



TERMS OF REFERENCE

A. Job title:	National Consultant to develop regulations on the provision of assistive devices for persons with disabilities
B. Reference to the project:	“Paradigm Shift to Disability Inclusive Services, Accountability and Governance in Moldova”
C. Contract type:	Individual Contract (IC)
D. Expected duration of the assignment:	June – September 2023 (up to 47 working days)
E. Starting date:	June 2023

I. 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”.

This reform for determining disability has an important role in guaranteeing the rights of people with disabilities because: (a) can facilitate better access to social, medical, educational, occupational or community services in a broad sense, for persons with disabilities, (b) establishes the basis of a national system for monitoring the situation of people with disabilities in order to better target resources to these people, (c) can contribute to more effective documentation of public policies in the field of disability.

Disability support services and assistive devices are critical pre-condition for persons with disabilities to participate fully in society and to facilitate access to mainstream services. An understanding of what is or is not available and to whom, including from the perspectives of persons with disabilities, is critical for understanding the level of participation and equality of outcomes of persons with disabilities. Disability support services can encompass:

- In-home/residential and community support, including personal assistance;

- Non-coercive support for persons experiencing psychological distress;
- Services focused on assistive devices and technology provision and training;
- Supported decision-making;
- Communications support, such as sign language interpretation.

In many countries, not all forms of support services are available.

Assistive devices are critical in ensuring the social inclusion of persons with disabilities and therefore, the regulatory framework on the issue must respond to the needs of persons with disabilities.

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 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.

II. Scope of the work and expected outputs

The Consultant will provide support to the Ministry of Health and Ministry of Labour and Social Protection to identify the gaps related to the implementation of the above mentioned Regulations and to provide recommendations for its improvement taking into account the needs assessment procedures, costing, planning, procurement and distribution of the assistive devices and technologies to children and adults with disabilities across the country.

Therefore, the Consultant will:

- Prepare the Inception Report and detailed work plan for the assignment;
- Review the current mechanism of needs assessment, planning and ensuring access to assistive devices and technologies for adults and children and disabilities;
- Develop report on the assessment of the current mechanism of needs assessment, planning and ensuring access to assistive devices for persons with disabilities, including children and youth;
- Provide analytical support of the relevant Moldovan legislation and internal regulations of the Ministry of Health and specialized bodies on mechanism of needs assessment, planning and ensuring access to assistive devices and technologies for adults and children and disabilities;
- Facilitate key meetings with the relevant actors (Ministry of Health, specialized bodies, etc.);
- Develop regulatory framework of the Ministry of Health on needs assessment, planning and ensuring access to assistive devices and technologies for children and adults with disabilities;
- Develop policy options for enabling an equitable access to assistive devices and technologies;
- Draft an Action Plan to implement the recommendations made and provide advisory support for the relevant institutions in the implementation on the plan developed;
- Support meaningful involvement of OPDs and informal groups in the review and policy proposals drafting;
- Produce and submit a final progress report that would provide details on the progress of the assignment, activities performed, any issues and problems identified, and solutions proposed;
- Perform other assignment related tasks.

III. Key deliverables and tentative timeframe

No.	Key Deliverables	Indicative timeline
1.	Inception Report containing a detailed Work Plan and Methodology developed (up to 5 w.d.)	June 19, 2023
2.	Assessment Report of the current mechanism of needs assessment, planning and ensuring access to assistive devices for persons with disabilities, including children and youth developed and submitted for clearance (5 w.d.)	June 27, 2023
3.	Consultations with the project beneficiaries to discuss the proposed amendments to the disability determination legal framework, ensured (5 w.d.)	July 7, 2023
4.	Regulatory framework of the Ministry of Health on needs assessment, planning and ensuring access to assistive devices and technologies for children and adults with disabilities developed (up to 20 w.d.)	July 28, 2023
5.	Policy options for enabling an equitable access to assistive devices and technologies developed (up to 5 w.d.)	August 11, 2023
6.	Action Plan to implement the recommendations made and provide advisory support for the relevant institutions in the implementation on the plan developed (up to 5 w.d.)	
7.	Final report submitted (up to 2 w.d.)	August 18, 2023

Deliverables (and the respective timeframes) can be further amended or modified for the purpose of the assignment.

IV. Institutional arrangements

The timeframe of the assignment of the Consultant is planned for the period June – September 2023.

While the reviewing and drafting process will remain fully independent, the assignment shall be performed in close coordination with the UNDP Project Manager.

The consultant is expected to cooperate closely with the management and delegated staffers from the Ministry of Labour and Social Protection, the Ministry of Health, NCDDWA and other relevant institutions and stakeholders.

All the deliverables shall be submitted in Romanian language, in electronic format. The summary of the Assessment Report, described at task 2 in Section III of the TOR, shall be presented in English as well. Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

Performance evaluation

Contractor's performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

Specifically, the Assessment Report should¹:

¹ Refer for the Annex 1 for the proposed Assessment Report format.

- have a concise executive summary (maximum 4 pages).
- be well structured and complete.
- describe what is being evaluated and why.
- identify the evaluation questions of concern of users.
- identify target groups covered by the evaluation and whether the needs of the target groups were addressed through the intervention, and if not, why.
- have the HRBA including gender aspects imbedded throughout the evaluation.
- explain the steps and the procedures used to answer those questions.
- present findings supported by credible evidence in response to the questions.
- acknowledge the limitations and constraints in undertaking the evaluation.
- draw conclusions about findings based on the evidences.
- propose concrete and usable recommendations derived from conclusions.

Presentation

Final Evaluation Report presented to key stakeholders, including UNDP/OHCHR/UNICEF staff, representatives of the beneficiary institutions, Project donors, and NGO/CSO implementing partners and other relevant stakeholders. The Consultant is particularly encouraged to use participatory methods to ensure that all partners and stakeholders are consulted as part of the evaluation process. The Consultant shall take measures to ensure data quality, reliability and validity of data collection tools and methods and their responsiveness to gender equality and human rights. In the process of data collection, the Consultant shall take measures to safeguard the rights and confidentiality of key information providers.

V. Confidentiality

Materials provided to the Consultant and all the 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.

VI. Qualifications and skills required:

a) Academic Qualifications:

- University Degree in Law, Human Rights, Pedagogy, Social Sciences, Public Health, Rehabilitation science/engineering or other relevant field on accessibility and assistive technology, with PhD degree being an asset.

b) Work experience:

- 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.

c) 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.

d) 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;
- 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.***

VII. Payment Modalities

The consultants will organize and facilitate the implementation of all activities as described above; his/her payment will be **lump sum** amount based, disbursed in several instalments, upon submission and approval of deliverables and certification by UNDP Moldova Project Manager that the services have been satisfactorily performed.

VIII. Application Process

Applicants shall submit the following documents:

- Personal updated CV, indicating all past positions held and their main underlying functions, their durations (month/year), the qualifications, as well as the contact details (email and telephone number) of the Candidate, and at least three (3) the most recent professional references of previous supervisors. References may also include peers;
- Proposal (Motivation Letter, maximum length: 1 page): 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 projects*);
- 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;

- Other materials relevant to pre-assessing the relevance of their experience, such as reports, presentations, publications, or other materials.

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.

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.

IX. EVALUATION

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

- University Degree in Law, Human Rights, Pedagogy, Social Sciences, Public Health, Rehabilitation science/engineering or other relevant field on accessibility and assistive technology, with PhD degree being an asset;
- At least 5 years of experience in health care, social protection, human rights and other related area.

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, Public Health, Rehabilitation science/engineering or other relevant field on accessibility and assistive technology, with PhD degree being an asset.	Bachelor's Degree -20 pts. Master's Degree or PhD - 30 pts.	30
At least 5 years of experience in health care, social protection, human rights and other related area;	5 years - 20 pts., each additional year - 5 pts., up to max 50 pts.	50
Proven experience (at least 1 proven previous assignment) in drafting regulatory framework;	each assignment - 10 pts., up to max. 50 pts	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;	no experience - 0 pts., 3 years – 15 pts., 5 years - 30 pts., each additional year - 5 pts., up to max. 50 pts.	50
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.;	no experience - 0 pts., 3 years – 10 pts., 5 years - 20 pts., each additional year - 5 pts., up to max. 40 pts.	40
Advanced research skills and capability of producing policy papers.	5 years of relevant experience - 10 pts., each additional year - 2 pts., up to max 20 pts.	20
Proven knowledge of the UN human rights protection mechanisms and standards, especially focused on CRPD protection mechanism;	3 years of working experience - 15 pts., each additional year - 5 pts., up to max. 40 pts.	40
Proven proficiency in Romanian and English.	Each language – 5 pts.	10
Belonging to the group(s) under-represented in the UN Moldova and/or the area of assignment*	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).