knowledge – up to 10 pts, satisfactory – up to 25 pts; extensive – up to 40 pts);</p> <p>40 pts. – Familiarity with RM-EU Association Agreement, Energy Community Treaty and other international and regional commitments of Moldova (limited knowledge – up to 10 pts; satisfactory – up to 25 pts; extensive – up to 40 pts);</p> <p>25 pts. - Familiarity with Moldova TSO responsibilities and activity with regards risk-preparedness in electricity sector (limited knowledge – up to 5 pts; satisfactory – up to 15 pts; extensive – up to 25 pts); 35 pts. – other competences: (analytical and communication skills – Yes - 10 pts, No – 0 pts; ability to work with government</p>	180

Criteria	Scoring	Maximum Points Obtainable
	representatives – Yes - 10 pts, No – 0 pts; Fluency in Romanian and good working knowledge of English, knowledge of Russian would be an asset – 5 pts per each language)	
Belonging to the group(s) under-represented in the UN Moldova	No – 0 pts., to one group 5 pts, to 2 or more groups – 5 additional pts.	10
Maximum Total Technical Scoring		300
<u>Financial</u>		
<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

