

TERMS OF REFERENCE

- A. Job Title:** National Legal Expert to support the Central Electoral Commission in developing its internal regulation / secondary legislation framework based on the amended electoral legal framework (3 experts)
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Enhancing Democracy in Moldova through inclusive and transparent elections (EDMITE II)
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** up to 53 working days each during March – August 2023

F. Background:

Electoral support and capacity development are part of UNDP's democratic governance assistance worldwide. Through this support, UNDP helps nations build democratic frameworks which lead to improved representation, accountability, and transparency for the benefit of citizens.

In this context, UNDP has a long-standing partnership with the Central Electoral Commission (CEC) and the Centre for Continuous Electoral Training (CICDE) aiming at advancing the electoral education and democratic electoral processes in Moldova. This partnership, which spans over 10 years, resulted in the establishment of strong professional institutions, development of a modern State Automated Information System "Elections" (SAISE), the enhancement of the State Register of Voters' accuracy and the design and implementation of effective long-term civic and voter and citizens education instruments.

Throughout the last electoral cycles, due to the continuous UNDP's support CEC and CICDE have demonstrated strengthened capacities and, despite challenges and persistent financial limitations faced by the institutions, managed to successfully deliver "well-administered elections", as attested by OSCE/ODIHR Observation Missions.

Building on the sustainable results achieved during the first phase of the "Enhancing Democracy in Moldova through Inclusive and Transparent Elections – EDMITE" Project implementation (2017 – 2020), the overall Goal of the current Project's II phase (2020 – 2023) is to achieve an enhanced integrity, transparency, and inclusiveness of the electoral process in Moldova by ensuring a more independent and credible electoral administration and better informed and pro-active citizens.

Hence, one of the current project objectives is the legal and regulatory framework improvement in order to respond to the EOM recommendations. To achieve this objective, the UNDP Project aims to support the CEC with hiring a team of experts to assist the CEC in developing its internal regulation / secondary legislation framework based on the legislative amendments to the Electoral Code. The expected result of this assistance aims to improve Moldovan secondary electoral legislation framework by eliminating ambiguities and aligning with the primary electoral legislation framework, international standards and EOM recommendations.

G. Objective:

The Project intends to contract 3 (three) National Experts (*hereafter "the Consultants"*) to provide the CEC with support in developing its internal regulation / secondary legislation framework (*hereafter the "Regulations"*) listed in **Table 1 of Annex 1** based on the legislative amendments to the Electoral Code, international standards and EOM recommendations.

H. Scope of work and expected outputs:

To achieve the objective, it is foreseen that the Consultants will:

- Prepare and present to the project team a detailed work plan of actions for the development of the Regulations considering the timelines listed in Table 1 of Annex 1;
- Carry out, considering the presented work plan and timelines listed in Table 1 of Annex 1, the process of developing the Regulations based on the legislative amendments to the Electoral Code, international standards and EOM recommendations – carried out and submitted to the CEC for feedback;
- Review, adapt and submit to the CEC the Regulations according to the feedback obtained from the CEC and considering the timelines listed in Table 1 of Annex 1;
- Prepare and submit to the Project Team a final comprehensive report and a summarising PPT, documenting all conducted activities including progress, issues and challenges of amending the Regulations process, results, and recommendations.

Note: for the purposes of the assignment, it is suggested that the Consultants conduct on-site consultations with the representatives and staff of the CEC and CEC's divisions

I. Expected Deliverables:

	Key deliverables	Tentative timeframe
1.	Deliverable 1: Presentation of a detailed work plan for the development of the Regulations considering the timelines listed in Table 1 of Annex 1 – prepared and presented.	By 30 March 2023 (estimated - 3 WD/ 1 w.d. each)
2.	Deliverable 2: Development of the CEC Regulations based on the legislative amendments to the Electoral Code, international standards and EOM recommendations – carried out considering the timelines listed in Table 1 of Annex 1 and submitted to the CEC for feedback.	By 31 May 2023 (estimated - 126 WD/ 42 w.d. each)
3.	Deliverable 3: Review and adapt the Regulations according to the feedback obtained from the CEC and considering the timelines listed in Table 1 of Annex 1 – conducted and submitted to the CEC.	By 30 June 2023 (estimated - 27 WD/ 9 w.d. each)
4.	Deliverable 4: Final comprehensive report and a summarising PPT, documenting all conducted activities including progress, issues and challenges of developing the Regulations process, results, and recommendations – prepared and submitted to the Project Team.	By 2 August 2023 (estimated - 3 WD/ 1 w.d. each)

J. Organizational Setting:

This is a part-time consultancy. Interested candidates should apply individually and not as a team. The candidates with the highest score obtained after technical and financial offers' evaluation will be selected. The timeframe for the work of the Consultants is planned for the period March 2023 – August 2023. The Consultant is expected to work up to 53 working days (each) to perform the expected responsibilities under the current ToR.

The assignment shall be performed in coordination with the CEC and under the guidance and supervision

of the Project Officer, Project Manager, or other members of the UNDP EDMITE Project. The Project will liaise with the CEC in organizing the necessary meetings and / or consultations. All communications and documentation related to the assignment will be in Romanian and English.

K. Financial arrangements:

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payment will be made upon the successful completion of the tasks assigned and submission of the assessment report. Payments are based upon output, i.e. upon delivery of the services specified in the TOR. To assist the requesting unit in the comparison of financial proposals the financial proposal shall include a breakdown of this lump sum amount (including fee, taxes, communication costs, travel, per diems, and number of anticipated working days).

Travel

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

L. Confidentiality

Materials provided to the Consultants and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

M. Qualifications and skills required:

Academic Qualifications:

- Bachelor or higher degree in law or public administration.

Experience and knowledge:

- At least 7 years of demonstrated experience in working in legal, electoral or public administration field;
- Proven experience of at least two (2) similar assignments in legal and/or legislative drafting for public institutions.

Competencies:

- Knowledge and sound understanding of election area (CEC roles and responsibilities, as well as Government institutions, NGOs and international organisations working in this field);
- Experience of consultancy and/or analysis/research related to electoral field;
- Strong sense of initiative and ability to work both independently and within a team;
- Fluency in Romanian language (verbal and written) is a must. Knowledge of English will be considered as an advantage for the purpose of the assignment.

Personal 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;
- Excellent analytical, writing and research skills;
- Demonstrated interpersonal skills, as well as the ability to communicate effectively with all stakeholders and to present ideas clearly and effectively;
- Responsibility, flexibility and punctuality, ability to meet deadlines and prioritize multiple tasks.

*The UNDP 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 CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.***

N. Documents to Be Included When Submitting the Proposals

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

- Offeror's letter to UNDP confirming interest and availability for the individual contractor (IC) assignment, incorporating Financial proposal in Annex 2
*Upload the signed version of the filled in Offeror's letter to UNDP confirming interest and availability for the individual contractor (IC) assignment. Annex 2 to the Offeror's letter, incorporating the Financial Proposal, shall be filled in mandatorily and includes the detailed breakdown of costs supporting the all inclusive financial proposal.
The Financial Proposal shall be additionally submitted directly in the system. Please ensure there are no mathematical errors and that amounts from Offeror's Letter to UNDP Confirming Interest and Availability match with your offer in the system.*
- Proposal (Motivation Letter): explaining why they are the most suitable for the work including previous experience in similar Projects *(please provide brief information on each of the above qualifications, item by item, including information, links/copies of documents for similar comprehensive studies);*
- Duly completed and updated personal CV and at least 3 references;
- Technical proposal *(incl. brief description of experience, approach, and methodology for the completion of the assignment).*

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.

Incomplete applications will not be considered.

O. Evaluation

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

- Bachelor's degree or higher in law or public administration;
- At least 7 years of demonstrated experience in working in legal, electoral or public administration field;
- Proven experience of at least two (2) similar assignments in legal and/or legislative drafting for public institutions.

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 and Scoring	Maximum Points Obtainable
Technical evaluation	
Bachelor's degree or higher in law or public administration (<i>Bachelor's degree – 10 pts., Master's degree – 15 pts.</i>)	15
At least 7 years of demonstrated experience in working in legal, electoral or public administration field (<i>7 years – 40 pts., each additional year – 5 pts., up to max. 80 pts.</i>)	80
Proven experience of similar assignments in legal and/or legislative drafting for public institutions (at least two) (<i>two assignments – 20 pts., each additional assignment – 10 pts.; up to max. 50 pts.</i>)	50
Knowledge and sound understanding of election area (CEC roles and responsibilities, as well as Government institutions, NGOs and international organisations working in this field) (<i>each year – 10 pts.; up to max. 80 pts.</i>)	80
Experience of consultancy and/or analysis/research related to electoral field (<i>each consultancy/ analysis/ research – 10 pts.; up to max. 50 pts.</i>)	50
Strong sense of initiative and ability to work both independently and within a team (<i>Independent work - 0 pts., work within a team – 10 pts.</i>)	10
Knowledge of Romanian language (verbal and written) is a must. Knowledge of English will be considered as an advantage for the purpose of the assignment. (<i>Fluency in Romanian - 5 pts., English – 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 – 2.5 pts., to two or more groups – 5 pts.</i>) * Under-represented group in the area of assignment (law enforcement) are women. Under-represented groups in UN Moldova are persons 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. Please specify in CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.	5
Maximum Total Technical Scoring	300
Financial	

<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p>$S = F_{min} / F * 200$</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>	200
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Winning candidate

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

ANNEX 1

Table 1 – Timeline for the development and adjustment of the CEC Regulations

No.	Internal regulation	Deadline for the development	Deadline for review
1.	Regulamentul cu privire la activitatea Consiliului electoral de circumscripție	31 March 2023	30 April 2023
2.	Regulamentul cu privire la activitatea birourilor electorale ale secțiilor de votare	31 March 2023	30 April 2023
3.	Regulamentul cu privire la evidența cazurile de influență necorespunzătoare în cadrul Comisiei Electorale Centrale	31 March 2023	30 April 2023
4.	Regulamentul privind particularitățile de desemnare și înregistrare a candidaților la alegerile locale generale	31 March 2023	30 April 2023
5.	Regulamentul privind procedura de întocmire, prezentare și verificare a listelor de subscripție	31 March 2023	30 April 2023
6.	Regulamentul cu privire la Registrul funcționarilor electorali	31 March 2023	30 April 2023
7.	Regulamentul privind plasarea publicității electorale pe panourile publicitare	31 March 2023	31 May 2023
8.	Regulamentul privind procedura de tragere la sorț	31 March 2023	31 May 2023
9.	Regulamentul privind securizarea votării, păstrarea documentelor electorale și asigurarea integrității buletinelor de vot în cazul votării pe parcursul a două zile	31 March 2023	31 May 2023
10.	Regulamentul privind procedura de organizare a sondajelor de opinie și a EXIT-POLLURILOR	30 April 2023	31 May 2023
11.	Instrucțiunea privind particularitățile înregistrării blocurilor electorale	30 April 2023	31 May 2023

12.	Regulamentul privind înregistrarea prealabilă	30 April 2023	30 June 2023
13.	Regulamentul privind constituirea secțiilor de votare peste hotare	30 April 2023	30 June 2023
14.	Regulamentul privind constituirea și funcționarea secțiilor de votare pentru localitățile din stânga Nistrului (Transnistria)	30 April 2023	30 June 2023
15.	Instrucțiunea privind modul de sistematizare, împachetare, sigilare și transmitere a actelor, documentelor și echipamentului electoral după închiderea secțiilor de votare	30 April 2023	30 June 2023
16.	Instrucțiunea cu privire la procedura de vot cu urna mobilă	31 May 2023	30 June 2023
17.	Instrucțiunea privind procedura de renumărare a buletinelor de vot	31 May 2023	30 June 2023
18.	Instrucțiunea privind aprobarea, pregătirea, transmiterea și păstrarea buletinelor de vot	31 May 2023	30 June 2023
19.	Regulamentul cu privire la accesibilitatea procesului electoral pentru persoanele cu dizabilități	31 May 2023	30 June 2023
20.	Regulamentul privind particularitățile de desemnare și înregistrare a candidaților la alegerile parlamentare	31 May 2023	30 June 2023
21.	Regulamentul privind particularitățile de desemnare și înregistrare a candidaților la alegerile prezidențiale	31 May 2023	30 June 2023
22.	Regulamentul privind particularitățile de înregistrare a participanților la referendum	31 May 2023	30 June 2023