
TERMS OF REFERENCE

Job title: **1 (one) Consultant to build the capacity of the Cahul Municipality Mayorality for the effective management of public assets (legal services)**

Location: Moldova, Cahul municipality

Reference to the project: EU4Moldova: Focal Regions Programme (EU-funded)

Type of contract: Individual contract

Start date: November 2022

Expected duration of assignment: November 2022 – August 2023 (estimated volume of work: 70 working days).

Description of the assignment:

I. BACKGROUND

The EU4Moldova: Focal regions Programme (further Programme) is based on the European Commission Implementing Decision on the Annual Action Program 2018 in favour of the Republic of Moldova and is funded by the European Union and implemented by the United Nations Development Programme.

The overall objective of the five-year Programme is to strengthen the economic, territorial and social cohesion in the Republic of Moldova through smart, green, inclusive, sustainable and integrated socio-economic development as well as improving the standards of living of the citizens in the focal regions: Cahul and Ungheni.

To this end, this Programme will address the urban-rural divide and regional disparities, stimulate economic growth and job creation, refurbish and upgrade social and technical infrastructure in certain locations in the selected focal regions (smaller towns and villages) while taking into account climate change and gender perspective in the activities of the Programme.

Specific objectives:

1. To strengthen transparency, accountability of local public authorities and people's participation in local governance processes in the focal regions,
2. To facilitate citizens' access to quality and high performance public services and utilities in the focal regions,
3. To create employment opportunities for men and women in the focal regions and enhance territorial competitiveness to attract investments and entrepreneurs,

4. To promote a smart development based on economy specialization, clustering and value chain approach.

The Program objectives will be achieved through measures targeted at: (i) capacity building to support the implementation and monitoring of local economic development plans; (ii) civil society engagement in local planning, governance processes and basic social service delivery; (iii) provision of investment funding in support of the creation and/or development of social and technical infrastructure which, combined with the outcomes from interventions (i) and (ii) above, will have an immediate, visible and tangible impact on employment creation, the standard of living of the population in the focal regions.

II. SPECIFIC CONTEXT:

Although different actions have been deployed during several years to improve the public assets management method, Local Public Authorities from Cahul Municipality are still facing many economic, legal, financial, institutional and organisational difficulties in their administration. Cases are still identified when local public assets are not managed and used efficiently; not all local public assets are recorded or inventoried; their state registration is not ensured; not all potential economic and legal means are used to ensure their efficient use and operation for the benefit of the community, of the municipal budget and citizens.

Therefore, cases are found when local public assets have been privatised in violation of the law; the value of public assets was decreased unjustifiably which resulted in foregone local budget revenue; opportunities to develop public ownership, to increase its value are missed, including via public-private partnerships, state-funded or externally-funded support programs.

Thus, to ensure the necessary support for the local development, an effective management of assets from the public property portfolio of Cahul LPA is needed. An effective management of assets is a guarantee that Local Public Authorities will achieve their mission and objectives related to public utility infrastructure, public services and economic development and will increase the LPA's revenues.

The Cahul Municipality Mayoralty owns a number of public assets the legal status of which needs to be clarified and particular actions need to be taken in order to record and register them appropriately, as well as to use them by means of modern and innovative tools, like concession, public-private partnerships, economic management, etc.

III. PURPOSE OF THE ASSIGNMENT

The EU4Moldova: Focal Regions Programme seeks to contract **1 (one)** experienced **legal consultant** to provide consultancy and legal assistance services in order to build the capacity of

the Cahul Mayoralty in effective management of public assets (lands, buildings, infrastructure elements, public services).

The overall objective of the Consultant is to assist the Cahul Mayoralty in all activities related to the sound management of public sector assets, identification of promotion and operation opportunities and making the most out of the potential of municipal public assets.

The support activity will aim at strengthening the capacity of local authorities to become proactive actors of local development, building the skills of civil servants in charge of public property management, and empowering the municipal public authorities to apply the most innovative and efficient tools of public assets management for the benefit of local economic development.

The Consultant will work in partnership and in close collaboration with the responsible civil servants appointed by the Cahul Mayoralty, following the methodological approach and a detailed action plan that are to be developed at the Inception stage and that will be agreed with the Mayor of Cahul and approved by the Programme.

IV. TASKS AND ACTIVITIES

The selected Consultant shall perform the following tasks and activities:

1. Inception.

At this inception stage, the selected Consultant shall perform the following activities:

- Organise a working meeting and identify, together with Cahul Mayoralty, relevant cases of public property management with a larger economic impact on the community, agreeing on particular cases that shall be subject to legal assistance;
- Prepare a methodological approach for performing the agreed tasks for the subject matter of the legal assistance, develop a detailed Action Plan and coordinate it with the Programme and the Cahul Mayoralty.
- Develop and submit the Inception Report that shall include the subject matter of the agreed legal assistance, the Methodological approach and the Action Plan for the established tasks.

2. Delivery of legal assistance services.

At this stage, the selected Consultant shall perform the following activities:

- Determine the legal status and the composition of public property elements agreed with the Cahul Mayoralty, up to 5 cases, for example, Salted Lake, Flower Market, Frumoasa Lake, etc., that have an economic impact on the community;

- Determine on site the needs for proper delimitation, inventory, assessment and registration of public property;
- Develop/draw up legal acts on the proper delimitation, inventory, assessment and registration of public property elements;
- Assist Cahul Mayorality in developing/drawing up requests/calls to different institutions and courts to ensure the Cahul municipality's right of ownership over its public property assets.
- Submit recommendations to make the most out of public assets by direct management, handing over for economic management, public-private partnership, concession, rent, sale and purchase, and other forms;
- Assist the Mayorality, as appropriate, in developing/drawing up legal acts for the participation of Mayorality lawyers in trials on the protection and use of public assets that are covered by this Contract, if needed, represent the Cahul Mayorality in related trials.

3. Completion of activities.

At this stage, the selected Consultant shall develop and submit to the Programme the Final Report on the legal assistance services provided to the Cahul Mayorality.

V. DELIVERABLES, VOLUME OF WORK AND TIMEFRAME

The activity under the Contract covers the following deliverables:

Tasks, activities, deliverables <i>(provision of deliverables of required content and quality is the only criteria for consultant's payment)</i>	Work volume <i>(used at the submission stage)</i>	Tentative timeframe <i>(subject to coordination/adjustment with EU4MD Programme team)</i>
1: Inception. <ul style="list-style-type: none"> ✓ Identify together with the Cahul Mayorality the subject matter of the legal assistance; ✓ Develop the Methodological approach and the detailed Action Plan for performing the tasks. ✓ Participate in a working meeting with the Programme and provide a presentation on the methodological approach, the calendar of detailed activities and the expected outcomes/deliverables of the contract. 	5 working days	
<u>Deliverable 1: Progress report 1</u> The Progress report 1 shall have the following attachments: <ul style="list-style-type: none"> ✓ The Methodological approach, ✓ The detailed Implementation Plan, 		2 weeks after Contract signature

Tasks, activities, deliverables <i>(provision of deliverables of required content and quality is the only criteria for consultant's payment)</i>	Work volume <i>(used at the submission stage)</i>	Tentative timeframe <i>(subject to coordination/adjustment with EU4MD Programme team)</i>
<ul style="list-style-type: none"> ✓ Information Note on the visit in the region and the list of cases agreed with the Cahul Mayoralty to be subject to the legal assistance. 		
2: Delivery of legal assistance services. <ul style="list-style-type: none"> ✓ Clarify the legal status and the inclusion of public property elements agreed with the Cahul Mayoralty (up to 5 cases); ✓ Clarify aspects of public property delimitation, inventory, assessment and registration; ✓ Develop/draw up requests/calls to different institutions and courts to ensure the Cahul municipality's right of ownership over its public property assets. ✓ Develop recommendations on the use of public assets; ✓ Represent, if needed, the Cahul Mayoralty and the Municipal Council of Cahul in related trials. 	64 working days	
Deliverable 2: Progress report 2 A Progress report 2 shall be submitted every two months with the following annexes: <ul style="list-style-type: none"> ✓ List of public property elements proposed for delimitation, inventory, assessment and registration ✓ Copy of all legal acts requests/calls to different institutions and courts to protect the ownership right of Cahul municipality over its public property. ✓ Copies of confirmatory documents for representing the Cahul Mayoralty in the court. 		6 months after the Deliverable 1 is submitted.
3: Completion of activities <ul style="list-style-type: none"> ✓ Draft the Final report on the implemented activities 	1 working day	
Deliverable 3: Final Report <ul style="list-style-type: none"> ✓ The Final report shall include the input to the implementation of activities, the achieved outcomes, lessons learned, good practices acquired and recommendations for further activities of the Programme in this area. <p><u>Note:</u> The Report shall contain the narrative part on the progress with all deliverables attached (both hard copy, and digital format).</p>		1 week after the Deliverable 2 is submitted.
TOTAL number of estimated working days	70 working days	

Note:

The indicated timeframe was estimated to serve as a benchmark for the contract period. This may not and shall not be used as the only criterion for the contract/activity implementation. The provision of the envisaged deliverables approved by the Programme shall be the only criteria for Consultants' work being completed and eligible for payment/s.

All activities in this Contract will be carried out in a gender-sensitive manner and by applying the human rights-based approach, green economy and efficient use of resources, circular economy, and use of renewable natural resources.

Language of the deliverables: All deliverables shall be provided in Romanian.

Before commencing the work on the assignment, the Consultant will be invited to participate in an introductory meeting with participation of the EU4MD: Focal Regions Programme representatives to agree on implementation approach.

Methodological approach: The Consultant will follow strictly the Implementation Methodology, agreed and endorsed by the Programme at the inception stage.

The Programme will provide, when required, assistance in organising working meetings (offer its electronic platforms for online meetings).

VI. INSTITUTIONAL ARRANGEMENTS

The contracted Consultant will work under the direct subordination of the Project manager/Local Development, in close cooperation with the local Coordinator in Cahul focal region.

The selected Consultant will be responsible for the deliverables he is contracted for.

This Contract includes an activity that will be carried out remotely (from office/home) with possible travel in the field (at least 30 days of visit), considering the epidemiological conditions. The Consultant is responsible for all future travel costs to and from the location of the Contract (Cahul), therefore the transportation costs should be included in the consolidated financial offer.

All deliverables above shall be endorsed by the Program Manager within 14 calendar days from their provision.

VII. QUALIFICATIONS AND SKILLS REQUIRED

The following qualification criteria will be used for selecting the Consultant:

Academic Qualifications:

- Master degree in Law. Lawyer's license shall be considered an asset.

Experience:

- At least 5 years of practical experience in the field of legal services (*evidence: the list of the last 3 contracts in which the Consultant has been involved in the last 5 years and his/her role in those contracts, must be submitted with the application file*).
- At least 2 years of experience in the field of legal assistance for Local Public Authorities (*evidence: the list of public authorities and years of cooperation must be submitted with the application file*).
- Relevant experience in the field of property law and in management of property and public services, public-private partnership, concession will be an asset.
- Previous experience of cooperation with UN agencies and/or international organisations, and/or development programs funded by the European Union or other donor organisations will be an asset.

Competencies:

- Demonstrated capacity of team-orientation work, excellent planning and organizational skills;
- Good interpersonal skills, solid judgment/decision making, initiative and creativity;
- Ability to analyse, plan, communicate effectively, organize and meet expected results, adapt to different environments (cultural, economic, political and social);
- Ability to achieve results and deadlines in a timely manner, maintaining a high standard throughout;
- Knowledge and skills of operating MS Office Package, including Word, Excel, PowerPoint.

Language requirements:

- Fluency in Romanian and Russian. Knowledge of English will be an asset.

The United Nations Development Programme in Moldova is committed to workforce diversity. Women, persons with disabilities, LGBT, Roma and other ethnic, linguistic 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.