



TERMS OF REFERENCE

Job title:	National Consultant to support Ministry of Energy in development of the Regulation on elaboration of energy audits by large enterprises
Duty station:	Home-based
Reference to the:	Programme “Addressing the impacts of energy crisis and initiating solutions toward energy security and addressing energy poverty” (FPI Programme)
Payment arrangements:	Lump sum contract (payments linked to satisfactory performance and delivery of outputs)
Contract type:	Individual Contract (IC)
Contract Duration:	41 working days during October – January 2024

1. PROJECT OBJECTIVES AND EXPECTED RESULTS

The overall objective of the Programme is to assist the Government of Moldova to tackle the current energy crisis and energy poverty by addressing prioritized systemic elements in the energy sector to cope with the potential future energy crisis.

Specific objectives are to support the Government of Moldova to:

1. put in place the legal and regulatory framework in the energy sector with mainstreamed social and climate considerations in line with the EU requirements;
2. strengthen the capacities of the energy-related actors and enhance institutional coordination mechanisms to address and avert risks entailed in recent and potential future energy crises;
3. increased awareness and communication among the population to adopt the best energy-saving practices and measures and to encourage the use of renewables;
4. operationalize nationwide energy programmes and demonstrate solutions to increase energy affordability in residential and public buildings, targeting specifically the most vulnerable and affected groups of the population.

2. BACKGROUND

Moldova is part of the EU’s European Neighborhood Policy (ENP) and in the Eastern Partnership framework, which aims at strengthening individual and regional relationships between the EU and countries in its neighborhood. Moldova is also part of the Energy Community Treaty since 2010 and has signed the Association Agreement with EU in June 2014, including the DCFTA which entered into force

in 2016. As a follow-up, Moldova is required to ensure transposition of the EU *acquis Communautaire*, which underpins the EU energy legislation on electricity, gas, oil, renewables, efficiency and environment. The country is planning to fully synchronize its electricity network with the ENTSO-E to connect to European electricity market.

The energy sector is one of the top priorities for the Government and it is addressed in Government's Plans and a number of policy documents, laws and regulations. The most important are the following: the draft National Development Strategy 2030, the National Energy Strategy 2030, Law on energy, Law on electricity, Law on promoting use of energy from renewable sources, Law on natural gas, Law on energy efficiency, Law on the energy performance of buildings, Law on the labelling of products with energy impact, Law on eco-design requirements for energy-related products, etc., as well as a list of secondary legislation, meant necessary to ensure for the implementation of the primary legislation.

In accordance to the existing strategic planning documents, one of main priorities of the Government is to diversify the energy mix with more renewable energy, which is also fully in line with commitments under the EU Clean Energy for all Europeans package. Achieving this goal will require significant investment in the medium and long term, but also the country's ability to attract and absorb the funds. The development of renewables, such as wind and solar, will also depend on improving the balancing capabilities of the Moldovan power system and its integration with neighboring countries.

Starting with October 2021, Moldova faced significant crisis in the gas sector, which outlined the need to undertake more actions towards improving energy security of the Republic of Moldova, both in the natural gas and electricity sectors.

The acute gas supply crisis in Moldova has also been subject of discussions within the Moldova-EU Association Council meeting on October 28, 2021. The EU and Moldova stressed the importance of resilience against any potential efforts by third parties to use energy as a geopolitical lever. The Association Council recalled the importance of continued energy market reform to strengthen competition and transparency in this sector. The EU has urged Moldova to ensure that the energy sector reform demonstrates full respect of the Energy Community *acquis* and is in line with the EU Third Energy Package. The EU side confirmed its support to the objective of Moldova to synchronize its electricity network with the Continental European Network (CEN), an important step towards the integration into the EU energy system and market.

Under these circumstances, the Government of Moldova will be assisted to tackle the current energy crisis and energy poverty and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis. In partnership with EU, UNDP Moldova will therefore, support the Government of Moldova:

- To tackle the current energy crisis and energy poverty, and addressing prioritized systemic elements in the energy sector to cope with potential future energy crisis
- To build its capacities towards strengthening the national energy security, as well as in improving the legal and regulatory framework and operationalizing specific rapid large-scale interventions to tackle energy poverty and support most vulnerable and affected groups of population and businesses.

One of the main Law of the energy sector is the Law 139/2018 on energy efficiency. The law has been recently updated considering the Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency.

The purpose of this law consists in creating the premises for establishing national energy efficiency objectives for different time horizons, in accordance with the commitments of the Republic of Moldova, creating the necessary legal framework for promoting the principle of "energy efficiency above all", improving energy efficiency by implementing the measures included in The Integrated National Energy and Climate Plan, the development of the energy services market, as well as the overcoming of energy market deficiencies that prevent the increase of efficiency in the supply of energy and its use.

According to the art. 19 of the Law 139/2018, large enterprises that do not fall under the scope of Law no. 179/2016 regarding small and medium-sized enterprises perform the energy audit in accordance with the requirements and principles established in the Regulation on performing the energy audit by large enterprises. Additionally, according to the provisions of art. 30 para. (8) of the Law 139/2018, the Government will elaborate the respective Regulation.

In this context, UNDP Moldova is seeking to hire a national consultant that will support Ministry of Energy to elaborate the Regulation on performing of energy audits by large enterprises.

3. SCOPE OF THE WORK, DUTIES, AND RESPONSIBILITIES

The overall objective of the assignment is to support Ministry of Energy to elaborate the Regulation on performing of energy audits by large enterprises.

To reach the proposed objective, the national consultant is expected to perform the following tasks:

1. To develop the draft Regulation on performing of energy audits by large enterprises and its related package required for Governmental consideration and approval (e.g., informative note), in accordance with the requirements of the Law 100/2017 on normative acts.
2. To develop the draft Regulatory Impact Assessment of the draft Regulation on performing of energy audits by large enterprises, in accordance with the Methodology of analysing the impact in the process of substantiation the draft normative acts approved through the Governmental Decision No. 23 as of 18.01.2019.
3. Consult the documents with the beneficiaries and update the documents in accordance with their comments and proposals.

4. EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME

Expected deliverables and schedules are provided in the table below as follows:

Deliverables	Schedule
Deliverable 1. Activity Plan and Methodology for the assignment submitted and coordinated (1 working days)	By the mid-October 2023
Deliverable 2. Draft Regulation on performing of energy audits by large enterprises and its related package required for Governmental	By end-October 2023

consideration and approval (e.g., informative note), as per task #1 above (18 working days)	
Deliverable 3. Draft Regulatory Impact Assessment of the draft Regulation on performing of energy audits by large enterprises, as per task #2 above (10 working days)	By mid-November 2023
Deliverable 4. A consultation process with Ministry of Energy conducted via e-mail or as a meeting, based on which the comments and proposals to the developed documents will be received (2 working days)	By end-November 2023
Deliverable 5. The final versions of the documents, as per task #3 above (10 working days)	By end-December 2023

Note: Deliverables and the final timeline can be amended or specified for the purpose of the assignment.

5. INSTITUTIONAL ARRANGEMENTS

This is a part-time consultancy. The timeframe for the work is October–December 2023.

The consultant will be given access to relevant information and data necessary for the execution of the tasks under this assignment. The national consultant will work in close collaboration with the FPI Programme Manager and Team Leader for Component 1 - for substantive aspects of the assignment. The national consultant will also closely work with the Energy Policy Department of the Ministry of Energy in order to ensure that the draft documents reflects their concerns, expertise, and comments.

The UNDP will provide administrative and logistical support in the organization of all required consultations and meetings.

6. FINANCIAL ARRANGEMENTS

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 installments 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 the daily fee, taxes, and number of anticipated working days) (see Annex 2 of the Offeror's Letter Confirming Interest and availability).

Travel

This assignment is home-based. 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.

7. SKILLS AND EXPERIENCE REQUIRED

I. Education:

- University degree in energy, law or other related areas is required.

II. Experience:

- At least 5 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making.

III. Competencies:

- Excellent knowledge of the energy efficiency national and EU legislation;
- Excellent knowledge of the national legislative process (drafting and promotion for adoption);
- Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23 as of 18.01.2019;
- Strong analytical and report-writing skills demonstrated by previous assignments;
- Strong interpersonal and communication skills, ability to work with Government representatives, demonstrated by previous assignments.
- Fluency in Romanian is required. Knowledge of English and Russian would be an asset.

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

Documents to Be Included When Submitting the Proposals

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

- 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;
- 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 assignments);
- 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.

Evaluation

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

- University degree in energy, law or other related areas is required.
- At least 5 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis.
- At least 5 years of working experience in the institutional consultancy and law-making.

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:

- responsive/ compliant/ acceptable, and
- 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>		
University degree in energy, law or other related areas is required	University degree – 30 pts, Master's degree – 35 pts, Ph.D. – 40 pts.	40
At least 5 years of proven professional experience in legal acts drafting and transposition in the national legislation of the EU energy and/or climate related acquis	no – 0 pts, 5 years – 40 pts, each additional year - 5 pts, up to max – 50 pts.	50
At least 5 years of working experience in the institutional consultancy and law-making	no – 0 pts, 5 years – 30 pts, each additional year - 5 pts, up to max – 40 pts.	40
<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 the energy efficiency national and EU legislation	Limited knowledge < 10 pts, satisfactory < 30 pts, extensive < 40 pts	40

Excellent knowledge of the national legislative process (drafting and promotion for adoption)	Limited knowledge < 10 pts, satisfactory < 30 pts, extensive < 40 pts	40
Excellent knowledge of the RIA development procedure, as established by the Governmental Decision No. 23 as of 18.01.2019	Limited knowledge < 10 pts, satisfactory < 30 pts, extensive V 40 pts.	40
Strong analytical and report-writing skills demonstrated by previous assignments	Yes – 10 pts, No – 0 pts.	10
Strong interpersonal and communication skills, ability to work with Government representatives, demonstrated by previous assignments	Yes – 10 pts, No – 0 pts.	10
Fluency in Romanian is required. Knowledge of English and Russian would be an asset	Romanian – 10 pts English and Russian – 10 pts (5 pts per each).	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 2 or more groups – 5 additional pts. Up to max. 10 pts.	10
Maximum Total Technical Scoring		300

** 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.*

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

Winning candidate

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