

ANNEX 1: TERMS OF REFERENCE

FPI/ Selecting a company to conduct the Strategic Environmental Assessment of the draft of National Energy and Climate Plan (NECP)

1. BACKGROUND

The overall objective of the Programme “Addressing the impacts of energy crisis and initiating solutions toward energy security and addressing energy poverty” (FPI Programme) is to assist the Government of Moldova to tackle the current energy crisis and energy poverty in addressing prioritized systemic elements in the energy sector to cope with 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 enhancing institutional coordination mechanisms to address and avert risks entailed in recent and potential future energy crisis;
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 nation-wide energy programmes and demonstrate solutions to increase energy affordability in residential and public buildings, targeting specifically the most vulnerable and affected groups of population.

As a party to the UN Framework Convention on Climate Change (UNFCCC) and as a contracting party to the Energy Community Treaty (CEn), the Republic of Moldova assumed a series of commitments in the areas of climate and energy. Recent years' international developments, widely accepted by the expert community, decision-makers and civil society, lead towards a convergence of these two areas on the dimension of combating negative effects of climate change by cutting greenhouse gas emissions (GHG). Energy sector is the main source of GHG emissions in the Republic of Moldova, accounting for almost two thirds of direct net GHG emissions¹. Therefore, efficient coordination of all stakeholders participating in the process of drafting strategic documents is essential for assuring coherence of the national public policies frameworks on climate and energy.

On 18 November 2015, the European Commission adopted a Communication stating that integrated national energy and climate plans, addressing all five key dimensions of the energy union, are crucial tools for the implementation of the Energy Union Strategy and for the development of more strategic energy and climate policy planning.

In November 2018, the Energy Community Ministerial Council adopted the [Recommendation 2018/01/EnC-MC](#), recognizing, that the development of integrated national energy and climate plans by the Contracting Parties would support the attainment of the long-term energy and climate policy objectives, reduce the administrative burden and enhance transparency while promoting investor certainty in the region.

¹ <http://clima.md/lib.php?!=ro&idc=264&>

The adoption of Governance Regulation 2018/1999 on 30 November 2021 marked the next step. Adopted and adapted by [Decision 2021/14/MC-EnC](#), the Regulation sets common rules for planning, reporting and monitoring on energy and climate policies and targets. In particular, the Contracting Parties will be required to submit National Energy and Climate Plans (NECPs).

According to the article 3 of the consolidated Governance Regulation, by 30 June 2024, and subsequently by 1 January 2029 and every ten years thereafter, each Contracting Party shall notify to the Energy Community Secretariat an integrated national energy and climate plan. The integrated national energy and climate plan shall consist of the sections set out in paragraph 2 of the Article 3 and in Annex I of the Regulation. The first plan shall cover the period from 2025 to 2030, taking into account the longer-term perspective. The subsequent plans shall cover the ten-year period immediately following the end of the period covered by the previous plan. NECP should lay down the pathway to achieve targets set for 2030 regarding the increase of renewable energy in overall energy consumption, increased energy efficiency and reduction of greenhouse gas emissions. Further, the NECPs should also include a perspective until 2050 in order to ensure consistency with long-term relevant policy objectives at EU, UNFCCC and Energy Community level.

At present, within the FPI Programme Governance Regulation 2018/1999 is transposed into national legislation.

Currently, with the support of EU High Level Advisers Mission², the modelling exercise, that covers the Energy Dimension of the NECP, is finalizing, while drafting of the NECP, including modelling exercise for decarbonization part and drafting narrative parts of all dimensions has just started within the FPI Programme. It is expected that by February 2023 the draft NECP will be developed and consultation on this will start.

In 2017 the Law on Strategical Environmental Assessment³ (SEA) was adopted. It transposes into national legislation the EU Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. The Law entered into force in 07.04.2018. Moldova has ratified the Protocol on Strategic Environmental Assessment to the Espoo Convention in 2018⁴. SEA is a process for evaluating the environmental implications of a proposed policy, plan or programme. According to the Law #11/2017 the SEA is performed for plans and programs prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water resources management, electronic communications, tourism, land use, urban and rural planning. Considering this, SEA procedure is required to be conducted for defining the draft NECP.

In this context, UNDP Moldova is seeking to hire a company/organization to support Government of the Republic of Moldova to conduct SEA procedure for draft NECP.

2. OBJECTIVES OF THE ASSIGNMENT

² <https://eu-advisers.md/#:~:text=The%20overall%20objective%20of%20the,Deep%20and%20Comprehensive%20Free%20Trade>

³ https://www.legis.md/cautare/getResults?doc_id=98607&lang=ro

⁴ https://www.legis.md/cautare/getResults?doc_id=105513&lang=ro

The main objective of the assignment is to conduct the Strategic Environmental Assessment of the draft National Energy and Climate Plan. In particular, selected company is expected to support the Ministry of Infrastructure and Regional Development in launching and conducting the Strategic Environmental Assessment of the draft NECP, in compliance with the Law #11/2017 on Strategic Environmental Assessment and considering the provisions of the Guideline on conducting SEA, approved by the Order of MARDE #219 as of 01.10.2018⁵.

In order to reach the proposed objectives, the selected company/organization is expected to perform the following tasks:

1. To determine the scope of the SEA Report in accordance with the art. 7 of the Law #11/2017 and Chapter VI, Section 1 of the Guideline on conducting SEA, including the list of the stakeholders, the structure of the SEA Report and the information to be included in the SEA Report.
2. To contribute to the consultation of the Scope of the SEA Report with (but not limited to) Ministry of Environment and Ministry of Health (e.g. meetings).
3. To update the Scope, including the structure and the information to be part in the SEA Report, based on the comments and proposals of Ministry of Environment and Ministry of Health.
4. To develop the SEA Report in accordance with the requirements of the art. 8 and Annex 2 of the Law #11/2017 and the Chapter VI, Section 2 and Annex 6 of the Guideline on conducting SEA. SEA will include (but not limited to): impact on environmental components (air, water, soil, flora, and fauna), climate impact, socio-economic impact, as well as health impact.
5. To contribute to the consultation process of the SEA Report in accordance with the provision of the art. 9 of the Law #11/2017 and Chapter VI, Section 3 of the Guideline on conducting SEA, including transboundary consultations.
6. Based on the received comments and proposals, to develop the table of divergences and the final version of the SEA Report to be submitted to the Ministry of Environment.

3. Expected Deliverables and Schedules

The expected deliverables and schedules are provided in the table below as following:

Deliverables	Schedule
Deliverable 1. Activity Plan and Methodology for the assignment submitted and coordinated.	By early December 2022
Deliverable 2. The scope of the SEA Report* as per tasks 1-3 above.	By end December 2022
Deliverable 3. SEA Report developed* as per task 4 above.	By end February 2023
Deliverable 4. A report on the contribution to the consultation process of the SEA Report as per task 5 above.	By end-March 2023
Deliverable 5. Final version of the SEA Report* as per task 6 above	By mid-April 2023

*The documents should be delivered in English and local languages.

4. Institutional Arrangement

The contractor company shall ensure timely delivery of outputs. The contractor company will report to the FPI Programme Manager and Team Leader 1 and will work in close collaboration with the team assigned with NECP development, as well as with national partners (MoE and MoIRD).

⁵ https://www.legis.md/cautare/getResults?doc_id=110732&lang=ro

5. Duration of the Work

Tentative duration of the assignment will be 6 months (December 2022 – April 2023).

6. Duty Station

Duty station – homebased.

7. Qualifications of the Successful Contractor

The minimum qualifications required for the bidder are set up as following:

- a. At least 5 (five) years of experience in environmental and/or socio-economical consultancy.
- b. Demonstrated experience in conducting at least 1 (one) Strategical Environmental Assessment.
- c. Qualified staff (demonstrated by CVs) who meet the minimum requirements (as per point 8 below).

8. Staff Qualification of the Successful Contractor

The bidder company team must include the following minimum staff:

1. The Team Leader / Project Manager;
2. Environmental 5 experts for the air, water, soil, flora, and fauna areas;
3. Climate expert;
4. Socio-economical expert;
5. Public-health expert.

The proposed staff must meet the following minimum criteria.

Team leader/Project manager* (1 expert):

- has a master's degree in a relevant area, such as environment, climate change, natural resources management, economic, social, or other related fields.
- has 5 (five) years of experience in environmental, climate, and/or socio-economical consultancy.
- acted as a team leader/project manager for at least 1 Strategical Environmental Assessment.

* Position of Team leader/Project manager can be combined with one or several position(s) of environmental, climate or socio-economical experts, if has the minimum qualifications required.

Environmental experts for the air, water, soil, flora, and fauna areas** (5 experts):

- have degree in environmental management, environmental governance or other related fields.
- have 4 (four) years of experience in environmental consultancy.
- have participated in at least 1 (one) Strategical Environmental Assessment or Environmental Impact Assessment or other relevant assessments.

**One expert can combine more than one area of expertise if has demonstrated knowledge.

Climate expert (1 expert):

- has degree in climate, environment protection or other related fields.
- has 4 (four) years of experience in climate consultancy.
- has participated in at least 1 (one) Strategical Environmental Assessment or Environmental Impact Assessment or other relevant assessments.

Socio-economic expert (1 expert):

- has degree in socio-economic science or in other related field.
- Has 4 (four) years of experience in socio-economical consultancy.
- has participated in at least 1 (one) Strategical Environmental Assessment or Environmental Impact Assessment or other relevant assessments.

Public-health expert (1 expert):

- has a master's degree in public health or other related fields.
- has 4 (four) years of experience in public-health consultancy.
- has participated in at least 1 (one) Strategical Environmental Assessment or Environmental Impact Assessment or other relevant assessments.

9. Schedule of Payments

Payments will be provided in three tranches:

1. The 1st disbursement will account for 25% of the contract amount, upon submission of the Deliverables 1 and 2, i.e. by end December 2022;
2. The 2nd disbursement of 50% of the contract amount will be issued upon submission of the Deliverable 3, i.e. end February 2023;
3. The last disbursement will account for 25% of the contract amount and will be issued upon submission and approval of deliverables 4&5, and certification by the FPI Programme Manager that the services have been satisfactorily performed, i.e. by end April 2023.

10. Application Process

Interested companies shall submit the following documents:

- a) Company's brief profile, including detailed portfolio/previous corporate experience in similar fields related to the assignment;
- b) Registration documents;
- c) List and value of relevant projects (as per chapter 7 of this TOR) performed for the last 5 (five) years. Copies of provided relevant projects/contract might be requested.
- d) Statement of Satisfactory Performance (Certificates) from the top 3 (three) clients in terms of Contract value in similar field;
- e) Financial Statements (Income Statements and Balance Sheets) for the past 2 (two) years (2021, 2020);
- f) Completed and signed CVs for the proposed Key Personnel;
- g) Proposed methodology, approach and implementation timeline to complete the assignment;
- h) Returnable Bidding Forms (Annex 2: Quotation Submission Form and Annex 3: Technical and Financial Offer) duly completed and signed.