



TERMS OF REFERENCE

Job title:	National Legal Consultant
Duty station:	Chisinau, Moldova
Reference to the project:	“Enhancing access to justice for living in dignity” Project
Contract type:	Individual Contract (IC)
Expected duration of the assignment:	June – November 2023 (30 working days)
Starting date:	June 2023

I. Background

The UNDP project “Enhancing access to justice for living in dignity” is short term project designed to enhance the resilience of the rule of law system from the Republic of Moldova and strengthen its capacities to deliver effective remedies and provide access to public services. It is intended to address the multifaceted and interconnected challenges of the current poly crises through strengthening institutions, empowering vulnerable groups to access legal services, and unlocking the potential of digital transformation in support of better access to justice.

This project aims at providing rule of law institutions and other relevant actors (such as CSOs) with the adequate tools and knowledge to work across the humanitarian-development-peace nexus and to improve access of refugees, displaced populations and host communities to inclusive justice services, safety and security, and protection systems. At the same time, this intervention will seek to empower justice seekers to claim their rights and access legal services while seeking remedies for their grievances.

Although important efforts have been deployed at national level during the last years to advance the efficiency, transparency, fairness and accessibility of the justice sector, improvement is further required to ensure coherent coordination among law enforcement, security, and justice institutions for effective administration of justice, so that men and women, particularly from marginalized or minority groups, are able to claim their rights and access justice effectively.

The Union of Lawyers of the Republic of Moldova (UAM) is the lawyers’ professional self-organization body, member of which are the lawyers licensed according to the Law on the Bar¹. Currently the Union of Lawyers of the Republic of Moldova has 2179 members out of which 1973

¹ https://www.legis.md/cautare/getResults?doc_id=129643&lang=ro#

are active members. The UAM is a self-governing authority, which has the following governing bodies; Congress of Lawyers, Council of the Union of Lawyers, President of the Union of Lawyers, Secretary General of the Union of Lawyers. There are also 3 Commissions active in the UAM: the Licensing Commission, Commission on Ethics and Discipline and Commission of Censors.² The supporting body of the Union of Lawyers is its Secretariat.

In addition to the Union of Lawyers there are four regional bars. Regional bars are established each of the districts of the courts of appeal. All lawyers of the respective district become members of that bar association. The highest governing body of a regional bar is the general meeting of lawyers of the respective district. The current activities are administered by the deans of the bars who are elected by the general meeting of the respective bar for the 2-years term.

In line with the objectives and activities related to digitalisation set out in the 2022-2025 Strategy for ensuring the independence and integrity of the justice sector and the priorities of the Ministry of Justice listed in the Justice Digital Agenda, the Union of Lawyers of the Republic of Moldova is envisaged as one of the stakeholders which will be affected by the digital transformation initiatives and will become part of the overall IT architecture of the justice sector. Thus, a comprehensive analysis of the current situation in relation to digitalization endeavours of the Union of Lawyers of the Republic of Moldova and visionary positioning in the context of sectorial initiatives is required to allow informed decision taking.

In this context, the Project is seeking to hire a national legal consultant to offer support to the ICT national consultant engaged within the “Enhancing access to justice for living in dignity” project to develop the Vision Document of the digitally enabled Union of Lawyers of the Republic of Moldova.

II. Objective and expected outputs

The expected outcome of the assignment is to provide legal support to the National ICT Consultant engaged within Enhancing access to justice for living in dignity Project and the Project team, in the context of developing the Vision Document of the digitally enabled Union of Lawyers of the Republic of Moldova

The key output of the assignment, the Vision Document shall:

- *be the main source of information and ensure a detailed depiction of the current technical infrastructure, applications, data within the Union of Lawyers of the Republic of Moldova;*
- *include an inventory of the internal and external workflows within/of the Union of Lawyers of the Republic of Moldova, the description and analysis digitalisation potential thereof (grouped by area and remit of the association);*
- *include an inventory of stakeholders and chain of coordination related to the remit of the Union of Lawyers of the Republic of Moldova, including relevant resources (systems, data, ICT services and infrastructure, as well as development projects / initiatives);*
- *present the To Be vision (superior level for internal and external workflows, stakeholders and interoperability) of the digitally enabled Union of Lawyers of the Republic of Moldova in support of e-transformation of legal profession and the Roadmap (list of the ICT projects) towards implementation of the Vision Document.*

² the Statute of the Legal Profession (approved by the Congress of the Union of Lawyers on 29 Jan. 2011, effective as of 08 Apr. 2011); the Regulation on the Organization and Functioning of the Union of Lawyers of the Republic of Moldova (approved by the Union of Lawyers Council on 27 May 2016); the Code of Ethics (Deontology) of Lawyers (approved by the Congress of Lawyers on 20 Dec. 2002).

In order to achieve the stated objective, the National Legal Consultant will provide substantial support to the national ICT Consultant related to his following responsibilities:

1. Carry out a desk review of the national regulatory framework covering the scope of work, functions and responsibilities of the Union of Lawyers of the Republic of Moldova, of the national regulatory framework related to ITC solutions, data exchange and interoperability, current internal regulations, concepts and guidelines related to the ICT component within the Union of Lawyers of the Republic of Moldova, previously developed assessments of the existing technical, infrastructural and functional capacities of the Union of Lawyers of the Republic of Moldova. The consultant shall also analyse the best practices in digitalisation of national Bar Associations in the EU Members States, as well as study the internationally acknowledged best practices, in order to ensure transposition of available knowledge and experience in the process of developing the Vision Document of the digitally enabled Union of Lawyers of the Republic of Moldova. As a result, the consultant shall draft a brief informative note covering the findings and recommendations of the desk review to be used by the UNDP National ICT Consultant in the process of preparation of his/her inception report, methodology and tools for the assignment;
2. Prepare in close coordination with the UNDP National ICT Consultant the detailed work plan to be applied for the respective assignment;
3. Conduct in collaboration with the UNDP National ICT Consultant the mapping of stakeholders and their roles and responsibilities, chain of coordination in the context of internal and external workflows of the Union of Lawyers of the Republic of Moldova. The findings of the mapping will be presented during a workshop with the participation of the Union of Lawyers of the Republic of Moldova representatives and UNDP Project team;
4. Develop in collaboration with the UNDP National ICT Consultant, the As is Workflows' Analysis Report, aiming to ensure the legally accurate depiction, based on the inventory of internal and external workflows, roles, functions and accountabilities within the Union of Lawyers of the Republic of Moldova and stakeholders identified following the mapping. The findings of the As is Workflows' Analysis Report will be presented during a workshop with the participation of the Union of Lawyers of the Republic of Moldova representatives and UNDP Project team;
5. Develop in collaboration with the UNDP National ICT Consultant, the To Be Workflows, depicting the roles, functions, and accountabilities of stakeholders in the context of a digitally enabled Union of Lawyers of the Republic of Moldova in support of e-transformation of legal profession. The analysis is expected to provide recommendations on the existing workflows to be digitalised, as well as advise on new workflows, to be built within the Union of Lawyers of the Republic of Moldova business processes, or in connection to other stakeholders as to ensure interinstitutional data exchange and interoperability, as well as provide recommendations on the anticipated amendments to the normative framework, if any, necessary to allow the implementation of the To Be Workflows. The recommendations and scenarios of the To Be Workflows will be presented during a workshop with the participation of the Union of Lawyers of the Republic of Moldova representatives and UNDP Project team;
6. Contribute to the development of the Vision Document of the digitally enabled Union of Lawyers of the Republic of Moldova, describing the current technical infrastructure, applications, data within the Union of Lawyers of the Republic of Moldova, the As is Workflows' and the To Be internal and external workflows, stakeholders and interoperability context of the future digitally enabled Union of Lawyers of the Republic of Moldova and the Roadmap towards implementation of the Vision Document. In this context the consultant is expected to provide necessary legal advice and inputs to substantiate the accurate depiction

of findings and formulation of recommendations, to allow the implementation of the Vision Document and Roadmap in the context of the national normative framework and provide, if necessary, recommendations to adjustment to the normative framework, including drafting the required amendments. The Vision Document will be closely coordinated with the Ministry of Justice, Union of Lawyers of the Republic of Moldova, E Governance Agency, National Center for Personal Data Protection of the Republic of Moldova (NCPDP) and other relevant state institutions;

7. Conduct in collaboration with the UNDP National ICT Consultant participatory consultations* to collect feedback and validate the Vision Document by means of workshops and/or individual discussions with Ministry of Justice, Union of Lawyers from Republic of Moldova, E-Governance Agency, National Center for Personal Data Protection of the Republic of Moldova (NCPDP) and other relevant state institutions.

** The responsibility for facilitating the consultation process for the purpose of completing the tasks outlined hereto will be borne primarily by the National ICT Consultant. The consultant shall be responsible for preparing working materials and agendas and will be supported by the UNDP National Legal Consultant and Project Team to ensure participation, communication, and coordination with invited stakeholders.*

III. Deliverables and Timeframe

Key Deliverables	Tentative workload	Indicative timeline
Deliverables group 1: Carry out desk review and prepare Inception Report		
Support in understanding the legal context of the functioning of the Union of Lawyers of Republic of Moldova provided	5 working days	By June 30, 2023
Substantive inputs to the Inception Report developed by the UNDP National ICT Consultant provided and detailed Work Plan developed and coordinated with UNDP project		
Brief informative note covering the findings and recommendations of the desk review developed and submitted		
Deliverables group 2: Conduct the mapping of stakeholders and contribution to development of the As Is Workflows' Analysis Report and To Be scenarios		

Deliverable: Mapping of stakeholders and their roles and responsibilities, chain of coordination in the context of internal and external workflows of the Union of Lawyers of the Republic of Moldova

Support and advise in conducting the mapping. Facilitation and documentation of the presentation workshop with the participation of the Union of Lawyers of the Republic of Moldova and UNDP Project team provided

Deliverable: Support to the National ICT Consultant in analysing the internal and external workflows and procedures of the Union of Lawyers from the Republic of Moldova

Guidance to the national ICT Consultant in the context of recording and analysing the internal and external workflows of the UAM

Support to ensuring the legally accurate depiction of information and findings in the context of finalising the Report described at point 4 in Section II of the ToR.

Participate in the organisation and facilitation of the workshop with the participation of the UAM and UNDP Project team to present the Workflows Analysis Report presenting the “As Is” situation.

Deliverable: Support to the National ICT Consultant in developing the To Be Workflows scenario

Guidance to the national ICT Consultant in the context of formulating and depicting the To Be workflows provided.

Recommendations on the anticipated amendments to the normative framework, if any, necessary to allow the implementation of the To Be Workflows provided and amendments drafted.

Participate in the organisation and facilitation of the workshop with the participation of the UAM and UNDP Project team to present the “To Be” situation.

Progress Report No.1 regarding the support provided in connection to deliverable groups 1-2 developed and submitted for approval

17 working days

By September 15, 2023

Deliverables group 3: Substantive support and advise in the context of drafting and finalising the Vision Document of the digitally enabled UAM		
<p>Deliverable: Substantive support in developing and finalising the Draft Vision Document of the digitally enabled Union of Lawyers of the Republic of Moldova as described at point 6 in Section II of the TOR ensured</p> <p>Recommendations to adjustment to the normative framework provided and required amendments drafted</p> <p>Deliverable: Participatory consultations to collect feedback on the Vision Document conducted. For purpose of estimation of services' costs, it is expected that at least 3 (three) activities will be carried out.</p>	8 working days	By November 10, 2023

IV. Institutional arrangements

The timeframe for the work of the consultant is tentatively planned through June - November 2023.

The consultant will work under the guidance of the UNDP Project Manager for substantive aspects of the assignment and under the direct supervision of the UNDP Project Officer for administrative aspects.

The consultant is expected to cooperate closely with delegated representatives of the Union of Lawyers. The consultant is also expected to engage with the Ministry of Justice, the Legal Information Resources Agency subordinated to the Ministry of Justice (ARIJ), the E-Governance Agency, Information Technology and Cyber Security Service (STISC), Center for Personal Data Protection and other relevant state institutions.

All the deliverables shall be submitted in Romanian language, in electronic format.

Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

V. Financial Arrangements

Payment will be disbursed in several instalments upon submission and approval of deliverables by the A2J4Dignity Project Officer and certification by the Project Manager that the services have been satisfactorily performed.

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 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 shall include a breakdown of this lump sum amount (including fee, taxes, communication costs and number of anticipated working days).

VI. 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.

VII. Qualifications and skills required:

Academic Qualifications:

- Master's Degree (or 5 years university degree) in Law, or another relevant field;

Work experience:

- At least 5 years of experience in legal consulting, normative framework and public policies;
- Previous proven experience (*at least 2 proven previous assignments*) in conducting legal analysis, research and assessment of institutional business processes and regulations;
- Proven experience (*at least 2 proven previous assignments*) in drafting regulatory framework and or proposal for amendment of normative framework;
- Previous experience in working with the Union of Lawyers is an asset;

Competencies:

- Excellent knowledge and understanding of the national legislation and set-up and functioning of the lawyer's profession and self-organization bodies;
- Excellent understanding of the procedures within the Union of Lawyers remit (licensing, training, membership, sanctioning);
- Ability to analyse, plan and communicate effectively orally and in writing;
- Demonstrated interpersonal and diplomatic skills, as well as the ability to communicate effectively with stakeholders at all levels and to present ideas clearly and effectively;
- Fluency in Romanian and English. Knowledge of Russian will be an asset.
- 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. Please mention in CV if you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.

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 non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

VIII. 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 supporting the required competences and experience);
- Technical proposal (incl. brief description approach and methodology for the completion of the assignment);
- Duly completed and updated personal CV 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.

IX. Evaluation

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

- Master's Degree (or 5 years university degree) in Law, or another relevant field;
- At least 5 years of experience in legal consulting, normative framework and public policies.

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
<u>Technical</u>		
Master's Degree (or 5 years university degree) in in Law, or another relevant field	<i>Master's degree – 15 pts.</i>	15
At least 5 years of experience in legal consulting, normative framework and public policies	<i>5 years – 50 pts., each additional year of experience – 10 pts. up to a maximum of 80 points;</i>	80
Previous proven experience (at least 2 proven previous assignments) in conducting legal analysis, research and assessment of institutional business processes and regulations	<i>None – 0 pts, two assignments – 40 pts, more than two assignments (20 points per additional assignment) – up to a maximum of 80 pts.</i>	80
Proven experience (at least 2 proven previous assignments) in drafting regulatory framework and or proposal for amendment of normative framework	<i>None – 0 pts, two assignments – 30 pts, more than two assignments (20 points per additional assignment) – up to a maximum of 70 pts.</i>	70
Previous experience in working with the Union of Lawyers is an asset	<i>No – 0 pts, Yes - 30 pts.</i>	30
Fluency in Romanian and English. Knowledge of Russian is an asset	<i>Each language 5 pts, up to 15 pts.</i>	15
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
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: <u>S = Fmin / F * 200</u> 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).