



## INDIVIDUAL CONSULTANT'S PROCUREMENT NOTICE

Date: **22 November 2022**

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**Country:** Republic of Moldova

**Description of the assignment:** National legal consultant for supporting the development and promote a revised version of Water Law no.272 / 2011

**Project name:** "Supporting the Moldovan authorities in the sustainable management of the Dniester River" Project

**Period of assignment/services:** December 2022 - February 2023, up to 50 working days

Proposals should be submitted online by pressing the "Apply Online" button, no later than **6 December 2022, 16:30 (Moldova local time)**.

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

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### 1. **PROJECT OBJECTIVES AND EXPECTED RESULTS**

The strategy of the project "Support to the Moldovan authorities for the sustainable management of the Dniester River" is to improve environmental and social conditions in the Dniester River Basin District through enhanced management of water resources on the basis of updated regulatory framework, comprehensive and reliable river basin management planning, improved water management institutional capacities and implementation of practical environmental activities that would improve the ecological status of the Dniester River, identified as part of the Dniester Impact Study (2021).

The Project consists of 4 (four) Components such as follows:

Component 1. Enhancement of water related regulatory framework put in place the legal and regulatory framework in the energy sector with mainstreamed social and climate considerations in line with the EU requirements;

Component 2. Elaboration of 2nd Management Plan for the Dniester River Basin District;

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Component 3. Support provided to the water management authorities in sustainable management of Dniester River resources at national and international levels;

Component 4. Implementation of activities to improve current ecological conditions of the Dniester River;

## **2. BACKGROUND**

Sustainable management of water resources in accordance with the principle of integrated water management is a priority for Moldova. For further development of the water policy and improvement of the regulatory framework, the Ministry of Environment (MoE), with the support of its subordinated institutions, is responsible for ensuring an ongoing dialogue with the neighboring countries on the integrated management of transboundary water resources, with the goal to provide for the quality and quantity of water needed for both sustainable socio-economic development of the country and a healthy environment.

In the process of improvement of the national regulatory framework, and harmonization of the environmental legislation with the provisions of European Union (EU) directives, the national environmental protection system faces many constraints, particularly, related to outdated standards, normative acts, capacity of responsible institutions, shortage of qualified staff in the government sectoral institutes, etc.

The importance of integrated management of the Dniester River is indisputable for the Republic of Moldova. It is the largest river in the Republic of Moldova, covering 70% of the country's water consumption needs, thus being considered a strategic surface water resource for both environmental and socio-economic security of the country.

For the joint Moldovan-Ukrainian management of the Dniester River, a topic of major importance for Moldova is the impact of the operation of the Dniester Hydropower Complex (HPC) on the Moldova's territory. In the framework of Project "Study of social and environmental impact assessment of the Dniester Hydropower Complex" funded by Swedish Embassy and implemented by UNDP in 2018-2021, there was clearly shown its negative impact on the environment downstream.

According to Water Law no. 272/ 2011, the river basin district management plans (RBDMP) are being developed for a 6-year cycle. It shall be mentioned that the Ukrainian side is also concerned with the development of the Dniester River Basin Management Plan (RBMP) for the years 2025-2030. In that sense, important methodological aspects were harmonized between countries' experts and institutions, and a Joint Strategic Action Program had been elaborated with assistance of the GEF funded project. The Strategic Action Program (SAP) is one of the key strategic documents of the Commission on Sustainable Use and Protection of the Dniester River Basin. It is based on the findings of the Transboundary Diagnostic Analysis (TDA) for the Dniester River Basin. Both documents have been developed according to the methodology agreed by the two countries and have been extensively consulted. The documents contribute to the Dniester River basin management planning at the national level, as well as support implementation of international commitments to develop joint plans for the transboundary basins. On March 31, 2021, there was signed a Joint Statement on the approval of the Strategic Action Program for the Dniester River Basin for 2021 between the Ministry of Agriculture, Regional Development and Environment of the Republic of Moldova and the Ministry of Environmental Protection and Natural Resources of Ukraine.

Along with attempts to solve the cross-border aspect of the Dniester River management on the platform of the Dniester Commission, currently, the environmental institutions are in an extensive process of functional analysis aimed at streamlining the structure, functions, and capacities in the field of integrated management of water resources.

*For details, please refer to the Terms of Reference.*

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

The objective of the assignment is to provide technical support to the Government of the Republic of Moldova in the development of amendments to Water Law no. 272/2011 in line with the requirements of the Water Framework Directive and the proposals of the water authorities.

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

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

##### **I. Education:**

- An advanced degree (Master's or Ph.D.) in water, law, economics, climate, environment management, policy development, or other relevant fields is required.

##### **II. Experience:**

- At least 5 (five) years of professional working experience in water protection and/or in any other related fields;
- At least 5 (five) years of working experience in drafting law-making and/or transposing into the national legislation the EU water and /or environment-related acquis;
- At least 3 (three) 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 5 (five) years of relevant professional experience in engagement with a large variety of stakeholders in the water sector (public, private, LPAs, central public authorities, etc.).

##### **III. Competencies:**

- Excellent knowledge of the legislation in the field of water;
- Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23/2019;
- Excellent knowledge of the procedure for drafting normative acts, as established by Law 100/2017 regarding normative acts;
- Strong analytical and report writing skills demonstrated by previous assignments;
- Strong interpersonal and communication skills, ability to work with the 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. The proposal, explaining why he/she is most suitable for the work, including past experience in similar assignments, providing brief information on the 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 with at least three names for a reference check.

**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

## **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 the number of anticipated working days).

### **Travel**

All envisaged travel costs must be included in the financial proposal. 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:

- An advanced degree (Master's or Ph.D.) in water, law, economics, climate, environment management, policy development, or other relevant fields is required;
- At least 5 (five) years of professional working experience in water protection and/or in any other related fields;
- At least 5 (five) years of working experience in drafting law-making and/or transposing into the national legislation the EU water and /or environment-related acquis;
- At least 3 (three) 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 5 (five) years of relevant professional experience in engagement with a large variety of stakeholders in the water sector (public, private, LPAs, central public authorities, etc.).

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 70% score on the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

<b>Criteria</b>	<b>Scoring</b>	<b>Maximum Points Obtainable</b>
<b><u>Technical</u></b>		
An advanced degree (Master's or Ph.D.) in water, law, economics, climate, environment management, policy development, or other relevant fields is required.	(Master/equivalent – 20 pts. PhD – 30 pts)	30
At least 5 (five) years of professional working experience in water protection and/or in any other related fields	(5 years – 40 pts, more than 6 years – up to 50 pts, 5 pts – for each additional year)	50
At least 5 (five) years of working experience in drafting law-making and/or transposing into the national legislation the EU water and /or environment-related acquis	(5 years – 40 pts, more than 6 years – up to 50 pts, 5 pts – for each additional year)	50
At least 3 (three) 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	(3 years – 20 pts, more than 4 years – up to 30 pts, 5 pts – for each additional year)	30
At least 5 (five) years of relevant professional experience in engagement with a large variety of stakeholders in the water sector (public, private, LPAs, central public authorities, etc.)	(5 years – 15 pts, more than 6 years – up to 25 pts, 5 pts – for each additional year)	25
<b><u>Interview</u></b>		
Excellent knowledge of the legislation in the field of water	(limited knowledge – up to 10 pts, satisfactory – up to 20 pts; extensive – up to 30 pts)	30
Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23/2019	(limited knowledge – up to 10 pts, satisfactory – up to 20 pts; extensive – up to 30 pts)	30
Excellent knowledge of the procedure for drafting normative acts, as established by Law 100/2017 regarding normative acts	(limited knowledge – up to 10 pts, satisfactory – up to 20 pts; extensive – up to 30 pts)	30
Other competences like: <ul style="list-style-type: none"> <li>• Strong analytical and report writing skills demonstrated by previous assignments;</li> <li>• Strong interpersonal and communication skills, ability to work with the private sector, demonstrated by previous assignments;</li> <li>• Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments;</li> <li>• Fluency in Romanian and good working knowledge of English. Knowledge of Russian would be an asset.</li> </ul>	(limited – up to 5 pts; satisfactory – up to 10 pts; extensive – up to 15 pts)	15
Belonging to the group(s) under-represented in the UN Moldova	No – 0 pts., to one group 5 pts, to 2 or more groups – 5 additional pts.	10
<b>Maximum Total Technical Scoring</b>		<b>300</b>

Criteria	Scoring	Maximum Points Obtainable
<b>Financial</b>		
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p><b><u>S = Fmin / F * 200</u></b></p> <p>S – score received on financial evaluation;</p> <p>F min – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p>F – financial offer under consideration.</p>		<b>200</b>

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**