

## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **26 October 2022**

**Country:** Republic of Moldova

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

**Project name:** EU4Moldova: Focal Regions Programme (EU-funded)

**Period of assignment/services:** November 2022 – August 2023 (estimated volume of work: up to 70 working days).

Proposals should be submitted online by pressing the "Apply Now" button no later than **9 November 2022**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [victoria.josan@undp.org](mailto:victoria.josan@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

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 targeted social and technical infrastructure in 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 improve citizens' access to quality public services and utilities in the pilot focal regions.
3. To create employment opportunities for men and women in the focal regions and improve the attractiveness of the pilot regions for investors and entrepreneurs.
4. To promote the smart specialization of the economy of the focal regions through the development of the clustering and value chain approach in key economic sectors.

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.

### **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 Mayorality 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.

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

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 Mayorality in effective management of public assets (lands, buildings, infrastructure elements, public services).

The overall objective of the Consultant is to assist the Cahul Mayorality 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 Mayorality, 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.

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

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

### Academic Qualifications:

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

#### Years of 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.
- 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 and men, persons with different types of 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. Please specify in your CV if you belong to any of the group(s) under-represented<sup>1</sup> in the UN Moldova and/or the area of assignment.

#### **Eligibility Requirements:**

Government Officials or Employees are civil servants of UN Member States. As such, if they will be engaged by UNDP under an Individual Contract which they will be signing in their individual capacity, the following conditions must be met prior to the award of contract:

- A "No-objection" letter in respect of the individual is received from the Government employing him/her, and;
- The individual must provide an official documentation from his/her employer formally certifying his or her status as being on "official leave without pay" for the duration of the IC.

The above requirements are also applicable to Government-owned and controlled enterprises and well as other semi/partially or fully owned Government entities, whether or not the Government ownership is of majority or minority status. A separated and retired government official or employee shall not be considered a government official or employee within the context of this Policy, and as such, may be engaged without having to meet the conditions above, provided he/she will ensure and confirm that the national laws governing his/her retirement is observed and complied. Please confirm your willingness to comply with the above conditions.

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

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

1. Proposal explaining how applicant responds to each of the qualification requirements and why he/she is the most suitable for the work.
2. CV including records on past experience in similar projects/assignments and concrete outputs obtained.
3. Referring to experience requirement indicated in point 3 above, the following evidence must be presented together with the application package:

- a) *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;*
- b) *the list of public authorities and years of cooperation must be submitted with the application file to demonstrate 2 years of experience in the field of legal assistance for Local Public Authorities.*

4. Financial proposal - in USD, specifying a total lump sum amount and the number of anticipated working days, incorporated in the Offeror's Letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment.

## 5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount. The payment for services will be made post factum on a lump-sum deliverables basis, as per contract, after the work has been accepted by the Programme Manager. In order to assist the requesting unit in the comparison of offers, the financial proposal will include a breakdown of this lump sum amount (including fee per day, mobile phone costs, transportation costs, etc.).

### Travel

This contract is an activity that has to be done remotely (from office/home) with the possibility of making trips to the territory (at least 30 days of visit), taking into consideration the epidemiological conditions. All the costs for the eventual trips to and from contract location (Cahul) shall be the responsibility of the consultant, thus the transportation costs shall be included in the consolidated financial offer.

The expenses relating to ensuring the hygienic-sanitary conditions (if the meetings take place with physical presence (masks, gloves, disinfectant) shall be covered by the organizers and Programme.

Individual contractor who is over 62 years of age will be required, prior to contract signature, to undergo full medical examination and obtain medical clearance from an UN-approved doctor or his/her own preferred physician. The medical examination shall be issued and submitted to UNDP Moldova upon request.

## 6. EVALUATION

Initially, candidates will be long-listed based on the following minimum qualification criteria:

- Master degree in Law
- 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*).

The long-listed individual consultants will be further short-listed based on the criteria outlined below:

Criteria	Scoring	Maximum Points Obtainable
<b><u>Short-listing</u></b>		
Master degree in Law. Lawyer's license shall be considered an asset.	<i>Master Degree – 10 pts, Lawyer's license – additional 5 pts</i>	15
At least 5 years of practical experience in the field of legal services ( <i>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</i> ).	<i>&lt;5 years – 0 pts, 5 years – 30 pts, &gt;5 years – 5 pts for each additional year up to max. 60 pts</i>	60
At least 2 years of experience in the field of legal assistance for Local Public Authorities ( <i>evidence: the</i>	<i>&lt;2 years – 0 pts, 2 years – 30 pts, &gt;2 years – 5 pts for each additional year up to max. 50 pts</i>	50

<i>list of public authorities must be submitted with the application file).</i>		
Relevant experience in the field of property law and in management of property and public services, public-private partnership, concession will be an asset.	<i>No experience – 0 pts, 1 project/assignment – 20 pts</i>	20
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.	<i>No experience – 0 pts, 1 project/assignment – 15 pts</i>	15
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment	<i>No – 0 pts., yes – 5 pts.</i>	5
<b>Short-listing scoring</b>		<b>165</b>

Following the short-listing, maximum **three candidates**, who obtained the highest scoring will be invited for interview, which will be evaluated as follows:

<b>Criteria</b>	<b>Scoring</b>	<b>Maximum Points Obtainable</b>
<b><u>Interview (via Zoom)</u></b>		
Proven capacities of team-orientation work, abilities of planning and organization	<i>None – 0 pts, limited – 5 pts, good – 15 pts, strong – 30 pts</i>	30
Interpersonal skills of decision making, initiative and creativity	<i>None – 0 pts, limited – 5 pts, good – 15 pts, strong – 30 pts</i>	30
Ability to analyse, plan, efficiently communicate, organize and fulfil the planned results	<i>None – 0 pts, limited – 5 pts, good – 15 pts, strong – 30 pts</i>	30
Ability to attain results and meet the deadlines, maintaining high quality standards	<i>None – 0 pts, limited – 5 pts, good – 15 pts, strong – 30 pts</i>	30
Knowledge of Romanian and Russian. Knowledge of English would be an asset.	<i>each language 5 pts</i>	15
<b>Interview Scoring</b>		<b>135</b>
<b><u>Technical Evaluation Scoring, including interview</u></b>		<b>300</b>
<b><u>Financial Evaluation Scoring</u></b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><u>S = Fmin / F * 200</u></b> S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		<b>200</b>
<b>TOTAL Overall obtainable points</b>		<b>500</b>

**Cumulative analysis:**

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- responsive/compliant/acceptable, and
- 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 points);

\* Financial Criteria weight – 40% (200 points).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

#### Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

**Only interviewed candidates will receive follow-up e-mails on the competition results.**

#### **ANNEXES:**

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

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

**ANNEX 3 – Template of Offeror's Letter to UNDP confirming interest and availability for the Individual Contractor (IC)**

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<sup>1</sup> Under-represented groups in UN Moldova are persons (men/women) 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.