**TERMS OF REFERENCE**

**Job Title:**  National Legal Consultant to support the approximation of the related legal framework for implementation of the digital National Farmers Registry as part of the vision for IACS

**Duty Station:**  Chisinau, Moldova

**Project reference:**  Human security project: Multidimensional response to emerging human security challenges in Moldova

**Contract type:**  Individual Contract (IC)

**Contract Duration:** 80 working days duringOctober 2023 – February 2024

1. **BACKGROUND:**

Moldova is facing a compound crisis of energy and food security, curtailed economic growth, growing inflation, limited institutional capacities and divisions in society, aggravated by the continuing socio-economic impact of the COVID-19 pandemic and the war in Ukraine. The refugee crisis presents an additional challenge that requires sustained attention and support from the international community. Without urgent intervention, the deepening socio-economic, energy, food and human security crises has the potential to derail the trajectory of development, and drastically increase human suffering of people in Moldova, whether Ukrainian refugees, third country nationals, or Moldovan citizens (including those from minority ethnic groups).

The overall objective of the intervention “Multidimensional response to emerging human security challenges in Moldova” is to protect human security and enhance the resilience of the Republic of Moldova, in order to address the multifaceted and interconnected challenges of the current socio-economic, food and energy shocks. The three specific objectives are:

* Specific objective 1: To enhance people’s energy security through access to affordable energy that supports livelihoods and energy-efficient production.
* Specific objective 2: To enhance food security by supporting the government to implement its Food Security Strategy, thereby strengthening the capacities of agricultural producers affected by the compound crises
* Specific objective 3: To enhance community security by capacitating the police service and community actors to deliver on the principles of social cohesion and peaceful coexistence.

Under the objective 2, within the Accelerating Digital Transformation in Public Sector Project (Digital Transformation Project or Project), UNDP Moldova aims to will provide support for anticipating and monitoring/measuring food poverty and developing new mechanisms to address food poverty.

The Digital transformation project also aims to improve access to and quality of public services and business conditions through accelerated digital transformation of government processes and business model(s) and additionally, to promote innovation, as well as collaborative experimentation within the Government, in the private sector, internally in UNDP Moldova, and in collaboration with external partners. Within this Project, UNDP Moldova is strategically positioned as an integrator of programmatic solutions with innovative mindset, including bringing forward digital components in supporting accelerated delivery of the Sustainable Development Goals.

Project objectives are the following:

* Support transformative changes in the organizational and innovation culture in the public and private sectors for accelerated achievement of the Sustainable Development Agenda and national targets;
* Contribute towards streamlining innovation through engaging with the ongoing and prospective projects and seeking ways to maximize and to measure their social impact. Support Digitalization of Moldova that will contribute to improved governance by increasing the efficiency and effectiveness of government processes, increasing transparency and public access to governmental information – therefore promoting accountability and public participation, and improving the innovative delivery of public services, as well as impact evaluation and strategic support to scaling-up successful solutions.

The Ministry of Agriculture is the key line ministry of the Government and a central body empowered to promote and implement new information technology methods to strengthen the local agricultural system and improve productivity, to spur digitalization and innovative technology adoption among Moldova’s agribusinesses. While data collection, analysis, monitoring, and sharing tasks were traditionally performed using hard copies, currently it is proposed to use digital tools for real-time data collection; validation, modelling, and compilation software; as well as applications for data dissemination to reduce data processing obstacles faced in the past. The initiative complements and builds on national strategies in the sector and Agenda 2030 for sustainable development of the country. The modernization and digital transformation of the agricultural production is imperative to create a sustainable economy and develop human capital in Moldova. Driven by the expanded usage of digital technologies in high growth potential value chains, this transition will result in innovation and spill over benefits to enhance the performance of one of Moldova’s most important economic sectors.

1. **OBJECTIVE:**

The main objective of the current assignment is to support the Ministry of Agriculture and Food Industry in development of the related legal framework for implementation of the digital National Farmers Registry as part of the vision for IACS, as part of the team of experts.

Farmers’ Digital Registry that will be a robust and reliable information platform on farmers and their activity within the country. It is expected that Farmers’ Digital Registry will be the main entry point for agricultural production including collection, analysis, monitoring, and provision of technical assistance to farmers. Moreover, the registry will:

* Supply reliable data for Moldovan policy makers. The Registry will be used for collecting accurate information about the agricultural cadastre (a system for mapping and managing land), agricultural land use, and agricultural enterprises, as well as quantitative and qualitative data about agricultural land. Inaccurate data significantly hamper the capacity of decision makers to get a clear understanding about the current situation in agricultural sector which is necessary to elaborate accurate and effective decisions. The number of cases with discrepancies in official documents which contain information received from different data sources is so big that the false perception of the real sector status could lead to negative impact on policy results;
* Serve as one of the main resources for harmonization of Moldovan sectorial legislation and regulations with EU standards (to be developed to allow to generate data according to EU standards). Moldova has as of now embraced essential actions to make sure the presence of sectorial legal environment in accordance with international and EU regulations. In addition, the Registry will allow to compile national agricultural data that is comparable with the one used internationally, particularly by EU Member States;
* Serve as the basic tool for monitoring agricultural subsidies. In the current context of improving the quality of agricultural subsidies payments in Moldova, the Registry will be considered as an indispensable instrument in the process of approval and verification of applications submitted by potential beneficiaries as it is used in EU countries, where similar information system is part of the Integrated Administration and Control System.
* Improve the traceability of Moldovan agricultural products. The agri-food sector is more and more focused on meeting increasing consumer demands regarding quality, safety, and security of products. Traceability is a risk management tool that can be used by the consumers to identify clear and precise information for agri-food products. For instance, by tracking the production chain it is possible to verify, certify, and monitor if the final product complies in fact with the relevant specifications and quality requirements.

Additionally, the Registry will provide a unique opportunity to support small farmers across Moldova and potentially increase food security, create jobs, and support long-term agriculture, rural and economic growth.

1. **SCOPE OF WORK AND EXPECTED OUTPUTS:**

The National Consultant will support the Ministry of Agriculture to integrate the digital Farmers Registry and further IACS requirements into the relevant regulatory framework. He/she will work closely with the project team, representatives of the Ministry, consortium of companies contracted for implementation of the dNFR, and other relevant stakeholders. The specific tasks are presented below:

* Support in development of situational & gap analysis (tables of compliance) of the national legislation and regulation for implementation of the IACS and dNFR as a first component
* Support in developing legal recommendations and amendments to the current legislation and new Governmental Decisions and regulations to ensure the implementation of the dNFR. Coordination with stakeholders.
* Develop legal recommendations and amendments to the current legislation to ensure the implementation of the IACS.
* Participate in the sessions of the Working group established for the implementation of the dNFR. Ensure legal expertise of the documentation presented on the working agenda.
* Development of policy or position briefs on the implementation of the dNFR and transition to IACS

**Expected Deliverables:**

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| **item no.** | **DELIVERABLES** | **Estimate Workdays** | **Tentative** **timeframe** |
|  | ***Tasks*** |  |  |
| 1. I. | Support in development of situational & gap analysis (tables of compliance) of the national legislation and regulation for implementation of the IACS and dNFR as a first component | up to 10 w.d. | 29 February 2024 |
| 1. . | Support in developing legal recommendations and amendments to the current legislation and new Governmental Decisions and regulations to ensure the implementation of the dNFR. Coordination with stakeholders. | up to 30 w.d. | 29 February 2024 |
| 1. . | Support in development of legal recommendations and amendments to the current legislation and new regulations and laws to ensure the implementation of the IACS; | up to 30 w.d. | 29 February 2024 |
|  | Participate in the sessions of the Working group established for the implementation of the dNFR. Ensure legal expertise of the documentation presented on the working agenda. | up to 5 w.d. | 29 February 2024 |
|  | Development of policy or position briefs on the implementation of the dNFR and transition to IACS | up to 5 w.d. | 29 February 2024 |

1. **ORGANIZATIONAL SETTING:**

The Consultant will report to the UNDP Digital Transformation Project Manager, or his designee, who will be responsible for supervising consultant’s performance. Provided deliverables shall be accepted by the Ministry of Agriculture and Food Industry.

Working languages: English, Romanian.

1. **QUALIFICATIONS AND SKILLS REQUIRED:**
2. Academic Qualifications:

* University degree in Law

1. Years and sphere of experience:

* At least 3 years of working experience in developing/contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/reviewing process.
* At least 5 legal acts, regulations, or similar documents in the agricultural and/or economic fields drafted.
* Experience of work with international organizations and in international projects will be an asset.

1. Competencies:

* Knowledge of the national agriculture-related legal and policy framework, will be an asset;
* Knowledge of regulatory framework for policy development documents.
* Good coordination, facilitation, and engagement of stakeholders' skills Excellent writing, presentation, public facilitation skills.
* Fluency in Romanian is required, knowledge of English and Russian will be an asset.

Proven commitment to the core values of the United Nations 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.

1. **APPLICATION PROCESS**

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

1. Signed and filled-in Offeror’s letter to UNDP confirming interest and availability for the individual contractor (IC) assignment, incorporating Financial proposal in Annex 2 (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.). 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;
2. 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:

* + 1. a no-objection letter in respect of the applicant received from the Government, and;
    2. 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.

1. **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 number of anticipated working days) (see Annex 2 of the Offeror’s Letter Confirming Interest and availability).

**Travel**

All envisaged travel costs (if applicable) 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.

1. **EVALUATION**

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

* University Degree in Law
* At least 5 years of working experience in developing/contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/reviewing process.
* At least 5 legal acts, regulations, or similar documents in the agricultural and/or economic fields drafted.
* Citizen of the Republic of Moldova

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.

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| **Criteria** | **Scoring** | **Maximum Points Obtainable** |
| **Technical** | | |
| University Degree in Law | Bachelor – 10 pts; Master’s – 20 pts | 20 |
| At least 3 years of working experience in developing/contributing to legislative, normative, and regulatory frameworks in accordance with the national methodology and consultations/reviewing process. | 3 years – 40 points, each additional year – 5 points, up to max. 60 pts | 60 |
| At least 5 legal acts, regulations, or similar documents in the agricultural and/or economic fields drafted | 5 legal document – 40 points, each additional document – 5 points, up to max. 60 pts | 60 |
| Experience of work with international organizations and in international projects will be an asset. | Yes – 20  No – 0 | 20 |
| ***Subtotal desk review Scoring – 160 pts.*** | | |
| **Interview** (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness).  **Only the first 4 applicants that have accumulated the highest technical score shall be invited to the interview.** | | |
| **Competencies:** | | |
| Knowledge of the national agriculture-related legal and policy framework. | limited <20 pts, satisfactory <35 pts, extensive <50 pts | 50 |
| Knowledge of regulatory framework for policy development documents. | limited <15 pts, satisfactory <30 pts, extensive <40 pts | 40 |
| Good coordination, facilitation, and engagement of stakeholders' skills | limited <5 pts, satisfactory <10 pts, extensive <20 pts | 20 |
| Fluency in Romanian is required, knowledge of English and Russian will be an asset. | Romanian– max 10 pts  English – max 5 pts  Russian – max 5 pts | 20 |
| 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 |
| ***Subtotal Interview Scoring – 140 pts.*** | | |
| **Maximum Total Technical Scoring** | | **300** |
| **Financial** | | | |
| Evaluation of submitted financial offers will be done based on the following formula:  **S = Fmin / 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).