



TERMS OF REFERENCE

Job title:	A team of two National Consultants to support of the LPAs, companies to ensure transparent procurement procedures applied for energy efficiency works and promotion of renewable energy sources (1 legal/procurement and 1 technical)
Duty station:	Chisinau
Reference to the:	"Addressing the impacts of energy crisis and initiating solutions toward energy security and addressing energy poverty" (FPI Programme)
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract type:	Individual Contract (IC)
Contract Duration:	November 2022 – January 2023 (the total estimated amount of work is 55 w.d. – 25 w.d. for the legal/procurement NC and 30 w.d. for the technical NC)

1. PROJECT OBJECTIVES AND EXPECTED RESULTS

The overall objective of the Programme is to assist the Government of the Republic 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 the Republic 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 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. As a follow-up, Moldova is required to ensure transposition of the EU *acquis Communautaire*, which underpins the EU energy legislation on electricity, gas, oil, renewables, efficacy and environment. The country is planning to fully synchronize its electricity network with the ENTSO-E to connect to European electricity market.

The energy sector is one of the top priorities for the Government and it is addressed in Government's Plans and several 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.

In accordance with the existing strategic planning documents, one of main priorities of the Government is to diversify the energy mix with more renewable energy, which is also fully in line with commitments under the EU Clean Energy for all Europeans packages. Achieving this goal will require significant investment in the medium and long term, but also the country's ability to attract and absorb the funds. The development of renewables, such as wind and solar, will also depend on improving the balancing capabilities of the Moldovan power system and its integration with neighboring countries.

Starting with October 2021, Moldova faced significant crisis in the gas sector, which outlined the need to undertake more actions towards improving energy security of the Republic of Moldova, both in the natural gas and electricity sectors.

To enhance security of energy supply, Moldovan authorities are seeking various ways to diversify gas and electricity supply, to strengthen its energy security and enabling a transparent, fully open, and well-functioning energy market.

The acute gas supply crisis in Moldova has also been subject of discussions within the Moldova-EU Association Council meeting on October 28, 2021. The EU and Moldova

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stressed the importance of resilience against any potential efforts by third parties to use energy as a geopolitical lever. The Association Council recalled the importance of continued energy market reform to strengthen competition and transparency in this sector. The EU has urged Moldova to ensure that the energy sector reform demonstrates full respect of the Energy Community acquis and is in line with the EU Third Energy Package. The EU side confirmed its support to the objective of Moldova to synchronize its electricity network with the Continental European Network (CEN), an important step towards the integration into the EU energy system and market.

Under these circumstances, the Government of Moldova will be assisted to tackle the current energy crisis and energy poverty and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis. In partnership with EU, UNDP Moldova will therefore, support the Government of Moldova:

- To tackle the current energy crisis and energy poverty, and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis.
- To support the Government of Moldova in building its capacities towards strengthening the national energy security, as well as in improving the legal and regulatory framework and operationalizing specific rapid large-scale interventions to tackle energy poverty and support most vulnerable and affected groups of population and businesses.

The Programme duration is envisaged between 2022 – 2023 with support from Foreign Policy Instrument (herewith FPI) of EU.

The Project Concept has been approved by FPI of the EU in February 2022, paving the way for development of the full project proposal.

In this context, UNDP Moldova is seeking to recruit a team of two National Consultants to elaborate procurement procedures applied for energy efficiency works and promotion of renewable energy sources (1 legal/procurement expert and 1 technical expert).

3. SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

The reform of the Energy Efficiency Agency has been initiated recently. Strengthening the Agency's institutional capacities is one of the reform's cornerstones; one of its main objectives is to develop a clear vision for the financing of projects in the field of energy efficiency and renewable energy sources in different sectors of the national economy. A specific concept regarding possible mechanisms that would attract external funding for

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these projects in the public sector will be an essential component of the Agency's strategic planning.

It is intended that in foreseeable future Local Public Authorities play a leading role and partner with commercial suppliers in the implementation of energy efficiency measures and promotion of renewable energy sources at the local level. Transparent, well-organized and technically sound procurement procedures need to be developed in order to ensure the implementation of quality works.

The major problems that the local public authorities are currently facing, are the lack of specialists in the procurement field to properly prepare the terms of reference for works and services, including the procurement of solid biofuels. Unsatisfactory development of the terms of reference leads to appeals from the applicants and delays in the execution of the works, or in the purchase of bio fuels. The problem of the poor quality of purchased solid biofuels is highlighted more and more often by the authorities. In this sense, the consultants will examine the possibility of integrating in the standardized purchase template all the technical and legal elements that regulate the solid biofuels market in Moldova.

In this regard, the UNDP Moldova intends to contract a team of two national consultants qualified and experienced to support of the LPAs, companies to ensure transparent procurement procedures applied for energy efficiency works and promotion of renewable energy sources (1 legal/procurement and 1 technical).

Important Note: *The potential applicants shall clearly indicate the position they are applying for in the Application Letter.*

The applicants may apply for both positions and this fact shall be clearly indicated in the Application Letter, with the possibility to be selected for 1 (one) position only.

The National Consultants will work as a team, based on the methodological approach and a detailed action plan that shall be developed at the start of the activities, and which shall be agreed with the local public partners and approved by the Programme.

For the current assignment, the **legal/procurement** National Consultant shall be responsible of:

- 1) Establishment, in collaboration with the technical NC, and other relevant institutions of legal specification (**legal compartment**) for procurement of

equipment and works for the implementation of energy efficiency measures, renewable energy sources and the purchase of bio fuel. The legislative aspects developed will be compliant to national legislation regarding procurement by public bodies, and will correspond to best practices in order to ensure a transparent, well-organized and technically sound process, which will also include a template of terms of reference. Special attention will be drawn to the purchase contract and to key elements that shall guide local public authorities in the procurement process.

- 2) Together with the Public Procurement Agency, the consultant will examine the possibility of including on the eTenders platform minimum requirements for the purchase of equipment, materials and renewable energy sources under the aspect of energy efficiency.
- 3) When developing the procurement procedures, the consultant will take into account the following legal documents and bibliographical sources:
 - *The Law no. 131 of 2015 on public procurement;*
 - *The Law no. 74 of 2020 on procurement in the sectors of energy, water, transportation and postal services,*
 - *GD no. 1070 of 2013 for the approval of the Regulation on solid biofuel,*
 - *International best practices in public procurement in the fields of energy efficiency and renewable energy sources.*
- 4) Conduct a series of 3 trainings / workshops with LPA and commercial suppliers' representatives to present the final version of the legal specification and term of reference (including **reference for laws, GD, etc.**).
- 5) Elaboration of a Final Report for the assignment, presenting the final version of the elaborated legal requirements specific to the field of energy efficiency and renewable energy sources, including those related to the purchase of solid biofuels from local public authorities that own solid biomass thermal power plants. The document shall include technical characteristics specific to the field of energy efficiency and renewable energy sources (developed by the technical National Consultant).
- 6) The following institutions are proposed to be consulted during this assignment:
 - Energy Efficiency Agency (Chisinau) <http://aee.md/>
 - Public Procurement Agency
 - Local Public Authorities (town halls, local councils, beneficiary public institutions, etc.)
 - Commercial suppliers in the field of energy efficiency and renewable energy sources

The **technical** National Consultant shall be responsible of:

- 1) Establishment, in collaboration with the legal NC, and other relevant institutions of technical specification (**technical compartment**) for procurement of equipment and works for the implementation of energy efficiency measures, renewable energy sources and the purchase of bio fuel. The technical aspects developed will be compliant to national legislation regarding energy efficiency measures, and will correspond to best practices in order to ensure a transparent, well-organized and technically sound process, which will also include a template of terms of reference.
- 2) The technical specifications will cover the following basic components and technologies, but will not be limited to: windows and doors, heat-insulating materials, air-conditioning systems, lighting, photovoltaic installations, heat collectors, heat pumps, solid biofuels (pellets, briquettes), etc.
- 3) When developing the procurement procedures, the consultant will take into account the following legal documents and bibliographical sources:
 - *The Law no. 131 of 2015 on public procurement;*
 - *The Law no. 74 of 2020 on procurement in the sectors of energy, water, transportation and postal services,*
 - *GD no. 1070 of 2013 for the approval of the Regulation on solid biofuel,*
 - *International best practices on **technical aspects** of public procurement in the fields of energy efficiency and renewable energy sources.*
- 4) Conduct a series of 3 trainings / workshops with LPA and commercial suppliers' representatives to present the final version of the technical specification and templates of terms of reference (**technical aspects**).
- 5) Elaboration of a Final Report for the assignment, presenting the final version of the elaborated technical specification and terms of reference.
- 6) The following institutions are proposed to be consulted during this assignment:
 - Energy Efficiency Agency (Chisinau) <http://aee.md/>
 - Public Procurement Agency
 - Local Public Authorities (town halls, local councils, beneficiary public institutions, etc.)
 - Commercial suppliers in the field of energy efficiency and renewable energy sources

4. EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

For the **legal/procurement** National Consultant the assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: Activity Plan and Methodology submitted and approved <i>i.e. task 1 (1 working day).</i>	November 2022

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2.	Deliverable 2: Templates of terms of reference for the procurement of equipment, works for the implementation of energy efficiency measures, renewable energy sources and solid biofuels. (legal compartment) developed <i>i.e. tasks 1, 2, 3 (up to 17 working days)</i>	December 2022
3.	Deliverable 3: A series of 3 trainings / workshops with LPA and commercial suppliers' representatives to present the final version of the legal specification templates (legal aspects) conducted <i>i.e. task 4 (up to 5 working days)</i>	December 2022
4	Deliverable 4: Final Report for the assignment submitted and approved <i>i.e. task 5 (up to 2 working days)</i>	January 2023

For the **technical** National Consultant the assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: Activity Plan and Methodology submitted and approved <i>i.e. task 1 (1 working day)</i> .	November 2022
2.	Deliverable 2: Template of terms of reference for the procurement of equipment, works for the implementation of energy efficiency measures renewable energy sources and solid biofuels (technical compartment) developed <i>i.e. tasks 7, 8, (up to 20 working days)</i>	December 2022
3.	Deliverable 3: A series of 3 trainings / workshops with LPA and commercial suppliers' representatives to present the final templates of terms of reference and technical specifications (technical aspects) conducted <i>i.e. task 10 (up to 7 working days)</i>	December 2022
4	Deliverable 4: Final Report for the assignment submitted and approved <i>i.e. task 11 (up to 2 working days)</i>	January 2023

Note: Deliverables and the final timeline can be amended or specified for the purpose of the assignment.

5. INSTITUTIONAL ARRANGEMENTS

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This is individual contract for each of the two National Consultants. The timeframe for the work is November 2022 – January 2023.

The National Consultants will be given access to relevant information and data necessary for execution of the tasks under this assignment. The consultant will work in close collaboration with the FPI Programme Manager and Team Leader for Component 2 - for substantive aspects of the assignment.

6. FINANCIAL ARRANGEMENTS

Payments will be disbursed in several instalments, upon submission and approval of deliverables, and certification by UNDP Moldova Programme Specialist/Cluster Lead that the services have been satisfactorily performed.

Travel expenses from the duty station to all the inspected thermal biomass fuel plants and back, and eventual on-site accommodation will be covered by UNDP Moldova.

7. SKILLS AND EXPERIENCE REQUIRED

A. For the **legal/procurement** National Consultant:

I. Academic Qualifications:

- University degree in law, energy, energy efficiency, renewable energy sources or other related areas.

II. Experience and knowledge:

- Minimum five (5) years of relevant professional experience in public procurement;
- Proven experience in preparing procurement procedures or terms of reference (**legal aspects**) in the fields of energy efficiency and renewable energy sources;
- Proven experience in organizing and leading trainings / workshops with a broad range of stakeholders, including representatives of Local Public Authorities, commercial suppliers, etc.;
- Advanced research skills and capacity to produce analyses using quantitative and qualitative data.
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies would be an advantage.
- Fluency in written and spoken Romanian, Russian is required for this assignment. Good level of English is required.

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B. For the **technical** National Consultant:

I. Academic Qualifications:

- University degree in energy, energy efficiency, renewable energy sources or other related areas.

II. Experience and knowledge:

- Minimum five (5) years of relevant professional experience in implementation of energy efficiency measures and/or promotion of renewable energy sources;
- Proven experience in preparing procurement procedures or technical specification (**technical aspects**) in the fields of energy efficiency and renewable energy sources;
- Proven experience in organizing and leading trainings / workshops with a broad range of stakeholders, including representatives of Local Public Authorities, commercial suppliers, etc.;
- Advanced research skills and capacity to produce analyses using quantitative and qualitative data.
- Previous experience in development assistance or related work for a donor organization, development partners, UN Agencies would be an advantage.
- Fluency in written and spoken Romanian, Russian is required for this assignment. Good level of English is required.

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.

8. PERFORMANCE EVALUATION

Contractors' performance will be evaluated against timeliness, responsibility, initiative, creativity, communication, accuracy, and overall quality of the delivered products.

9. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

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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, including information about experience in similar assignments with at least 3 references.

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.

A retired government official is not considered in this case a government official, and as such, may be contracted.