

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **7 November 2022**

Country: Republic of Moldova

Description of the assignment: A team of 2 (two) national consultants (legal and regulatory impact assessment) to support Moldova in transposition of the Balancing Network Code (emerging support)

Project name: “Addressing the impacts of the energy crisis in the Republic of Moldova: Initiating solutions toward energy security and energy poverty”

Period of assignment/services: December 2022 – June 2023 (the estimated amount of work is 51 w.d. for National legal consultant/Position 1, and 36 w.d. for RIA Consultant/Position 2)

Proposals should be submitted **online by pressing the "Apply Online" button**, no later than **21 November 2022, 16:30 (Moldova local time)**.

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

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 relates to 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 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.

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*". One of the conclusions of the 23rd Energy Community Electricity Forum (June 2018) was that the Forum supports the Energy Community Secretariat's initiative on the implementation of electricity guidelines in the Contracting Parties and underlines the need for a legally binding solution for their application on interconnections between the EU Member States and Contracting Parties. In this context, the Forum highlighted that the reform of the Energy Community Treaty is an indispensable pre-requisite for effective energy market enhancement in the Contracting Parties as well as for their successful integration with neighboring EU markets. It is expected that within the upcoming Energy Community Ministerial Meeting, Regulation 2017/2195 establishing a guideline on electricity balancing will be included in the "*acquis communautaire*" and become legally binding for Parties to the Treaty, including Moldova.

The Regulation 2017/2195 lays down a detailed guideline on electricity balancing including the establishment of common principles for the procurement and the settlement of frequency containment reserves, frequency restoration reserves, and replacement reserves, and a common methodology for the activation of frequency restoration reserves and replacement reserves. This Regulation shall apply to transmission system operators ('TSOs'), distribution system operators ('DSOs') including closed distribution systems, regulatory authorities, the Agency for the Cooperation of Energy Regulators, the European Network of Transmission System Operators for Electricity ('ENTSO-E'), third parties to whom responsibilities have been delegated or assigned and other market participants.

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 TSO and National Agency for Energy Regulation to develop the legal act and its regulatory impact assessment in support to the transposition into national legislation framework the Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing.

The Team of consultants, will consist of:

- Position 1 – National legal consultant (NLC),
- Position 2 – Regulatory impact assessment consultant (RIAC).

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.

Being supervised by Programme Manager and/or Team Leader for Component 1, and in close cooperation with international consultant, and the relevant staff of the National Agency for Energy Regulation and TSO, the team of two consultants are expected to perform the following tasks:

Position 1 – National legal consultant:

1. To support international consultant in developing the draft act that transposes into national legislation Regulation no.2017/2195 on establishing a guideline on electricity balancing as adapted and adopted by the Energy Community. The support will consist of, but not limited to, developing the draft legal act and its supporting documents (e.g. informative note, concordance table, etc.) in line with requirements of the Law 100/2017.
2. Support in conducting the capacity building events for the TSO and ANRE in understanding the requirements and EU practice.
3. To support international expert to draft the internal TSOs' operational procedures as preparation for operation and list of actions needed and requirements for integration into the EU balancing platforms.
4. Provide support to the ANRE by conducting the process of official consultation of the draft legal act/acts (development of the divergence table).
5. Final version of the draft acts developed.

Position 2 – Regulatory impact assessment consultant:

6. To develop the regulatory impact assessment of the draft legal act/s that transposes the requirements of the Regulation no.2017/2195 into national legislation, in accordance with the Methodology of substantiation the draft normative acts approved through the Governmental Decision No. 23 as of 18.01.2019.
 7. To provide support/consultancy during the examination of the RIA by the Working Group of the State Commission for the regulation of entrepreneurial activity.
 8. To review the regulatory impact assessment based on the comments of Working Group of the State Commission for the regulation of entrepreneurial activity.
- For detailed information, please refer to Annex 1 – Terms of Reference.*

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Position 1: Team Leader/policy&legal specialist.

Position 1 – National legal consultant

- I. Education:

- University degree in the law, economics, electrical engineering, or other related areas is required.

II. Experience:

- At least 5 years of proven professional experience in legal acts drafting and promotion and transposition in the national legislation of the EU energy related acquis;
- At least 5 years of working experience in the institutional consultancy and law-making.
- Hands-on experience in electricity-related projects will be a strong advantage.

III. Competencies:

- Excellent knowledge of the Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing.;
- Familiarity with Moldova TSO responsibilities and activity with regards to network balancing
- Familiarity with the 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;
- Proficiency in English. Knowledge of Romanian and Russian will be an asset.

Position 2 – Regulatory impact assessment consultant

I. Education:

- University degree in the law, economics, electrical engineering, energy, or other related areas is required.

II. Experience:

- At least 4 years of proven professional experience in drafting impact assessment documents supporting legal acts and regulations, and/or normative acts analysis, and/or economic impacts assessments;
- At least 4 years of working experience in institutional consultancy in energy field;
- Experience of work within UNDP, UNEP, WB and/or EU-funded project or other international organization would be an asset.

III. Competencies:

- Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23 as of 18.01.2019;
- Familiarity with Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing;
- Excellent knowledge of national energy related policy and legal framework;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Strong interpersonal and communication skills, ability to work with private sector, demonstrated by previous assignments;
- Ability to work under pressure, and to meet tight deadlines 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, including information about experience in similar assignments with at least 3 references.

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, if applicable. 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:

Position 1 – National legal consultant

- University degree in the law, economy, electrical engineering or other related areas is required.
- At least 5 years of proven professional experience in legal acts drafting and promotion and transposition in the national legislation of the EU energy related acquis;
- At least 5 years of working experience in the institutional consultancy and law-making.

Position 2 – Regulatory impact assessment consultant

- University degree in the law, economics, electrical engineering, energy, or other related areas is required.
- At least 4 years of proven professional experience in drafting impact assessment documents supporting legal acts and regulations, and/or normative acts analysis, and/or economic impacts assessments;
- At least 4 years of working experience in institutional consultancy in energy 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:

- 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 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.

Position 1 – National legal consultant		
Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
University degree in the law, economics, electrical engineering or other related areas is required	University degree – 25; Master or higher – 30 pts.	30
At least 5 years of proven professional experience in legal acts drafting and promotion and transposition in the national legislation of the EU energy related acquis	5 years – 30 pts, more than 5 years – for each additional year 5 pts up to the max – 40 pts.	40
At least 5 years of working experience in the institutional consultancy and law-making.	5 years – 30 pts, more than 5 years – for each additional year 5 pts up to the max – 40 pts	40

<p>Interview:</p>	<p>30 pts - Hands-on experience in electricity-related projects will be a strong advantage (10 pts per each assignment, up to max. 30 pts.);</p> <p>35 pts - Excellent knowledge of the Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (limited knowledge – up to 10 pts; satisfactory – up to 25 pts; extensive – up to 35 pts);</p> <p>35 pts - Familiarity with Moldova TSO responsibilities and activity with regards to network balancing (limited knowledge – up to 10, satisfactory – up to 25 pts; extensive – up to 35 pts);</p> <p>35 pts - Familiarity with the 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 35 pts);</p> <p>45 pts. – other competences: analytical skills – Yes - 10 pts, No – 0 pts; communication skills – Yes - 10 pts, No – 0 pts; ability to work with government and LPA representatives – Yes - 10 pts, No – 0 pts; Fluency in Romanian and good working knowledge of English and Russian – 5 pts per each language.</p>	<p>180</p>
-------------------	---	------------

Belonging to the group(s) under-represented in the UN Moldova	No – 0 pts., to one group – 5 pts., to two or more groups – 10 pts.	10
Maximum Total Technical Scoring		300
Position 2 – Regulatory impact assessment consultant		
Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
University degree in the law, economics, electrical engineering, energy, or other related areas is required	University degree – 25; Master or higher – 30 pts.	30
At least 4 years of proven professional experience in drafting impact assessment documents supporting legal acts and regulations, and/or normative acts analysis, and/or economic impacts assessments	4 years – 30 pts, more than 4 years – for each additional year 5 pts up to the max – 40 pts.	40
At least 4 years of working experience in institutional consultancy in energy field	4 years – 30 pts, more than 4 years – for each additional year 5 pts up to the max – 40 pts	40
Interview:	30 pts - Experience of work within UNDP, UNEP, WB and/or EU-funded project or other international organization would be an asset (10 pts per each assignment, up to max. 30 pts.); 35 pts - Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23 as of 18.01.2019 (limited knowledge – up to 10 pts; satisfactory – up to 25 pts; extensive – up to 35 pts); 35 pts - Familiarity with Commission Regulation (EU) 2017/2195 of 23 November	180

	2017 establishing a guideline on electricity balancing (limited knowledge – up to 10, satisfactory – up to 25 pts; extensive – up to 35 pts); 35 pts - Excellent knowledge of national energy related policy and legal framework (limited knowledge – up to 10, satisfactory – up to 25 pts; extensive – up to 35 pts); 45 pts. – other competences: analytical skills – Yes - 10 pts, No – 0 pts; communication skills – Yes - 10 pts, No – 0 pts; ability to work with public authorities – Yes - 10 pts, No – 0 pts; Fluency in Romanian and good working knowledge of English and Russian – 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 two or more groups – 10 pts.	10
Maximum Total Technical Scoring		300
Financial Evaluation Scoring		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ 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.		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