**TERMS OF REFERENCE**

**Job title:**  National consultant for support the Ministry of Energy to updating of Government Decision no. 1070/2013 regarding solid biofuels.

**Duty station:**  Chisinau

**Reference to the:** Project “Multidimensional response to emerging human security challenges” (Human Security Project)

Objective 1/Component 1 -To enhance people’s energy security through access to affordable energy that supports livelihoods and energy-efficient production   

**Payment**

**arrangements:** Lump sum contract (payments linked to satisfactory performance and delivery of outputs)

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

**Contract Duration:** April 2024 – September 2024 (up to 40 working days)

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). There are risks of massive outmigration and brain drain, as an immediate impact of the worsening of the socio-economic situation, depleting the country of its major asset: human capital.

The overall objective of the intervention 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.

With this project, UNDP ensures that immediate humanitarian assistance is complemented by development efforts across three core insecurities (Energy, Food, Community) to protect and maintain vital systems, structures and a capacity to support Moldova’s resilience. Ultimately, the advancement of human security in Moldova will give rise to more tangible and sustainable results that comprehensively address root causes and drivers behind current and emerging challenges, identify priorities based on the actual needs, vulnerabilities and capacities of the governments, institutions and the target group of people, and advance solutions that strengthen the protection and empowerment of all peoples and communities.

The project is financed through the Japan Supplementary Budget for a period of 1 year and the total budget of the Specific Objective 1 is around 2.2. mln USD.

The Specific Objective 1/Component 1 will create pre-requisites for secure and affordable energy supply to improve people’s living conditions and of the productions processes. The activities under Objective/Component 1 of the project   range from capacity building for biomass boilers operators to grant scheme for households, biomass producers, SMEs and revamping of related platforms to enable access to biomass-related information such as follows:

The foundations of the solid biofuels sector in the Republic of Moldova were laid between 2012 and 2017 when, through a multidimensional approach, several projects aimed at creating a solid biofuels market were implemented. Thus, in 2017 in the Republic of Moldova there was a demand for solid biofuels in the form of pellets and briquettes provided by approximately 320 public institutions and over 1200 domestic consumers, there were over 70 producers of solid biofuels, there was a laboratory for checking the quality of solid biofuels, there were training programs ranging from school children to solid biofuel plant operators. After 2018, the solid biofuels sector experienced a recession, this being influenced by several factors such as the very low price of natural gas, the precarious institutional framework to ensure the continuity of the launched initiatives, the lack of political support for the sector, etc. The energy crisis affecting the Republic of Moldova starting in the fall of 2021 highlighted the importance of the biofuels sector for the national economy but also from the point of view of energy security. At the same time, it demonstrated the need for the unconditional development of this sector in the situation where the stable supply of energy resources of the country still remains a challenge.

In terms of producing of solid biofuels, official data shows a production volume of solid biofuels that varies between 21.7 thousand tons in 2021 and 30.6 million tons in 2020, the average for the analysed period being 25.5 thousand tons.

The average volume of solid biofuels imported in the period 2019-2021 is 4299 tons of which 2305 tons represent briquettes and 1994 tons pellets. The average volume of biofuels exported during this period is 221 tons and is represented only by pellets. Considering this, there is an average volume of biofuels available on the market of approximately 29.57 thousand tons, 24.4% out of which are imported.

According to the statistical data, a minimum volume of 21.8 thousand tons of solod biofuels was consumed in 2020 and a maximum of 28.3 thousand tons consumed in 2021. There are 265 public institutions consumers of solid biofuels, totalling an installed capacity of 57 MW and 1159 households that have solid biofuel plants with a total installed capacity of 26.2 MW.

There were identified several problems within the solid biofuels producing sector, e.g. difficulties in diversifying raw material sources; accessibility of the equipment for the collection and primary preparation of raw materials, low financial and administrative capacities of economic agents to manage the situation of diversification of raw material sources; high rates for the credits, low interest of the local public authorities, state-owned enterprises and other state entities that, as a result of their activity, generate biomass waste, to send for solid biofuels production, etc.

The legal framework that regulates the solid biofuels sector is limited and consist of:

• Law no. 10 of 26-02-2016 regarding the promotion of the use of energy from renewable sources that includes some provisions regarding the quality of solid biofuels and establishes the national authority responsible for market surveillance.

• The regulation on solid biofuel (approved by Government Decision no. 1070 of 27-12-2013) - establishes the definitions, classes and quality requirements, labelling requirements, as well as the conditions for placing on the market and supervision of biomass products both domestically produced and imported, intended for use in households and small buildings in the residential, commercial and public sectors.

Considering this, UNDP Moldova, through the Project “Multidimensional response to emerging human security challenges” (Human Security Project), Objective 1/Component 1 -To enhance people’s energy security through access to affordable energy that supports livelihoods and energy-efficient production  is providing support to improve the regulatory framework that will contribute to an improved raw material supply and to development of the solid biofuel market.

1. **SCOPE** **OF THE WORK, DUTIES AND RESPOSIBILITIES**

The overall objective of the mission is to provide support to the national energy authorities (Ministry of Energy) to revise and improve the Regulation on solid biofuel, approved by GD 1070/2013. The argument for carrying out this task was the request received from the National Center for Sustainable Energy as well as the latest changes made in the field of renewable energy sources and national standards

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

1. Carrying out an evaluation of the national standards in the field of solid biofuels, with the indication and inclusion as necessary required in the Regulation on solid biofuels

2. Holding consultation meetings with interested parties to present proposals for amending the Regulation on solid bi-fuels. The following involved parties are part of this process, but will not be limited to: The Ministry of Energy, the National Center for Sustainable Energy, the Inspectorate for the Supervision of the non-food products market.

3. In the implementation of the update of HG 1070/2013, account will be taken of the process of improving and verifying the quality of solid biofuels and those placed on the market by the Non-Food Products Supervision Inspectorate.

4. Taking into account the priority intervention, identified during the consultation sessions, at least 1 act of updated Government Decision project should be drawn up, which will contribute to the improvement of the quality of solid bi-fuel products. If necessary, the consultant will also prepare the related package necessary for the consideration and approval of the Government (for example, informative notes), in accordance with the requirements of Law 100/2017 on normative acts.

5. Elaboration of the Regulatory Impact Assessment (RIA) project of the new legal intervention, in accordance with the Impact Analysis Methodology in the substantiation process of draft normative acts approved by Government Decision no. 23 of 18.01.2019.

6. To provide support/consultancy during the promotion for adoption through the updated draft Government Decision.

1. **EXPECTED DELIVERABLES AND TENTATIVE TIMEFRAME**

The assignment will require the completion of the following tasks:

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| **No.** | **Deliverables** | **Tentative timeframe** |
| 1 | **Deliverable 1:** A detailed Work Plan and Implementation Schedule (1 working day) | 9 April 2024 |
| 2 | **Deliverable 2:** Evaluation of national standards with the development of proposals for their transposition in the new Regulation on solid biofuels #1 (7 working days) | 15 April 2024 |
| 3 | **Deliverable 3:** Conduct at least 3 meetings with stakeholders to present proposals to amend GD 1070/2013 as per task #2 (5 working days) | 25 April 2024 |
| 4 | **Deliverable 4:** The draft of the new regulation shall be updated, including the related package required for government review and approval, according to tasks #3,4 (10 working days) | 12 May 2024 |
| 5 | **Deliverable 5:** Draft RIA of the new GD intervention project developed and sent to the Ministry of Energy for analysis, according to task #5 (7 working days) | 25 May 2024 |
| 6 | **Deliverable 6:** Support in promotion of the one draft RIA, one draft GD for adoption and development of the divergence table, as per task #6 (5 working days) | 30 June 2024 |
| 7 | **Deliverable 7:** Final version of the documents considering the public consultation (5 working days) | 1 September 2024 |

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

1. **MANAGEMENT ARRANGEMENTS**

This is a part-time consultancy. The timeframe for the work is April 2024 – September 2024.

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 Team Leader for Component 1 - for substantive aspects of the assignment. The national consultant will also closely work with the Ministry of Energy in order to ensure that the draft documents reflect their concerns, expertise, and comments. Consultations/engagement with international experts/companies contracted under the same project will be necessary.

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

1. **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 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.

1. **QUALIFICATION AND SKILLS REQUIRED**

**Qualifications:**

• University degree in Law, Energy, Climate, Environment, Public Administration, Engineering, Economics, other closely related fields are required.

**Experience:**

* At least 5 years of proven professional experience in legal acts drafting and promotion (Strategies, Action plans, National Programs, Regulations, etc.).
* At least 5 years of working experience in the energy sector or in the field of standardization.
* At least 1 Regulatory act of the same complexity in the energy, conformity of products, etc.
* Experience working with local communities and/or the private sector in implementing. coordinating and monitoring activity in energy sector initiatives or product standardization.

**Competencies:**

* Good knowledge of the standardization and compliance of the non-food products market in Moldova and the existing legal and regulatory framework regarding solid biofuels.
* Excellent analytical skills to perform an in-depth analysis of the situation on the ground and the regulatory barriers or constraints existing today in the field of solid biofuels.
* Excellent knowledge of the national legislative process.
* Strong report-writing skills demonstrated by previous assignments.
* Strong interpersonal and communication skills, ability to work with Government representatives.
* Working experience with UNDP or other international organizations in the field of energy will be an advantage.
* Fluency in Romanian is required. Good command of written and spoken Russian and English would be an advantage.

**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.
  1. **EVALUATION**

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

* Master’s Degree or equivalent in Law, Energy, Climate, Environment, Public Administration, Engineering, Economics, other closely related fields is required.
* At least 5 years of proven professional experience in governmental acts drafting and promotion (Strategies, Action plans, National Programs, Regulations, etc.).
* At least 5 years of working experience in the energy sector or in the field of standardization.
* Citizenship 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, Energy, Climate, Environment, Public Administration, Engineering, Economics, other closely related fields is required | University degree *– 20 pts; Master’s – 30 pts****;*** | 30 |
| At least 5 years of proven professional experience in governmental acts drafting and promotion (Strategies, Action plans, National Programs, Regulations, etc.) | *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 energy sector or in the field of standardization | *no – 0 pts,*  *5 years – 40 pts,  each additional year - 5 pts, up to max – 50 pts.* | 50 |
| At least 1 Regulatory act of the same complexity in the energy, conformity of products, etc. | *No – 0 pts*  *1 study/legal act – 15 pts*  *each additional study/legal act- 5 pts, up to max – 20 pts.* | 20 |
| ***Subtotal desk review Scoring – 150 pts.*** | | |
| **Interview** (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.** | | |
| Good knowledge of the standardization and compliance of the non-food products market in Moldova and the existing legal and regulatory framework regarding solid biofuels | *Limited knowledge – up to 10 pts,*  *satisfactory – up to 30 pts,*  *extensive – up to 50 pts* | 50 |
| Excellent knowledge of the national legislative process | *Limited knowledge – up to 10 pts,*  *satisfactory – up to 30 pts,*  *extensive – up to 50 pts* | 50 |
| 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 | *Yes – 10 pts,*  *No – 0 pts.* | 10 |
| Fluency in Romanian is required. Good command of written and spoken Russian and English would be an advantage. | *Romanian – max 5 pts.*  *English – max 10 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 – 150 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** |

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

Winning candidate

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