



INDIVIDUAL CONSULTANTS PROCUREMENT NOTICE

Date: **11 August 2022**

Country: Republic of Moldova

Description of the assignment: National legal consultant to support the Government of Moldova to transpose into national legislation Regulation 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply (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: August 2022 – March 2023 (up to 65 working days)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **25 August 2022, 16:30 (Moldova local time)**.

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

UNDP in Moldova • 131, 31 August 1989 str., Chisinau 2012, Moldova

Tel: (+ 373 22) 22 00 45 • Fax: (+373 22) 22 00 41 • E-mail: registry.md@undp.org • www.undp.md

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. Moldova was granted candidate status for the EU in June 2022. As a follow-up, Moldova is required to ensure the transposition of the EU *acquis Communautaire*, which underpins the EU energy legislation on electricity, gas, oil, renewables, efficiency, and the environment. The country fully synchronized its electricity network with the ENTSO-E and is connected with the 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 consumes around 4 million tonnes of oil equivalent (Mtoe) of energy per year (4.1 Mtoe in 2018). Around 20% of its energy demand is covered by domestic production, consisting almost fully of solid biomass; total domestic energy production was 0.82 Mtoe in 2018, of which 0.79 Mtoe solid biofuels. All natural gas consumption (2.1 Mtoe, or 2.9 billion cubic meters in 2014) is met through imports, mainly from Russia via Ukraine. In August 2014 the Iasi-Ungheni gas interconnector between Romania and Moldova was commissioned and became operational in 2015. The pipeline became operational in autumn 2021 but it is still rather empty and unused. Most coal consumed must be imported as well (0.09 Mtoe in 2018).

Natural gas accounts for more than half of Moldova's total primary energy supply (53% in 2018), oil roughly a quarter (23% in 2018) and solid biomass one-fifth (19% in 2018). Most natural gas is used for electricity and heat generation, whereas oil is the most important energy source for final consumers. Residential sector is the largest energy consuming sector (around 1.4 Mtoe in 2018), solid biofuels covering over 50% of the sectoral consumption.

Moldova is a Party to the 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 implementation of possible amendments. Thus, in November 2021, the first set of [Clean energy package](#) acts was 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 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply¹, that lays down rules for cooperation between Contracting Parties with a view to preventing, mitigating and managing gas crises in full regard for the requirements of a competitive single market for gas.

In this context, UNDP Moldova is seeking to hire a national legal consultant that will support Ministry of Infrastructure and Regional Development (MoIRD) in transposing into the national legislation the Regulation 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply.

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 MoIRD to advance preparedness and reaction measures for emergencies in the gas supply market. More specifically, the national legal consultant is expected to develop the

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

draft normative act that transposes into national legislation the Regulation 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply.

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 gas supply sector and to identify and propose the scenario for transposition of the Regulation 2017/1938 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 national risk assessment, preventive and emergency plans in line with requirements of Regulation 2017/1938.
3. Based on the agreed scenario for transposition, develop the normative act that transposes into national legislation the Regulation 2017/1938, including the package needed for its promotion for adoption (e.g., informative note, concordance table). The draft normative act needs to integrate the preventive and emergency plans.
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:

- 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 gas 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;
- 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
Technical		
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> 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 – 40 pts, more than 4 years – up to 50 pts, 5 pts – for each additional year)	50
<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>45 pts. - Good knowledge of the national and European legislation on risk-preparedness in the gas sector (limited knowledge – up to 10 pts; satisfactory – up to 30 pts; extensive – up to 45 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>45 pts. – other competences: (analytical and reporting 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; Fluency in Romanian and good working knowledge of English,</p>	170

Criteria	Scoring	Maximum Points Obtainable
	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
Financial		
<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