

**INDIVIDUAL CONSULTANT PROCUREMENT NOTICE**

Date: 11.07.2022

**Country:** Republic of Moldova**Description of the assignment:** Legal expert (to be part of a Team of experts for the Ministry of Labor and Social Protection (MLSP))**Project name:** Addressing the impacts of the energy crisis in the Republic of Moldova: Initiating solutions toward energy security and energy poverty, Policy and Strategic Unit, evidence-based policy support to the MLSP on energy poverty and support to most energy vulnerable groups of population**Period of assignment/ services:** August 2022 – August 2023, 300 working days**Proposals should be submitted online**, by pressing the "Apply Online" button, no later than **25.07.2022, 16:00 GMT+3 Moldova time.**Requests for clarification only must be sent by standard electronic communication to the following e-mail: [serghei.botezatu@undp.org](mailto:serghei.botezatu@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. BACKGROUND**

Since early March 2020, the Republic of Moldova is confronting a complex health and socio-economic crisis induced by the COVID-19 pandemic. As summarized in the SEIA, the crisis is underscoring the importance of LNOB challenges in Moldova, due to shrinking incomes and expenditures, limited access to health and education, and challenges for local businesses due to supply disruptions and plummeting demand at home and abroad. The war in Ukraine will significantly affect poverty in Moldova, with two important emerging forms of poverty becoming more prominent, including energy and food poverties.

During the second half of 2021, these developments played out against a backdrop of the European gas crisis, when gas prices spiked above \$1000/cubic meter (5-10 times 2020 levels). Moldova's gas import contract with Russia's Gazprom expired in October 2021; and with a new negotiated contract, Gazprom is supplying Moldova gas at a price of \$650+ for 1000 cubic meters. Gas tariffs for most users spiked—at a time when the country is experiencing the fourth wave of the COVID-19 pandemic, and when heating needs are ratcheting up in the face of the on-coming winter. Electricity prices equally increased, on average by 40%.

Moldova is therefore facing exorbitant prices for those supplies it can obtain. For a country in which nearly two thirds of the population was living on less than \$10/day before the pandemic began, in which spending on food and energy absorb the vast majority of vulnerable household incomes, and which generates the lion's share of its electricity from gas, this price shock can have significant crisis implications. More than 50% of the population could be considered energy poor (HHs that spend more than 10% of their income on energy threshold). Combined with the country's on-going macroeconomic and epidemiological distress, the gas and electricity shocks also pose major risks to the government's reform program, which seeks to strengthen Moldova's alignment with European and global good governance practices and is central to Moldova's hopes for achieving the SDGs.

In response to this unfolding crisis and in order to systemically tackle the energy poverty and vulnerability, the Moldovan Government is planning to create an Energy Vulnerability Fund (EVF) to compensate most vulnerable households for the increase in the tariffs for electricity, natural gas and heating in the upcoming cold period of 2022-23 and beyond. The planned compensations will be on-bill and the resources will come from a national

Energy Vulnerability Fund – a blended fund that will include public budget resources and other resources, including from the development partners.

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

The objective of the assignment is to provide support to the Government/ Ministry of Labor and Social Protection to develop and implement a National Energy Vulnerability Fund (EVF) for on-bill compensation for energy for most vulnerable households in Moldova, as well as evaluate the impact of the compensations on the energy poverty in Moldova. Specifically, the expert will provide assistance in the development of the concept of the Fund and ensure the coordination of legislative developments and amendments required to ensure functional legal framework for implementation of the Fund, as well as support in other complementary activities required by the team of experts, related to legal context.

The support will include:

- Specific detailed concept of the Energy Vulnerability Fund;
- Development of the legal and regulatory framework related to the implementation of the EVF;
- Detailed description of the on-bill compensation mechanism; support for the approval of the mechanism by the Government;
- Costing for the EVF;
- Detailed description of the online application module;
- Detailed description of the key variables for the application process, the algorithm for the categorization of the HHs depending on their level of energy vulnerability, algorithm for the verification of the applications/applicants, other;
- Support in the implementation of the above;
- Development of a specific mechanism to evaluate the impact of the on-bill compensations;
- Development of policy or position briefs on the implementation of the EVF;
- Other related tasks.

The Legal Expert, in tandem with other technical experts, will lead on the conceptualization, development, and support to the implementation of the EVF. In particular, the expert will propose and consult a set of specific legal and policy recommendations for amendments of the current legal framework so that to incorporate/include energy poverty and vulnerability concept and legal aspects related to the development, implementation, and monitoring of the Energy Vulnerability Fund.

**The direct beneficiary of the Assessment report is the Ministry of Labor and Social Protection, as well as other subordinated agencies and other line ministries.**

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

### **Qualifications and Experience**

- Master's degree or equivalent in the field of law, social protection, related fields;
- Thorough understanding of the social protection system and legislation, energy vulnerability in Moldovan context;
- Minimum 7 years of relevant professional experience in legal field;
- Proven experience in convening partners, organizing and leading strategic meetings;
- Proven experience in facilitating policy dialogues in areas related to energy, energy poverty and vulnerability, social protection;
- Previous proven analytical experience in the areas of social protection, energy poverty and vulnerability, access to energy, other;
- Previous legal and social protection related experience in development assistance or related work for a donor organization, governmental institution, NGO, or private sector;
- Advanced research skills and capability of producing policy papers.

### **Skills and Competencies**

- Excellent quantitative and qualitative research skills;

- Proven capacity to produce reports and analyses in English;
- Consistently ensures timeliness and quality of work;
- Innovative and creative thinking;
- Consistently approaches work with energy and a positive, constructive attitude;
- Excellent interpersonal and teamwork skills;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Ability to facilitate group processes, including when tensions arise

**Language:**

- Proficiency in Romanian and English. Knowledge of Russian is desirable.

*The 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. Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.*

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

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

- CV, including information about past experience in similar assignments and contact details for at least 3 referees;
- Brief description of why the individual considers him/herself as the most suitable for the assignment;
- Offeror's Letter confirming Interest and Availability with financial proposal (in USD, specifying the total lump sum amount). Financial proposal template prepared in compliance with the template in Annex 2.

**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.

#### **5. 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).

#### **6. EVALUATION**

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

- Master's degree or equivalent in the field of law, social protection, or related fields;
- Minimum 7 years of relevant professional experience in legal field;

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 210 points for the total technical scoring would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<b>Technical</b>		
• Master's degree or equivalent in the field of law, social protection, related fields	<i>Master's degree – 10 pts.; Ph. D degree – 15 pts.</i>	15
• Minimum 7 years of relevant professional experience in legal field	<i>Seven (7) years – 30 pts., each additional year of experience – 5 pts., up to a maximum of 45 pts.</i>	45
• Proven experience facilitating policy dialogues in areas related to energy, energy poverty and vulnerability, social protection	<i>Three or more assignments – 25 pts.; One or two assignments – 15 pts.; No assignments – 0 pts.</i>	25
<b>Interview: Please note that only the top 5 ranked (that accumulated the highest technical score) applicants shall be invited for the interview</b>		
<u>Interview</u>	<ul style="list-style-type: none"> <li>• Thorough understanding of the social protection system and legislation, energy vulnerability in Moldovan context; <i>extensive &lt;40 pts., satisfactory &lt;30 pts., limited &lt;20 pts., no experience – 0 pts.;</i></li> <li>• Previous legal and social protection related experience in development assistance or related work for a donor organization, governmental institution, NGO, or private sector: <i>5 and over projects/assignments &lt;40 pts., 3-4 projects/assignments &lt;30 pts., 1-2 projects/assignments &lt;20 pts., no over projects/assignments – 0 pts.</i></li> <li>• Proven experience in convening partners, organizing, and leading strategic meetings – <i>extensive &lt;30 pts., satisfactory &lt;20 pts., limited– 10 pts.;</i></li> <li>• Previous proven analytical experience in the areas of social protection, energy poverty and vulnerability, access to energy, other; <i>extensive &lt;35 pts., satisfactory &lt;20 pts., limited &lt;10 pts., no experience – 0 pts.;</i></li> <li>• Advanced research skills and capability of producing policy papers: <i>extensive &lt;30</i></li> </ul>	210

	<p>pts, satisfactory &lt;20 pts, limited &lt;10 pts, no experience – 0 pts.;</p> <ul style="list-style-type: none"> <li>• Strong leadership and team management skills: excellent &lt;20 pts., satisfactory &lt;10 pts., limited – 0 pts.;</li> <li>• Knowledge of English, Romanian and Russian – up to 5 pts each. (15 pts. total).</li> </ul>	
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment <sup>1</sup>	<ul style="list-style-type: none"> <li>• No – 0 pts., to one group – 1,5 pts., to two or more groups – 5 pts.</li> </ul>	5
<b>Maximum Total Technical Scoring</b>		<b>300</b>

<b>Financial</b>	
<p>Evaluation of submitted financial offers will be done based on the following formula:  <b><math>S = F_{min} / F * 200</math></b>  <b>S</b> – score received on financial evaluation;  <b>F<sub>min</sub></b> – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;  <b>F</b> – 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).

#### **ANNEXES:**

##### **ANNEX 1 – TERMS OF REFERENCES (ToR)**

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

<sup>1</sup> Under-represented group in the area of assignment are (men/women). Under-represented groups in UN Moldova are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees and other non-citizens.