



## TERMS OF REFERENCE

<b>Job title:</b>	National Consultant to support the revision and alignment of the regulatory framework of the National Legal Aid Council
<b>Duty station:</b>	Chisinau, Moldova
<b>Reference to the project:</b>	“Enhancing access to justice for living in dignity” Project
<b>Contract type:</b>	Individual Contract (IC)
<b>Expected duration of the assignment:</b>	April 2024 – June 2024 (45 working days)
<b>Starting date:</b>	April 2024

### I. Background

The UNDP project “Enhancing access to justice for living in dignity” (A2J4Dignity) is a 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 Ministry of Justice of the Republic of Moldova is responsible for formulating state policy on state-guaranteed legal aid; drafts regulations in the field of state-guaranteed legal aid; monitors the process of implementation of norms in the field of state-guaranteed legal aid and the process

of evaluating the quality of such aid; develops and submits to the Ministry of Finance a draft budget for the provision of state-guaranteed legal aid; and performs other functions defined by the Law on State Guaranteed Legal Aid.<sup>1</sup>

The National Legal Aid Council, further on referred to as NLAC, and its Territorial Offices are the main bodies administering the legal aid system in Moldova. Members of the NLAC are appointed by the MoJ, the Ministry of Finance, the Bar Association, and the Supreme Council of Magistrates.

NLAC's activity is regulated by the Regulation on the National Legal Aid Council, approved by the Minister of Justice order No. 18 of 24 January 2008<sup>2</sup>. The NLAC performs a wide list of functions provided for in Article 12 of the Law on State Guaranteed Legal Aid. For instance, it manages the process of providing state-guaranteed legal aid; assesses the cost and plans the costs of providing state-guaranteed legal aid and submits proposals to the MoJ for inclusion in the state budget; develops a methodology for calculating income and determines the level of income eligible for qualified legal aid and submits them to the Government for approval; approves the forms of documents for receiving and providing legal assistance guaranteed by the state, etc.

Following the objectives set out in the 2024 Government Action Plan<sup>3</sup> and Action Plan for implementing the 2022-2025 Justice Sector Strategy<sup>4</sup> but also in line with the EU-Moldova negotiation process opened in December 2023, there is a need to review and align the existing legal aid regulatory framework with the relevant development needs within the system, as well to ensure the compliance of the regulatory framework with the applicable *Acquis Communautaire*<sup>5</sup> in the field of access to justice and legal aid so that it ensures efficient access to justice of socially vulnerable population.

In this context, the A2J4Dignity Project is seeking to hire a National Consultant to support the NLAC in the process of reviewing and aligning the internal regulations, instructions, and templates to secure an up-to-date legal aid regulatory framework.

## **II. Objective and expected outputs**

Through this assignment the National Consultant is expected to provide expert support to the NLAC to review and adjust the existing regulations, procedures, templates of documents required to regulate and organize the legal aid system, including in the context of EU accession process.

In order to achieve the stated objective, the National Consultant will have the following responsibilities:

1. Prepare a detailed Work Plan to be applied for the assignment, including the preliminary list of legal aid documents to be reviewed;
2. Carry out a desk review of the national legislation, NLAC regulatory framework, relevant EU legislation, previous assessments/research, and other documents relevant for the scope of the assignment to identify regulatory gaps and opportunities for adjusting legal aid regulations and procedures accordingly. The consultant is also expected to analyse relevant studies, research, reports on best practices related to legal aid systems in order to identify the suitable models, practical solutions to the associated challenges and risks and ensure

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<sup>1</sup> [https://www.legis.md/cautare/getResults?doc\\_id=24283&lang=ro](https://www.legis.md/cautare/getResults?doc_id=24283&lang=ro)

<sup>2</sup> <https://cnaigs.md/ro/acte-normative>

<sup>3</sup> [https://gov.md/sites/default/files/document/attachments/pag\\_2024-27.12.2023.pdf](https://gov.md/sites/default/files/document/attachments/pag_2024-27.12.2023.pdf)

<sup>4</sup> [https://www.legis.md/cautare/getResults?doc\\_id=129241&lang=ro](https://www.legis.md/cautare/getResults?doc_id=129241&lang=ro)

<sup>5</sup> <https://www.consilium.europa.eu/ro/policies/enlargement/moldova/>

- transposition of lessons learnt and experiences in the process of developing internal regulations and/or amendments;
3. Develop a matrix containing findings and specific recommendations for adjusting and/or completing the regulatory framework related to the legal aid system. The matrix will capture interconnections with and analysis of relevant EU legislation;
  4. Draft the package of amendments to the NLAC regulatory framework and applicable set of documents, considering the latest development in the field, as well as based on the screening of Chapter 23 of the Acquis Communautaire related to Judiciary and Fundamental Rights with the focus on legal aid. The supporting documents will be substantiated by the findings of the matrix carried out at point 3 of the current section;
  5. Conduct participatory consultations\* to collect feedback and validate the proposed amendments to the current regulatory framework by means of workshops and/or individual discussions with NLAC, Ministry of Justice, Mediation Council and other relevant state institutions. The consultant shall use the feedback received through the consultations to review the draft proposals for amendment and produce the final version of the package of amendments. For the purpose of the current assignment, it is expected that up to 5 consultation sessions will be carried out;

*\* The responsibility for facilitating the consultation process for the purpose of completing the tasks outlined hereto will be borne primarily by the National Consultant. The consultant shall be responsible for preparing working materials and agendas and will coordinate with the A2J4Dignity Project Team the logistical implications related to organisation of meetings, participation, communication, and coordination with invited stakeholders.*

### III. Deliverables and Timeframe

	Key Deliverables	Tentative workload	Indicative timeline
1.	Detailed Work Plan for the assignment developed and submitted.	3 working days	By April 4, 2024
2.	Desk review of the national regulatory framework described at point 2 in Section II of the ToR conducted.	7 working days	By April 29, 2024
3.	Matrix containing findings and specific recommendations for adjusting and/or completing the regulatory framework as described at point 3 in Section II of the ToR developed and submitted.	8 working days	
4.	Package of amendments to the NLAC regulatory framework and applicable set of documents as described at point 4 in Section II of the ToR drafted and submitted.	20 working days	By May 25, 2024
5.	Participatory consultations to collect feedback and validate the proposed new regulations, as described at point 5 in Section II of the ToR organized.	7 working days	By June 14, 2024

	Consolidation of final version of new regulations completed final version of documents submitted.		
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#### **IV. Institutional arrangements**

The timeframe for the work of the consultant is tentatively planned through April – June 2024.

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 NLAC. The consultant is also expected to engage with the Ministry of Justice, the Mediation Council and other relevant state institution identified at the desk review stage.

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 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, Public Administration or another relevant field.

##### **Work experience:**

- At least 5 years of experience in legal consulting, developing normative framework and/or public policies;

- Previous proven experience (at least 2 proven previous assignments) in conducting legal analysis, research and assessment and/or drafting regulatory framework/proposals for amendment of normative framework;
- Experience in conducting legal analysis, research and assessment and/or drafting regulatory framework/proposals for amendment of normative framework in the justice and rule of law areas will be an asset;
- Previous experience in working with the National Legal Aid Council will be an asset;
- Previous working experience with international organizations, including UN Agencies, or any other development partner will be an asset.

#### Competencies:

- Excellent knowledge and understanding of the national legislation and set-up and functioning of the legal aid system;
- Excellent understanding of the procedures within the legal aid system;
- 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 Russian. Knowledge of English 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 to support the required work experience and competences);
- Technical proposal (incl. brief description of experience, 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:

- Citizenship of the Republic of Moldova
- Master's Degree (or 5 years university degree) in Law, Public Administration or another relevant field;
- At least 5 years of experience in legal consulting, developing normative framework and/or 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
<b><u>Technical</u></b>		
Master's Degree (or 5 years university degree) in Law or Public Administration or another relevant field	<i>Master's degree – 15 pts., PhD degree – 25 pts.</i>	25
At least 5 years of experience in legal consulting, developing normative framework and/or 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 and/or drafting regulatory framework/proposals for amendment of normative framework	<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
Experience in conducting legal analysis, research, and assessment and/or drafting	<i>No – 0 pts, Yes - 25 pts.</i>	25

regulatory framework/proposals for amendment of normative framework in the justice and rule of law areas		
Previous experience in working with the National Legal Aid Council	<i>No – 0 pts, Yes - 25 pts.</i>	25
Previous working experience with international organizations, including UN Agencies, or any other development partner	<i>No – 0 pts, Yes - 25 pts.</i>	25
Fluency in Romanian and Russian. Knowledge of English is an asset	<i>Each language 10 pts, up to 30 pts.</i>	30
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
<b>Maximum Total Technical Scoring</b>		<b>300</b>

<b><u>Financial</u></b>	
<p>Evaluation of submitted financial offers will be done based on the following formula:</p> <p><b><u><math>S = F_{min} / F * 200</math></u></b></p> <p><b>S</b> – score received on financial evaluation;</p> <p><b>F<sub>min</sub></b> – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round;</p> <p><b>F</b> – financial offer under consideration</p>	<b>200</b>

#### Winning candidate

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