



TERMS OF REFERENCE

Job title:	National Technical Consultant for development of Methodologies to meet compliance with Water Framework Directive (WFD)
Duty station:	Chisinau
Reference to the:	“Supporting the Moldovan authorities in the sustainable management of the Dniester River” Project
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract type:	Individual Contract (IC)
Contract Duration:	October 2023 – April 2024 (up to 60 w.d.)

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 two neighboring countries on the integrated management of transboundary water resources, with the goal to ensure the quality and quantity of water needed for both sustainable socio-economic development of the country and a healthy environment.

In the process of improving the national regulatory framework, and harmonizing the environmental legislation with the provisions of European Union (EU) legislation, the national environmental protection system faces many constraints, mainly related to outdated standards, normative acts, capacity of responsible institutions, shortage of qualified staff in the government sectoral institutes, etc.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 Republic of Moldova’s largest river, 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. At the same time, the Dniester River is Ukraine’s second largest river in terms of water discharge.

For the joint Moldovan-Ukrainian management of the Dniester River, a topic of major importance for the authorities of the Republic of Moldova is the impact of the operation of the Ukrainian Dniester Hydropower Complex (HPC) on Moldova’s territory. In the framework of the Project "Study of social and

environmental impact assessment of the Dniester Hydropower Complex", funded by the Swedish Embassy and implemented by UNDP in 2018-2021, the negative impact of the Dniester Hydropower Complex on the environment downstream was clearly demonstrated.

According to the Republic of Moldova's Water Law No. 272/2011, river basin district management plans (RBDMP) are being developed for 6-year cycles. The Dniester River Basin Management Plan (RBMP) for 2025-2030 concerns Ukraine as well. For this reason, important methodological aspects were harmonized between the two countries' experts and institutions, and a Joint Strategic Action Program was prepared with assistance of the GEF / UNDP/ OSCE/ UNECE project "Enabling transboundary co-operation and integrated water resources management in the Dniester River Basin". 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, a Joint Statement on the approval of the Strategic Action Program for the Dniester River Basin for 2021 was signed by the representatives of 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 efforts to manage the cross-border issues of the Dniester River management under the framework of the Dniester Commission, currently, the national environmental institutions are engaged in an extensive process of functional analysis aimed at streamlining their structures, functions, and capacities in the field of integrated management of water resources.

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 an updated regulatory framework, a 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 Overall Objective of the project is to increase the capacity of the Moldovan Government to sustainably manage the Dniester River basin at the national and transboundary levels, including:

- 1) To ensure that the Republic of Moldova has a sufficient regulatory framework for sustainable river management based on the basin-wide approach supported by the EU WFD provisions,
- 2) To provide the Moldovan Government with a comprehensive and realistic Management Plan for the Dniester River Basin developed in compliance with the EU WFD,
- 3) To provide continuous support for the enhancement of capacities of national authorities responsible for water management, as well as the Moldovan representatives under joint Moldovan and Ukrainian bodies tasked with cross-border management of the Dniester River
- 4) To improve the social, economic, and environmental conditions of the Dniester River.

The project duration is from August 2022 through August 2026.

PROJECT OBJECTIVES AND EXPECTED RESULTS

Following the EU Association Agreement signed in 2014, the Republic of Moldova engaged to gradually approximate its legislation to the EU legislation.

Thus, great efforts were undertaken by the country to harmonize its national legislation with EU environmental acquis, including water quality and resource management requirements. The Water Law adopted in 2011 and its subsequent secondary legislation were partially aligned to the requirements of the EU Water framework Directive (WFD) and a series of more specific directives (i.e., Groundwater Directive, Drinking Water Directive, Bathing Water Directive, Nitrates Directive, the Urban Wastewater Treatment Directive, Environmental Quality Standards Directive and the Floods Directive) serves as the primary legal framework for water resources management in the country.

In 2022, the European Council granted the EU candidate status to the Republic of Moldova, opening a new strategic phase for EU-Moldova relations that implies a further and deeper alignment of national legislation with all EU acquis.

Thus, in 2023, the Project “Support to the Moldovan authorities for the sustainable management of the Dniester River” recruited a legal expert with the purpose of providing technical support to the Government of the Republic of Moldova in the development of amendments to the 2011 Water Law for its further alignment to the requirements of EU legal framework.

Moreover, there are a series of methodologies that need to be developed as secondary legislation under the Water Law to ensure further approximation of national legislation to EU WFD requirements that are particularly important to support the assessment and classification of ecological status and potential of water bodies as well as the development of the RBDMPs.

The methodologies to be developed are proposed by the Ministry of Environment to be included in the draft National Action Plan on the achievement of the criteria for accession of the Republic of Moldova to the Union European and on the implementation of the Moldova-EU Association Agreement for 2023-2027 that is currently under the development by the Government of Moldova.

The methodologies aim to go further with approximation to EU WFD.

Within the WFD, the analysis of pressures and risk assessment are critical components aimed at understanding and addressing the factors that impact the ecological status of water bodies. These aspects play a vital role in achieving the directive's goal of achieving and maintaining good ecological status in surface waters. The analysis of pressures and risk assessment are important steps for designing effective Programs of Measures (PoMs), which are action plans aimed at improving water quality and achieving or maintaining good ecological status. By understanding the causes and potential consequences of water body degradation, authorities can tailor their strategies and measures to effectively restore and protect water bodies. Despite being involved in the second cycle of RBDMP development, an official methodology to provide guidance for analyzing pressures and conducting risk assessments for surface water remains unavailable in the country.

The WFD recognizes the importance of maintaining good ecological status and potential of surface water bodies. Therefore, the WFD addresses various aspects of water management, including the hydromorphology of rivers and lakes. For that purpose, WFD requires the assessment of hydromorphological characteristics of surface water bodies as part of the overall ecological assessment, identification of pressures that negatively affect hydromorphological conditions (e.g. urbanization,

agriculture, hydropower, infrastructure development etc). The Programs of Measures (PoMs) to achieve or maintain good ecological status of their water bodies can include actions aimed at restoring hydromorphological conditions, such as modifying river structures, restoring natural flow regimes, and reconnecting rivers with floodplains. Furthermore, the WFD mandates regular monitoring of hydromorphological conditions, which contributes to the assessment of ecological status and the effectiveness of implemented measures. Monitoring data is used to track changes, identify trends, and adapt management strategies accordingly. In addition, the WFD promotes transboundary cooperation in managing water resources and addressing hydromorphological challenges, as effective water management often requires collaboration across borders. Overall, the hydromorphological aspects of the WFD play a crucial role in achieving and maintaining healthy and sustainable aquatic ecosystems across Europe. By addressing physical alterations and restoring natural features, the WFD contributes to the preservation of water quality and biodiversity in rivers and lakes. It is important to note that at present the Republic of Moldova does not undertake evaluations of hydromorphological characteristics of surface water bodies, nor is it engaged in the monitoring of hydromorphological conditions. To address this gap, it is imperative to develop a methodology that will serve as the foundation for evaluating and managing the hydromorphological aspects, thus taking significant strides toward effective implementation of the WFD's hydromorphological related requirements within the Republic of Moldova.

Within the context of the WFD, heavily modified and artificial water bodies (HMWBs) refer to water bodies that have undergone significant alterations due to human activities such as hydropower generation, navigation, and flood control. The identification and designation of HMWBs is an essential aspect of the WFD's holistic approach to water management. It ensures that both natural and altered water bodies are considered with the goal of achieving or maintaining good ecological status of water bodies. Once HMWBs are designated, appropriate management measures are to be developed aiming to mitigate the negative impacts of human alterations on these water bodies. These measures may include habitat restoration, water flow adjustments, and other actions to improve ecological conditions. Given the absence of an official methodology in the Republic of Moldova for the identification and designation of HMWBs, it becomes imperative for the country to develop such a methodology to effectively address the challenges posed by altered water bodies and to align its practices with the objectives of the WFD.

SCOPE OF THE WORK, DUTIES AND RESPONSIBILITIES

The objective of this assignment is to provide technical support to the Government of the Republic of Moldova in the development of the following methodologies:

- 1. Methodology on Analysis of Pressures and Risk Assessment**
- 2. Methodology on Hydro-morphological Alterations, Monitoring and Assessment**
- 3. Methodology on Identification and Designation of Heavily Modified and Artificial Water Bodies**

The tasks to be performed by the National Technical Consultant are the following:

- 1) Develop the Methodology on Analysis of Pressures and Risk Assessment** based on the Guidance Document No 3 Analysis of Pressures and Impacts (Common Implementation Strategy for the Water Framework Directive (2000/60/EC)) taking into consideration the implementation particularities of the Republic of Moldova.

2) **Develop the Methodology on Hydro-morphological Alterations, Monitoring and Assessment** based on the provisions of the following guiding documents:

- CEN - EN 16039 Water quality - Guidance standard on assessing the hydromorphological features of lakes;
- CEN - EN 14614 Water quality - Guidance standard for assessing the hydromorphological features of rivers;
- CEN - EN 16870 Water quality - Guidance standard on determining the degree of modification of lake hydromorphology;
- CEN - EN 15843 Water quality - Guidance standard on determining the degree of modification of river hydromorphology;
- Guidance document No. 7 Monitoring under the Water Framework Directive that provides guidance on the monitoring of hydromorphological aspects, including monitoring of hydromorphological pressures and impacts.
- Experience of Romania in applying the above-listed standards and taking into consideration the implementation particularities of the Republic of Moldova.

3) **Develop the Methodology on Identification and Designation of Heavily Modified and Artificial Water Bodies** based on the Guidance Document No 4 Identification and Designation of Heavily Modified and Artificial Water Bodies (Common Implementation Strategy for the Water Framework Directive (2000/60/EC)) and taking into consideration the implementation particularities of the Republic of Moldova.

The National Technical Consultant will liaise with legal expert to be hired by the project and relevant authorities to identify to facilitate the preparation of necessary documents for the approval and enactment of the methodologies.

The methodologies will be developed under the supervision of the Project Manager and/or Team Leader for Components 1-3 in close collaboration with the staff of the Division of Integrated Water Resources Management Policies of the Ministry of Environment (MoE), Apele Moldovei Agency and State Hydrometeorological Service. The methodologies shall be supported by practical examples and case studies, serving to showcase their practical application at the local level.

EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

The assignment will require the completion of the following tasks:

No.	Deliverables	Tentative timeframe
1	Deliverable 1: Progress report submitted and approved by the Team Leader and the Project Manager on the Task 1: Develop the Methodology on Analysis of Pressures and Risk Assessment (15 working days).	October 2023 - April 2024
2	Deliverable 2: Progress report submitted and approved by the Team Leader and the Project Manager on the Task 2: Develop the Methodology on Hydro-morphological Alterations, Monitoring and Assessment (30 working days).	October 2023 - April 2024

3	Deliverable 3: Progress report submitted and approved by the Team Leader and the Project Manager on the Task 3: Develop the Methodology on Identification and Designation of Heavily Modified and Artificial Water Bodies based (15 working days).	October 2023 - April 2024
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Note: exact dates of deliverables are subject to adjustments based on the project's progress and specific requirements, in consultation and confirmation with the consultant. Flexibility will be maintained to accommodate any changes or unforeseen needs that may arise during the course of the project implementation.

INSTITUTIONAL ARRANGEMENTS

This is individual contract. The timeframe for the work is October 2023 - April 2024.

The local consultant will be given access to relevant information and data necessary for execution of the tasks under this assignment. The consultant will work in close collaboration with the Project Manager and/or Team Leader for Components 1-3 for substantive aspects of the assignment.

FINANCIAL ARRANGEMENTS

Payments will be disbursed in several instalments, upon submission and approval of deliverables, and certification by UNDP Moldova Programme Specialist/Cluster Lead that the services have been satisfactorily performed.

ACADEMIC QUALIFICATIONS, SKILLS AND EXPERIENCE REQUIRED

Academic Qualifications/Education:

- An advanced degree (master's or Ph.D.) in hydrology, natural resource management, environment management, law, economics, or other relevant fields is required.

Experience:

- At least 5 years of work experience in water management (research, monitoring, evaluation, management, and protection);
- At least 3 years of experience in implementing the WFD and its implementing documents;
- Experience in work within UNDP, UNEP, WB, and/or EU-funded projects or other international organizations would be an asset;
- Experience working with/or within central public authorities will be considered an advantage.

Language skills:

- Fluency in Romanian and English languages is a must.

Skills and Competencies:

- Excellent knowledge of water resources management requirements based on the basic principle as established by Water Law 272/2011;
- Knowledge of the Water Framework Directive and its implementing documents;

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- Familiar with the legislation in the field of elaboration of normative acts according to Law nr. 100/2017;
- Strong interpersonal and communication skills, demonstrated by previous assignments;
- Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments.

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.

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

PERFORMANCE EVALUATION

Contractors' performance will be evaluated against timeliness, responsibility, initiative, creativity, communication, accuracy, and overall quality of the delivered products.

DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

- CV, including information about past experience in similar assignments and contact details for at least 3 referees;
- Brief description of why the individual considers him/herself as the most suitable for the assignment;
- Offeror's Letter confirming Interest and Availability with financial proposal (in USD, specifying the total lump sum amount). Financial proposal template prepared in compliance with the template in Annex 2.

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.

EVALUATION

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

- Citizen of the Republic of Moldova;
- An advanced degree (master's or Ph.D.) in hydrology, natural resource management, environment management, law, economics, or other relevant fields is required.
- At least 5 years of work experience in water management (research, monitoring, evaluation, management, and protection);
- At least 3 years of experience in implementing the WFD and its implementing documents.

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>		
An advanced degree (master's or Ph.D.) in hydrology, natural resource management, environment management, law, economics, or other relevant fields is required	<i>Master's degree – 5 pts, Ph.D.'s degree – 10 pts</i>	10
At least 5 years of work experience in water management (research, monitoring, evaluation, management, and protection)	<i>5 years – 10 pts, each additional year of experience – 10 pts, up to a maximum of 50 pts</i>	50
At least 3 years of experience in implementing the WFD and its implementing documents	<i>Up to 3 years – 0 pts, 2 years – 10 pts, each additional year of experience – 10 pts, up to a maximum of 50 pts</i>	50
<i>Total technical – 110 pts.</i>		
<u>Interview</u> (demonstrated technical knowledge and experience; communication/ interpersonal skills; initiative; creativity/ resourcefulness).		
Only the first 5 applicants that have accumulated the highest technical score shall be invited to the interview.		
Excellent knowledge of water resources management requirements based on the basic principle as established by Water Law 272/2011	<i>Limited – up to 20 pts, good – up to 40 pts, excellent – up to 60 pts</i>	185
Knowledge of the Water Framework Directive and its implementing documents	<i>Limited – up to 15 pts, good – up to 25 pts, excellent – up to 40 pts</i>	
Familiar with the legislation in the field of elaboration of normative acts according to Law nr. 100/2017	<i>Limited – up to 10 pts, good – up to 20 pts, excellent – up to 30 pts</i>	
Strong interpersonal and communication skills, demonstrated by previous assignments	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Ability to work under pressure, and to meet tight deadlines demonstrated by previous assignments	<i>Limited – up to 5 pts, good – up to 10 pts, excellent – up to 15 pts</i>	
Fluency in Romanian and good working knowledge of English. Knowledge of Russian would be an asset.	<i>English – up to 10 pts, Romanian – up to 10 pts, Russian – up to 5 pts</i>	

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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>	5
Total interview – 190 pts.		
Maximum Total Technical Scoring		300

**Under-represented group in the area of assignment 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.*

Financial		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; F_{min} – 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).