



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **21 November 2022**

Country: Republic of Moldova

Description of the assignment: National Consultant to review the legislative framework, regulations and systems on disability determination in line with the Convention on the Rights of Persons with Disabilities (CRPD) standards and International Classification of Functioning (ICF), (including International Classification of Functioning for Youth and Children (ICF-Y), requirements

Project name: "Paradigm Shift to Disability Inclusive Services, Accountability and Governance in Moldova" Project (PwD Project)

Period of assignment/services: December 2022 - March 2023 (estimated workload: up to 50 working days in total)

Proposals should be submitted online by pressing the "Apply Online" button, no later than **5 December, 2022, 16:00 Moldova Local time (GMT+2)**.

Contract type: Individual Contract (IC)

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: natalia.culai@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 ratification of the UN Convention on the Rights of Persons with Disabilities (2010) by the Republic of Moldova brought important changes in the disability area and social inclusion. The country approved in 2012 the Law on Social Inclusion of Persons with Disabilities, that provides the policy framework. Subsequently, this led to the development of the National Programme on Social Inclusion of Persons with Disabilities (for 2017 - 2022); the National Deinstitutionalization Programme and of the Residential Institutions Transformation Plans for 2018 – 2026.

In relation to the services for persons with disabilities, the ratification of the Convention has stimulated the reform in disability determination and the development of various types of social services for persons with disabilities. To this end, and in particular to guarantee equal opportunities for persons with disabilities to access services and support measures in the community, with a view to full participation, the Government of the Republic of Moldova initiated in 2013 a reform of the system for determining the disability. One of the objectives of this strategy was to "Develop and approve a new methodology for determining disability in children and adults, in accordance with ICF provisions".

The Law No. 60 (2012) and Government Decision No. 65 (2013) have laid the foundation for this reform, regulating the determination of disability at the level of the Ministry of Labor, Social Protection and Family,

both for children and for adults. The single structure at which level this reform was to be implemented was the National Council for Determination of Disability and Work Capacity (NCDDWC). The NCDDWC¹ is a public institution², subordinate to the Ministry of Labor and Social Protection, the only one empowered with functions in the field of determining the degree of disability.

Also, the efficient implementation of the disability determination reform will contribute to implementation of CRPD recommendations issued to Moldova.

The root causes of economic and social vulnerabilities are strongly linked to discrimination of persons with disabilities and disability blind policies. There is a high level of non-compliance and violation of rights, exposing children and adults with disabilities to direct and indirect discrimination in all spheres of life. Some groups are exposed to multiple and intersectional discrimination, particularly women with disabilities, children with disabilities, persons with disabilities living in rural areas, persons with psychosocial and intellectual disabilities, among them especially women residing in long-term residential institutions, and Roma persons with disabilities.

Furthermore, the preliminary finding on situational analysis on issues related to rights of persons with disabilities point out that these issues are of concern for the central public authorities especially the relevant ministries such as the Ministry of Labour and of Social Protection, Ministry of Health or Ministry of Research and Education. Those national authorities that do not deal directly with the rights of persons with disabilities rarely have the issue of implementation of the CRPD on their agenda as the cross sectorial approach to the promotion of rights of persons with disabilities is rarely applied.

The national and local public authorities do not have sufficient capacities to integrate in the development plans, programmes and strategies issues of inclusion and rights of persons with disabilities. Disability is not mainstreamed in local and regional development policies, as well as in sectorial policies. Also, the ODPs in the Republic of Moldova are undeveloped. It is especially the case of NGOs operating in rural areas and small towns. They have limited capacities to promote social inclusion or contribute directly to the process.

Disability determination is a crucial gateway for persons with disabilities to access assistive technologies and devices, individual support services and benefits and therefore have better opportunities to be included in the society. Although the Republic of Moldova undertook steps to reform the disability determination system over the last decade, its core approach is still medical. The NCDDWC lacks a clear methodology for human rights-based disability determination, focused on barriers to the participation of persons with disabilities in all spheres of life, individual requirements, will and preferences. Limited access to information and poorly developed reference mechanisms hinders access of persons with accentuated and severe disabilities, as well as those with intellectual and visual and hearing impairments, older persons with disabilities, and those living in rural areas, to the disability determination services.

Considering the various challenges persons with disabilities are facing, promotion of rights of persons with disabilities is one of the priorities of Moldova UN Country Team. Therefore, in 2022, UNDP, OHCHR and UNICEF have initiated the implementation of the Project “Paradigm Shift to Disability Inclusive Services, Accountability and Governance in Moldova”.

The project is addressing three major barriers to inclusion of persons with disabilities in Moldova: (i) predominant medical approach to disability assessment and determination and (ii) limited accountability and governance mechanisms for CRPD implementation and (iii) limited mainstreaming of rights of persons

¹ Appendix no. 1 at the Government Decision no. 357 of April 18, 2018/ REGULATIONS regarding the organization and functioning of the National Council for Determining Disability and Work Capacity

² Within the Council there are control services for determining the degree of disability, the service for determining the degree of disability, the registration and archiving office and the territorial structures

with disabilities in the national programmes, development programmes, budgets and monitoring processes. Related to these three outcomes, the program will achieve three inter-related outcomes.

Under the first outcome, the program will build capacities of duty bearers to address preconditions to disability inclusion. The action will strengthen the professional capacity of the National Council on Determination of Disability and Work Ability (NCDWAA) to ensure the full transition from the medical to the human rights-based approach to disability determination. A new model of disability determination will be piloted in three regions. Guidelines will be developed and piloted in three regions to facilitate models of good practice, learning and exchange mechanisms on disability determination from a human rights perspective. The program will enhance the constituency engagement and advocacy capacity of OPDs to support implementation of a human centered approach to disability determination.

Under the second outcome, the program will focus on addressing gaps in the domestic legislative framework, regulations and systems on disability determination, data collection and access to assistive technologies. This will be achieved by: (i) producing relevant scoping and feasibility studies in order to identify legislative and procedural gaps; (ii) developing policy options, legal amendments and underlying costing; (iii) creating opportunities for OPDs to participate and shape policy development processes; (iv) facilitating an inclusive policy dialogue with all relevant stakeholders.

Under the third outcome, the program will support the UNCT Moldova to mainstream disability mainstreaming into the UN Moldova Development Cooperation Framework. Efforts will be made to align the domestic framework of SDG indicators to CRPD standards.

The objective of the project is to support the NCDDWA to increase its capacity to enable the transition of disability determination from a model based on narrow health considerations to a model centered on human rights and empowerment in line with Convention on the Rights of Persons with Disabilities (CRPD) and the International Classification of Functioning (ICF), including International Classification of Functioning for children and youth (ICF-CY). To achieve this, the programme component will employ a three-pronged approach: (i) develop new guidelines; (ii) train multi-disciplinary team members on how to apply the new guidelines; (iii) support NCDDWC to pilot the guidelines in three regions of the country.

The Project intends to contract an experienced Local Consultant (hereafter the Consultant) to conduct the review of the current legal framework, regulations and systems on Disability Determination against the CRPD standards and ICF, including ICF-CY, requirements. The Consultant shall develop policy proposals to improve compliance with CRPD standards.

2. SCOPE OF WORK, RESPONSIBILITIES, AND DESCRIPTION OF THE PROPOSED ASSIGNMENT

The main objective of the review of the legal framework and develop policy proposals is also to assess the efficacy of the Project design and governance structure, relevance of the Project outputs, specific impact, efficiency and effectiveness of the technical assistance provided, and sustainability of its interventions.

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

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

1. Academic Qualification:

- University Degree in Law, Human Rights, Pedagogy, Social Sciences, or other relevant field, with PhD degree being an asset.

2. Work Experience:

- At least 5 years of proven professional experience in research in areas related to health, social protection, social sciences, human rights, insurance of application of equality, non-discrimination, accessibility and CRPD compliance;
- At least 5 years of experience in health care, social protection, human rights and other related area;
- Proven experience (at least 1 proven previous assignment) in drafting regulatory framework;
- Previous experience of working with public authorities on human rights issues, vulnerability, social protection, insurance of application of equality, non-discrimination, accessibility and CRPD compliance or other related areas;
- Proven experience in facilitating policy dialogues in areas related to law, human rights focused on disability, vulnerability, social protection, insurance of application of equality, non-discrimination, accessibility and CRPD compliance or other related areas, etc.;
- Advanced research skills and capability of producing policy papers.

3. Competencies:

- Proven knowledge of the UN human rights protection mechanisms and standards, especially focused on CRPD protection mechanism;
- Knowledge of the human rights situation and human rights related problems in the Republic of Moldova and the region is an asset;
- Consistently ensures timeliness and quality of work;
- Innovative and creative thinking;
- Consistently approaches work with energy and a positive, constructive attitude;
- Excellent interpersonal and teamwork skills;
- Ability to facilitate group processes, including when tensions arise;
- Knowledge of Romanian and English languages for the purposes of the assignment;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset.

4. Personal attitudes and qualities:

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility, creativity, flexibility, and punctuality.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other noncitizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply. ***Please specify in CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.***

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Applicants shall submit the following **required documents**:

- Offeror's letter confirming interest and availability, including financial proposal (Annex 2, in USD, specifying a total requested amount per working day, including all related costs, e.g., fees, phone calls, etc.).
- Technical proposal (including brief description of experience, approach, and methodology for the completion of the assignment).
- Duly completed and signed personal CV and at least 3 references.

Incomplete applications will not be considered.

If an applicant is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the applicant must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

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.

5. FINANCIAL PROPOSAL

Lump-sum contracts

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 instalments 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 the number of anticipated working days).

Travel

All envisaged travel costs (if applicable) must be included in the financial proposal. 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.

6. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- University Degree in Law, Human Rights, Pedagogy, Social Sciences, or other relevant field, with PhD degree being an asset.
- At least 5 years of proven professional experience in research in areas related to health, social protection, social sciences, human rights, insurance of application of equality, non-discrimination, accessibility and CRPD compliance.

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 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
Technical		
University Degree in Law, Human Rights, Pedagogy, Social Sciences, or other relevant field, with PhD degree being an asset.	<i>Bachelor's Degree - 10 pts. Masters Degree or PhD - 20 pts.</i>	20
Relevant working experience (at least 5 years) in research in areas related to health, social protection, social sciences, human rights, insurance of application of equality, non-discrimination, accessibility and CRPD compliance.	<i>5 years - 5 pts., each additional year - 2 pts., up to max 35 pts.</i>	35
Experience with similar assignments (normative framework and public policies projects) successfully completed	<i>each assignment - 5 pts., up to max. 50 pts.</i>	50
Previous experience of working with public authorities on human rights issues, vulnerability, social protection, insurance of application of equality, non-discrimination, accessibility and CRPD compliance or other related areas	<i>no experience - 0 pts., 5 years - 20 pts., each additional year - 5 pts., up to max. 40 pts.</i>	40
Strong research and analytical skills	<i>5 years relevant experience - 10 pts., each additional year - 2 pts., up to max 20 pts.</i>	20
Proven knowledge of the UN human rights protection mechanisms and standards	<i>Working experience: 3 years - 15 pts., each additional year - 5 pts., up to max. 35 pts.</i>	35
Proven knowledge of CRPD protection mechanism	<i>No - 0 pts., Yes - 10 pts.</i>	10
Experience in working with UN agencies is a strong advantage.	<i>One assignment - 10 pts., each additional assignment - 5 pts., up to max. 45 pts.</i>	45
Demonstrated knowledge and understanding of the Moldovan law on disability determination.	<i>One assignment - 10 pts., each additional assignment - 5 pts., up to max. 25 pts.</i>	25
Proven proficiency in Romanian and English.	<i>Each language - 5 pts.</i>	10
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	<i>No - 0 pts., to one group - 5 pts., to two or more groups - 10 pts</i>	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).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY, INCLUDING FINANCIAL PROPOSAL TEMPLATE

ANNEX 3 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS