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## **REQUEST FOR PROPOSAL**

Elaboration of a study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring witnesses' protection during corruption cases' investigation

RFP No.: RfP-20/02091

Project: Curbing Corruption through Building Sustainable Integrity in the Republic of Moldova

Country: Republic of Moldova

Issued on: 5 August 2020

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## Section 1. Letter of Invitation

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The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal to this Request for Proposal (RFP) for the above-referenced subject.

This RFP includes the following documents and the General Terms and Conditions of Contract which is inserted in the Bid Data Sheet (BDS):

- Section 1: This Letter of Invitation
- Section 2: Instruction to Bidders
- Section 3: Bid Data Sheet (BDS)
- Section 4: Evaluation Criteria
- Section 5: Terms of Reference
- Section 6: Returnable Bidding Forms
  - o Form A: Technical Proposal Submission Form
  - o Form B: Bidder Information Form
  - o Form C: Joint Venture/Consortium/Association Information Form
  - o Form D: Qualification Form
  - o Form E: Format of Technical Proposal
  - o Form F: Financial Proposal Submission Form
  - o Form G: Financial Proposal Form

If you are interested in submitting a Proposal in response to this RFP, please prepare your Proposal in accordance with the requirements and procedure as set out in this RFP and submit it by the Deadline for Submission of Proposals set out in Bid Data Sheet.

Please acknowledge receipt of this RFP by sending an email to [sc.md@undp.org](mailto:sc.md@undp.org), indicating whether you intend to submit a Proposal or otherwise. You may also utilize the "Accept Invitation" function in e-Tendering system, where applicable. This will enable you to receive amendments or updates to the RFP. Should you require further clarifications, kindly communicate with the contact person/s identified in the attached Bid Data Sheet as the focal point for queries on this RFP.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

Issued by:

*Cristina Gnaciuc*

Name: Cristina Gnaciuc  
Title: Project Associate  
Date: **August 5, 2020**

Approved by:

*Denis Suschevici*

Name: Denis Suschevici  
Title: Head of Procurement Unit  
Date: **August 5, 2020**

## Section 2. Instruction to Bidders

A. GENERAL PROVISIONS	
<b>1. Introduction</b>	<p>1.1 Bidders shall adhere to all the requirements of this RFP, including any amendments in writing by UNDP. This RFP is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement which can be accessed at <a href="https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d">https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d</a></p> <p>1.2 Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFP.</p> <p>1.3 As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website (<a href="http://www.ungm.org">www.ungm.org</a>). The Bidder may still submit a bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature.</p>
<b>2. Fraud &amp; Corruption, Gifts and Hospitality</b>	<p>2.1 UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNDP vendors and requires all bidders/vendors observe the highest standard of ethics during the procurement process and contract implementation. UNDP's Anti-Fraud Policy can be found at <a href="http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti">http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti</a></p> <p>2.2 Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.</p> <p>2.3 In pursuance of this policy, UNDP            (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question;            (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.</p> <p>2.4 All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at <a href="http://www.un.org/depts/ptd/pdf/conduct_english.pdf">http://www.un.org/depts/ptd/pdf/conduct_english.pdf</a></p>
<b>3. Eligibility</b>	<p>3.1 A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations.</p> <p>3.2 It is the Bidder's responsibility to ensure that its employees, joint venture members, sub-contractors, service providers, suppliers and/or their employees</p>

	meet the eligibility requirements as established by UNDP.
<b>4. Conflict of Interests</b>	<p>4.1 Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:</p> <ul style="list-style-type: none"> <li>a) Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNDP to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;</li> <li>b) Were involved in the preparation and/or design of the programme/project related to the services requested under this RFP; or</li> <li>c) Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNDP.</li> </ul> <p>4.2 In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNDP, and seek UNDP's confirmation on whether or not such a conflict exists.</p> <p>4.3 Similarly, the Bidders must disclose in their proposal their knowledge of the following:</p> <ul style="list-style-type: none"> <li>a) If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFP; and</li> <li>b) All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.</li> </ul> <p>Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.</p> <p>4.4 The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP's further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFP, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal.</p>
<b>B. PREPARATION OF PROPOSALS</b>	
<b>5. General Considerations</b>	<p>5.1 In preparing the Proposal, the Bidder is expected to examine the RFP in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.</p> <p>5.2 The Bidder will not be permitted to take advantage of any errors or omissions in the RFP. Should such errors or omissions be discovered, the Bidder must notify the UNDP</p>
<b>6. Cost of Preparation of Proposal</b>	<p>6.1 The Bidder shall bear any and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNDP shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.</p>

<b>7. Language</b>	7.1 The Proposal, as well as any and all related correspondence exchanged by the Bidder and UNDP, shall be written in the language (s) specified in the BDS.
<b>8. Documents Comprising the Proposal</b>	8.1 The Proposal shall comprise of the following documents: a) Documents Establishing the Eligibility and Qualifications of the Bidder; b) Technical Proposal; c) Financial Proposal; d) Proposal Security, if required by BDS; e) Any attachments and/or appendices to the Proposal.
<b>9. Documents Establishing the Eligibility and Qualifications of the Bidder</b>	9.1 The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor, using the Forms provided under Section 6 and providing documents required in those forms. In order to award a contract to a Bidder, its qualifications must be documented to UNDP's satisfaction.
<b>10. Technical Proposal Format and Content</b>	10.1 The Bidder is required to submit a Technical Proposal using the Standard Forms and templates provided in Section 6 of the RFP. 10.2 The Technical Proposal shall not include any price or financial information. A Technical Proposal containing material financial information may be declared non-responsive. 10.3 Samples of items, when required as per Section 5, shall be provided within the time specified and unless otherwise specified by UNDP, and at no expense to UNDP 10.4 When applicable and required as per Section 5, the Bidder shall describe the necessary training programme available for the maintenance and operation of the services and/or equipment offered as well as the cost to the UNDP. Unless otherwise specified, such training as well as training materials shall be provided in the language of the Bid as specified in the BDS.
<b>11. Financial Proposals</b>	11.1 The Financial Proposal shall be prepared using the Standard Form provided in Section 6 of the RFP. It shall list all major cost components associated with the services, and the detailed breakdown of such costs. 11.2 Any output and activities described in the Technical Proposal but not priced in the Financial Proposal, shall be assumed to be included in the prices of other activities or items, as well as in the final total price. 11.3 Prices and other financial information must not be disclosed in any other place except in the financial proposal.
<b>12. Proposal Security</b>	12.1 A Proposal Security, if required by BDS, shall be provided in the amount and form indicated in the BDS. The Proposal Security shall be valid up to thirty (30) days after the final date of validity of the Proposal. 12.2 The Proposal Security shall be included along with the Technical Proposal. If Proposal Security is required by the RFP but is not found along with the Technical Proposal, the Proposal shall be rejected. 12.3 If the Proposal Security amount or its validity period is found to be less than what is required by UNDP, UNDP shall reject the Proposal.

	<p>12.4 In the event an electronic submission is allowed in the BDS, Bidders shall include a copy of the Bid Security in their proposal and the original of the Proposal Security must be sent via courier or hand delivery as per the instructions in BDS.</p> <p>12.5 The Proposal Security may be forfeited by UNDP, and the Proposal rejected, in the event of any one or combination, of the following conditions:</p> <ul style="list-style-type: none"> <li>a) If the Bidder withdraws its offer during the period of the Proposal Validity specified in the BDS, or;</li> <li>b) In the event that the successful Bidder fails: <ul style="list-style-type: none"> <li>i. to sign the Contract after UNDP has issued an award; or</li> </ul> </li> </ul> <p>12.6 to furnish the Performance Security, insurances, or other documents that UNDP may require as a condition precedent to the effectivity of the contract that may be awarded to the Bidder.</p>
<p><b>13. Currencies</b></p>	<p>13.1 All prices shall be quoted in the currency or currencies indicated in the BDS. Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:</p> <ul style="list-style-type: none"> <li>a) UNDP will convert the currency quoted in the Proposal into the UNDP preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and</li> <li>b) In the event that UNDP selects a proposal for award that is quoted in a currency different from the preferred currency in the BDS, UNDP shall reserve the right to award the contract in the currency of UNDP's preference, using the conversion method specified above.</li> </ul>
<p><b>14. Joint Venture, Consortium or Association</b></p>	<p>14.1 If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Proposal, they shall confirm in their Proposal that : (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Proposal; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.</p> <p>14.2 After the Deadline for Submission of Proposal, the lead entity identified to represent the JV, Consortium or Association shall not be altered without the prior written consent of UNDP.</p> <p>14.3 The lead entity and the member entities of the JV, Consortium or Association shall abide by the provisions of Clause 9 herein in respect of submitting only one proposal.</p> <p>14.4 The description of the organization of the JV, Consortium or Association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the JV, Consortium or Association Agreement. All entities that comprise the JV, Consortium or Association shall be subject to the eligibility and qualification assessment by UNDP.</p> <p>14.5 A JV, Consortium or Association in presenting its track record and experience should clearly differentiate between:</p>

	<p>a) Those that were undertaken together by the JV, Consortium or Association; and</p> <p>b) Those that were undertaken by the individual entities of the JV, Consortium or Association.</p> <p>14.6 Previous contracts completed by individual experts working privately but who are permanently or were temporarily associated with any of the member firms cannot be claimed as the experience of the JV, Consortium or Association or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.</p> <p>14.7 JV, Consortium or Associations are encouraged for high value, multi-sectoral requirements when the spectrum of expertise and resources required may not be available within one firm.</p>
<p><b>15. Only One Proposal</b></p>	<p>15.1 The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.</p> <p>15.2 Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:</p> <p>a) they have at least one controlling partner, director or shareholder in common; or</p> <p>b) any one of them receive or have received any direct or indirect subsidy from the other/s; or</p> <p>c) they have the same legal representative for purposes of this RFP; or</p> <p>d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFP process;</p> <p>e) they are subcontractors to each other's Proposal, or a subcontractor to one Proposal also submits another Proposal under its name as lead Bidder; or</p> <p>f) some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFP process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Proposal.</p>
<p><b>16. Proposal Validity Period</b></p>	<p>16.1 Proposals shall remain valid for the period specified in the BDS, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNDP and rendered non-responsive.</p> <p>16.2 During the Proposal validity period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Personnel, the proposed rates and the total price.</p>
<p><b>17. Extension of Proposal Validity Period</b></p>	<p>17.1 In exceptional circumstances, prior to the expiration of the proposal validity period, UNDP may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing, and shall be considered integral to the Proposal.</p> <p>17.2 If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.</p> <p>17.3 The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.</p>

<p><b>18. Clarification of Proposal</b></p>	<p>18.1 Bidders may request clarifications on any of the RFP documents no later than the date indicated in the BDS. Any request for clarification must be sent in writing in the manner indicated in the BDS. If inquiries are sent other than specified channel, even if they are sent to a UNDP staff member, UNDP shall have no obligation to respond or confirm that the query was officially received.</p> <p>18.2 UNDP will provide the responses to clarifications through the method specified in the BDS.</p> <p>18.3 UNDP shall endeavor to provide responses to clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of UNDP to extend the submission date of the Proposals, unless UNDP deems that such an extension is justified and necessary.</p>
<p><b>19. Amendment of Proposals</b></p>	<p>19.1 At any time prior to the deadline of Proposal submission, UNDP may for any reason, such as in response to a clarification requested by a Bidder, modify the RFP in the form of an amendment to the RFP. Amendments will be made available to all prospective bidders.</p> <p>19.2 If the amendment is substantial, UNDP may extend the Deadline for submission of proposal to give the Bidders reasonable time to incorporate the amendment into their Proposals.</p>
<p><b>20. Alternative Proposals</b></p>	<p>20.1 Unless otherwise specified in the BDS, alternative proposals shall not be considered. If submission of alternative proposal is allowed by BDS, a Bidder may submit an alternative proposal, but only if it also submits a proposal conforming to the RFP requirements. UNDP shall only consider the alternative proposal offered by the Bidder whose conforming proposal ranked the highest as per the specified evaluation method. Where the conditions for its acceptance are met, or justifications are clearly established, UNDP reserves the right to award a contract based on an alternative proposal.</p> <p>20.2 If multiple/alternative proposals are being submitted, they must be clearly marked as "Main Proposal" and "Alternative Proposal"</p>
<p><b>21. Pre-Bid Conference</b></p>	<p>21.1 When appropriate, a Bidder's conference will be conducted at the date, time and location specified in the BDS. All Bidders are encouraged to attend. Non-attendance, however, shall not result in disqualification of an interested Bidder. Minutes of the Bidder's conference will be disseminated on the procurement website and shared by email or on the e-Tendering platform as specified in the BDS. No verbal statement made during the conference shall modify the terms and conditions of the RFP, unless specifically incorporated in the Minutes of the Bidder's Conference or issued/posted as an amendment to RFP.</p>

**C. SUBMISSION AND OPENING OF PROPOSALS**



	<ul style="list-style-type: none"> <li>a) Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS;</li> <li>b) The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE and each of them must be uploaded individually and clearly labelled.</li> <li>d) The Financial Proposal file must be encrypted with a password so that it cannot be opened nor viewed until the password is provided. The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose technical proposal has been found to be technically responsive. Failure to provide the correct password may result in the proposal being rejected.</li> <li>c) Documents which are required to be in original form (e.g. Bid Security, etc.) must be sent via courier or hand delivery as per the instructions in BDS.</li> <li>d) Detailed instructions on how to submit, modify or cancel a bid in the eTendering system are provided in the eTendering system Bidder User Guide and Instructional videos available on this link: <a href="http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notice/resources/">http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notice/resources/</a></li> </ul>
<p><b>23. Deadline for Submission of Proposals and Late Proposals</b></p>	<p>23.1 Complete Proposals must be received by UNDP in the manner, and no later than the date and time, specified in the BDS. UNDP shall only recognize the date and time that the bid was received by UNDP</p> <p>23.2 UNDP shall not consider any Proposal that is submitted after the deadline for the submission of Proposals.</p>
<p><b>24. Withdrawal, Substitution, and Modification of Proposals</b></p>	<p>24.1 A Bidder may withdraw, substitute or modify its Proposal after it has been submitted at any time prior to the deadline for submission.</p> <p>24.2 Manual and Email submissions: A bidder may withdraw, substitute or modify its Proposal by sending a written notice to UNDP, duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal, if any, must accompany the respective written notice. All notices must be submitted in the same manner as specified for submission of proposals, by clearly marking them as "WITHDRAWAL," "SUBSTITUTION," or "MODIFICATION"</p> <p>24.3 eTendering: A Bidder may withdraw, substitute or modify its Proposal by Canceling, Editing, and re-submitting the proposal directly in the system. It is the responsibility of the Bidder to properly follow the system instructions, duly edit and submit a substitution or modification of the Proposal as needed. Detailed instructions on how to cancel or modify a Proposal directly in the system are provided in Bidder User Guide and Instructional videos.</p> <p>24.4 Proposals requested to be withdrawn shall be returned unopened to the Bidders (only for manual submissions), except if the bid is withdrawn after the bid has been opened</p>
<p><b>25. Proposal Opening</b></p>	<p>25.1 There is no public bid opening for RFPs. UNDP shall open the Proposals in the presence of an ad-hoc committee formed by UNDP, consisting of at least two (2) members. In the case of e-Tendering submission, bidders will receive an automatic notification once their proposal is opened.</p>

D. EVALUATION OF PROPOSALS	
<b>26. Confidentiality</b>	<p>26.1 Information relating to the examination, evaluation, and comparison of Proposals, and the recommendation of contract award, shall not be disclosed to Bidders or any other persons not officially concerned with such process, even after publication of the contract award.</p> <p>26.2 Any effort by a Bidder or anyone on behalf of the Bidder to influence UNDP in the examination, evaluation and comparison of the Proposals or contract award decisions may, at UNDP's decision, result in the rejection of its Proposal and may be subject to the application of prevailing UNDP's vendor sanctions procedures.</p>
<b>27. Evaluation of Proposals</b>	<p>27.1 The Bidder is not permitted to alter or modify its Proposal in any way after the proposal submission deadline except as permitted under Clause 24 of this RFP. UNDP will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.</p> <p>27.2 Evaluation of proposals is made of the following steps:</p> <ol style="list-style-type: none"> <li>a) Preliminary Examination</li> <li>b) Minimum Eligibility and Qualification (if pre-qualification is not done)</li> <li>c) Evaluation of Technical Proposals</li> <li>d) Evaluation of Financial Proposals</li> </ol>
<b>28. Preliminary Examination</b>	<p>28.1 UNDP shall examine the Proposals to determine whether they are complete with respect to minimum documentary requirements, whether the documents have been properly signed, and whether the Proposals are generally in order, among other indicators that may be used at this stage. UNDP reserves the right to reject any Proposal at this stage.</p>
<b>29. Evaluation of Eligibility and Qualification</b>	<p>29.1 Eligibility and Qualification of the Bidder will be evaluated against the Minimum Eligibility/Qualification requirements specified in the Section 4 (Evaluation Criteria).</p> <p>29.2 In general terms, vendors that meet the following criteria may be considered qualified:</p> <ol style="list-style-type: none"> <li>a) They are not included in the UN Security Council 1267/1989 Committee's list of terrorists and terrorist financiers, and in UNDP's ineligible vendors' list;</li> <li>b) They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,</li> <li>c) They have the necessary similar experience, technical expertise, production capacity where applicable, quality certifications, quality assurance procedures and other resources applicable to the provision of the services required;</li> <li>d) They are able to comply fully with UNDP General Terms and Conditions of Contract;</li> <li>e) They do not have a consistent history of court/arbitral award decisions against the Bidder; and</li> <li>f) They have a record of timely and satisfactory performance with their clients.</li> </ol>
<b>30. Evaluation of Technical and Financial Proposals</b>	<p>30.1 The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other RFP documents, applying the evaluation criteria, sub-criteria, and point system</p>

	<p>specified in the Section 4 (Evaluation Criteria). A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score indicated in the BDS. When necessary and if stated in the BDS, UNDP may invite technically responsive bidders for a presentation related to their technical proposals. The conditions for the presentation shall be provided in the bid document where required.</p> <p>30.2 In the second stage, only the Financial Proposals of those Bidders who achieve the minimum technical score will be opened for evaluation. The Financial Proposals corresponding to Technical Proposals that were rendered non-responsive shall remain unopened, and, in the case of manual submission, be returned to the Bidder unopened. For emailed Proposals and e-tendering submissions, UNDP will not request for the password of the Financial Proposals of bidders whose Technical Proposal were found not responsive.</p> <p>30.3 The evaluation method that applies for this RFP shall be as indicated in the BDS, which may be either of two (2) possible methods, as follows: (a) the lowest priced method which selects the lowest evaluated financial proposal of the technically responsive Bidders; or (b) the combined scoring method which will be based on a combination of the technical and financial score.</p> <p>30.4 When the BDS specifies a combined scoring method, the formula for the rating of the Proposals will be as follows:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><u>Rating the Technical Proposal (TP):</u></p> <p style="text-align: center;"><b>TP Rating</b> = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100</p> <p><u>Rating the Financial Proposal (FP):</u></p> <p style="text-align: center;"><b>FP Rating</b> = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100</p> <p><u>Total Combined Score:</u></p> <p style="text-align: center;"><b>Combined Score</b> = (TP Rating) x (Weight of TP, e.g. 60%) + (FP Rating) x (Weight of FP, e.g., 40%)</p> </div>
<p><b>31. Due Diligence</b></p>	<p>31.1 UNDP reserves the right to undertake a due diligence exercise, also called post qualification, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:</p> <ol style="list-style-type: none"> <li>a) Verification of accuracy, correctness and authenticity of information provided by the Bidder;</li> <li>b) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team;</li> <li>c) Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder;</li> <li>d) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;</li> <li>e) Physical inspection of the Bidder’s offices, branches or other places where business transpires, with or without notice to the Bidder;</li> <li>f) Other means that UNDP may deem appropriate, at any stage within the</li> </ol>

	selection process, prior to awarding the contract.
<b>32. Clarification of Proposals</b>	<p>32.1 To assist in the examination, evaluation and comparison of Proposals, UNDP may, at its discretion, ask any Bidder for a clarification of its Proposal.</p> <p>32.2 UNDP's request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNDP in the evaluation of the Proposals, in accordance with RFP.</p> <p>32.3 Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNDP, shall not be considered during the review and evaluation of the Proposals.</p>
<b>33. Responsiveness of Proposal</b>	<p>33.1 UNDP's determination of a Proposal's responsiveness will be based on the contents of the Proposal itself. A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.</p> <p>33.2 If a Proposal is not substantially responsive, it shall be rejected by UNDP and may not subsequently be made responsive by the Bidder by correction of the material deviation, reservation, or omission.</p>
<b>34. Nonconformities, Repairable Errors and Omissions</b>	<p>34.1 Provided that a Proposal is substantially responsive, UNDP may waive any non-conformities or omissions in the Proposal that, in the opinion of UNDP, do not constitute a material deviation.</p> <p>34.2 UNDP may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.</p> <p>34.3 For Financial Proposal that has been opened, UNDP shall check and correct arithmetical errors as follows:</p> <ol style="list-style-type: none"> <li>a) if there is a discrepancy between the unit price and the line item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line item total shall be corrected, unless in the opinion of UNDP there is an obvious misplacement of the decimal point in the unit price; in which case the line item total as quoted shall govern and the unit price shall be corrected;</li> <li>b) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and</li> <li>c) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.</li> </ol> <p>34.4 If the Bidder does not accept the correction of errors made by UNDP, its Proposal shall be rejected.</p>
<b>E. AWARD OF CONTRACT</b>	

35. Right to Accept, Reject, Any or All Proposals	35.1 UNDP reserves the right to accept or reject any Proposal, to render any or all of the Proposals as non-responsive, and to reject all Proposals at any time prior to award of contract, without incurring any liability, or obligation to inform the affected Bidder(s) of the grounds for UNDP's action. UNDP shall not be obliged to award the contract to the lowest priced offer.
36. Award Criteria	36.1 Prior to expiration of the proposal validity, UNDP shall award the contract to the qualified Bidder based on the award criteria indicated in the BDS.
37. Debriefing	37.1 In the event that a Bidder is unsuccessful, the Bidder may request a debriefing from UNDP. The purpose of the debriefing is to discuss the strengths and weaknesses of the Bidder's submission, in order to assist the Bidder in improving its future proposals for UNDP procurement opportunities. The content of other proposals and how they compare to the Bidder's submission shall not be discussed.
38. Right to Vary Requirements at the Time of Award	38.1 At the time of award of Contract, UNDP reserves the right to vary the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.
39. Contract Signature	39.1 Within fifteen (15) days from the date of receipt of the Contract, the successful Bidder shall sign and date the Contract and return it to UNDP. Failure to do so may constitute sufficient grounds for the annulment of the award, and forfeiture of the Proposal Security, if any, and on which event, UNDP may award the Contract to the Second Ranked Bidder or call for new Proposals.
40. Contract Type and General Terms and Conditions	40.1 The types of Contract to be signed and the applicable UNDP Contract General Terms and Conditions, as specified in BDS, can be accessed at <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
41. Performance Security	41.1 40.1 A performance security, if required in BDS, shall be provided in the amount specified in BDS and form available at <a href="https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default</a> within fifteen (15) days of the contract signature by both parties. Where a performance security is required, the receipt of the performance security by UNDP shall be a condition for rendering the contract effective.
42. Bank Guarantee for Advanced Payment	42.1 Except when the interests of UNDP so require, it is UNDP's preference to make no advance payment(s) (i.e., payments without having received any outputs). If an advance payment is allowed as per BDS, and exceeds 20% of the total contract price, or USD 30,000, whichever is less, the Bidder shall submit a Bank Guarantee in the full amount of the advance payment in the form available at <a href="https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default</a>
43. Liquidated Damages	43.1 If specified in BDS, UNDP shall apply Liquidated Damages resulting from the

	Contractor's delays or breach of its obligations as per the Contract.
<b>44. Payment Provisions</b>	44.1 Payment will be made only upon UNDP's acceptance of the work performed. The terms of payment shall be within thirty (30) days, after receipt of invoice and certification of acceptance of work issued by the proper authority in UNDP with direct supervision of the Contractor. Payment will be effected by bank transfer in the currency of contract.
<b>45. Vendor Protest</b>	45.1 UNDP's vendor protest procedure provides an opportunity for appeal to those persons or firms not awarded a contract through a competitive procurement process. In the event that a Bidder believes that it was not treated fairly, the following link provides further details regarding UNDP vendor protest procedures: <a href="http://www.undp.org/content/undp/en/home/procurement/business/protest-and-sanctions.html">http://www.undp.org/content/undp/en/home/procurement/business/protest-and-sanctions.html</a>
<b>46. Other Provisions</b>	46.1 In the event that the Bidder offers a lower price to the host Government (e.g. General Services Administration (GSA) of the federal government of the United States of America) for similar services, UNDP shall be entitled to same lower price. The UNDP General Terms and Conditions shall have precedence. 46.2 UNDP is entitled to receive the same pricing offered by the same Contractor in contracts with the United Nations and/or its Agencies. The UNDP General Terms and Conditions shall have precedence. 46.3 The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15 <a href="http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer">http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer</a>

## Section 3. Bid Data Sheet

The following data for the services to be procured shall complement, supplement, or amend the provisions in the Request for Proposals. In the case of a conflict between the Instructions to Bidders, the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall prevail.

BDS No.	Ref. to Section.2	Data	Specific Instructions / Requirements
1	7	Language of the Proposal	English
2		Submitting Proposals for Parts or sub-parts of the TOR (partial bids)	Not Allowed
3	20	Alternative Proposals	Shall not be considered
4	21	Pre-proposal conference	Will not be conducted
5	10	Proposal Validity Period	90 days
6	14	Bid Security	Not Required
7	41	Advanced Payment upon signing of contract	Not Allowed
8	42	Liquidated Damages	Will be imposed as follows: Percentage of contract price per day of delay: 1%  Max. number of days of delay 30, after which UNDP may terminate the contract.
9	40	Performance Security	Not Required
10	18	Currency of Proposal	United States Dollar Reference date for determining UN Operational Exchange Rate: <b>19 August 2020</b>

11	31	Deadline for submitting requests for clarifications/questions	3 days before the submission deadline
12	31	Contact Details for submitting clarifications/questions	Focal Person in UNDP: Olga Crivoliubic, Project Manager Address: National Anticorruption Centre Building (198, Stefan cel Mare si Sfânt Bd., MD-2004 Chisinau, Republic of Moldova), office 319 Telephone: (+373) 22 257381 E-mail address: <a href="mailto:olga.crivoliubic@undp.org">olga.crivoliubic@undp.org</a>
13	18, 19 and 21	Manner of Disseminating Supplemental Information to the RFP and responses/clarifications to queries	Posted directly to eTendering
14	23	Deadline for Submission	<b>19 August 2020, 16:30 (Moldova local time, GMT +2)</b> For eTendering submission - as indicated in eTendering system. Note that system time zone is in EST/EDT (New York) time zone.
14	22	Allowable Manner of Submitting Proposals	<input checked="" type="checkbox"/> e-Tendering
15	22	Proposal Submission Address	<a href="https://etendering.partneragencies.org">https://etendering.partneragencies.org</a>  <u>BU Code: MDA10</u> <u>Event ID: 0000006700</u>  <b>Username: event.guest</b> <b>Password: why2change</b>
16	22	Electronic submission (email or eTendering) requirements	<ul style="list-style-type: none"> <li>▪ Format: PDF files only</li> <li>▪ File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard.</li> <li>▪ All files must be free of viruses and not corrupted.</li> <li>▪ Password for financial proposal must not be provided to UNDP until requested by UNDP.</li> </ul>
17	27 36	Evaluation Method for the Award of Contract	Combined Scoring Method, using the 60%-40% distribution for technical and financial proposals respectively  The minimum technical score required to pass is 70%.

18		Expected date for commencement of Contract	September 1, 2020
19		Maximum expected duration of contract	6 (six) months
20	35	UNDP will award the contract to:	One Proposer Only
21	39	Type of Contract	Contract for Goods and Services for UNDP  <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
22	39	UNDP Contract Terms and Conditions that will apply	UNDP General Terms and Conditions for Mixed Goods and Services  <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
23		Required Documents that must be Submitted to Establish Qualification of Bidders (In "Certified True Copy" form only)	<input checked="" type="checkbox"/> Company Profile, which should not exceed fifteen (15) pages, including printed brochures and product catalogues relevant to the goods/services being procured <input checked="" type="checkbox"/> Certificate of Incorporation/ Business Registration <input checked="" type="checkbox"/> Official Letter of Appointment as local representative, if Bidder is submitting a Bid in behalf of an entity located outside the country <input checked="" type="checkbox"/> Quality Certificate (e.g., ISO, etc.) and/or other similar certificates, accreditations, awards and citations received by the Bidder, if any <input checked="" type="checkbox"/> Latest Audited Financial Statement (Income Statement and Balance Sheet) including Auditor's Report for the past three (3) years (quick ratio formula could be applied) <input checked="" type="checkbox"/> Statement of Satisfactory Performance from the Top 3 Clients in terms of Contract Value the past three (3) years <input checked="" type="checkbox"/> CVs, together with attestation certificates (if applicable) and training attendance certificates (if applicable), of the proposed Team Leader and Key Experts (mentioned in Section 5: Terms of Reference) <input checked="" type="checkbox"/> Technical concept note explaining the internal quality assurance standards, recommendations, previous works (list of services provided over the past five (5) years in the field of conducting similar research), proposed timeline and a <b>draft methodology to be applied for the research describing the approach, sources</b>

			<p><b>and main research tools to be applied</b>, as described in Section 5: Terms of Reference</p> <p><input checked="" type="checkbox"/> All information regarding any past and current litigation during the last five (5) years, in which the bidder is involved, indicating the parties concerned, the subject of the litigation, the amounts involved, and the final resolution if already concluded</p>
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## Section 4. Evaluation Criteria

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### Preliminary Examination Criteria

Proposals will be examined to determine whether they are complete and submitted in accordance with RFP requirements as per below criteria on a Yes/No basis:

- Appropriate signatures
- Power of Attorney
- Minimum documents provided
- Technical and Financial Proposals submitted separately
- Bid Validity
- Bid Security submitted as per RFP requirements with compliant validity period

### Minimum Eligibility and Qualification Criteria

Eligibility and Qualification will be evaluated on Pass/Fail basis.

If the Proposal is submitted as a Joint Venture/Consortium/Association, each member should meet minimum criteria, unless otherwise specified in the criterion.

Subject	Criteria	Document Submission requirement
<b>ELIGIBILITY</b>		
<b>Legal Status</b>	Vendor is a legally registered entity.	Form B: Bidder Information Form
<b>Eligibility</b>	Vendor is not suspended, nor debarred, nor otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization in accordance with ITB clause 3.	Form A: Technical Proposal Submission Form
<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITB clause 4.	Form A: Technical Proposal Submission Form
<b>Bankruptcy</b>	Not declared bankruptcy, not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the vendor that could impair its operations in the foreseeable future.	Form A: Technical Proposal Submission Form
<b>QUALIFICATION</b>		
<b>History of Non-Performing Contracts<sup>1</sup></b>	Non-performance of a contract did not occur as a result of contractor default for the last three (3) years.	Form D: Qualification Form

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<sup>1</sup> Non-performance, as decided by UNDP, shall include all contracts where (a) non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Bidder for the last 5 years.	Form D: Qualification Form
<b>Previous Experience</b>	Minimum five (5) years of experience in providing services of monitoring and evaluation of public policies, strategic documents, legislation in justice sector and/or anticorruption	Form D: Qualification Form
	Minimum five (5) assignments in developing assessment/monitoring reports of public policies related to justice sector and/or anticorruption (relevant links to be provided)	Form D: Qualification Form
	Members of the proposed team of experts have at least two (2) assignments on the assessment of the effectiveness of implementation of specific legislation in the justice and/or anticorruption sectors related to criminal/civil procedures	Form D: Qualification Form
	Minimum three (3) assignments of working with development partners and demonstrated capacity to properly manage a contract/subcontract under a donor funded effort <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
<b>Financial Standing</b>	Minimum average annual turnover of USD 30,000 for the last 3 years. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
	Bidder must demonstrate the current soundness of its financial standing and indicate its prospective long-term profitability. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
	Any additional criteria if required	

## Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's qualification, capacity and experience	350
2.	Proposed Methodology, Approach and Implementation Plan	300
3.	Management Structure and Key Personnel	350
	<b>Total</b>	<b>1000</b>

Section 1. Bidder's qualification, capacity and experience		Points obtainable
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing <i>(based on submitted positive reference letters)</i>	50
1.2	General Organizational Capability which is likely to affect implementation <ul style="list-style-type: none"> <li>- Age/size of the firm <i>(less than 5 years – 0 pts, 5 years – 15 points, each additional year – 3 points, up to max 30 points)</i></li> <li>- Strength of project management support <i>(limited – 0 pts, strong – 15 pts)</i></li> <li>- Project financing capacity <i>(no – 0 pts, yes – 10 pts);</i></li> <li>- Project management controls <i>(no – 0 pts, yes – 10 pts).</i></li> </ul>	65
1.3	Extent to which any work would be subcontracted (subcontracting carries additional risks which may affect project implementation, but properly done it offers a chance to access specialised skills) <i>(no subcontracting – 15 pts, subcontracting carrying additional risks – 0 pts)</i>	15
1.4	Quality assurance procedures, warranty	20
1.5	Relevance of expertise: <ul style="list-style-type: none"> <li>- At least five (5) years of experience in providing services of monitoring and evaluation of public policies, strategic documents, legislation in justice sector and/or anticorruption <i>(less than 5 years – 0 pts, 5 years – 25 pts, each additional year – 5 pts, up to max 50 pts)</i></li> <li>- At least five (5) assignments in developing assessment/monitoring reports of public policies related to justice sector and/or anticorruption <i>(less than 5 assignments – 0 pts, 5 assignments – 35 pts, each additional assignment – 5 pts, up to max 60 pts)</i></li> <li>- Members of the proposed team of experts have at least two (2) assignments on the assessment of the effectiveness of implementation of specific legislation in the justice and/or anticorruption sectors related to criminal/civil procedures <i>(less than 2 assignments – 0 pts, 2 assignments – 20 pts, each additional assignment – 10 pts, up to max 40 pts)</i></li> <li>- At least three (3) assignments of working with development partners and demonstrated capacity to properly manage a contract/subcontract under a donor</li> </ul>	200

	funded effort ( <i>less than 3 assignments – 0 pts, 3 assignments – 15 pts, each additional assignment – 5 pts, up to max 35 pts</i> ) - Diversity through adherence to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status confirmed by presented CVs, other doc's ( <i>up to 15 pts</i> )	
<b>Total Section 1</b>		<b>350</b>

<b>Section 2. Proposed Methodology, Approach and Implementation Plan</b>		<b>Points obtainable</b>
2.1	Understanding of the requirement: Have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another?	50
2.2	The relevance and comprehensiveness of the draft methodology: The draft methodology explains clearly and in sufficient detail the relevance of the approach, sources and main research tools to be applied.	130
2.3	Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic	40
2.4	Description of potential risks for the assignment and the relevance of the proposed mitigation measures	40
2.5	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract	40
<b>Total Section 2</b>		<b>300</b>

<b>Section 3. Management Structure and Key Personnel</b>		<b>Points obtainable</b>
3.1	Qualifications of key personnel proposed	
3.1 a	Team Leader	
	Master's degree or equivalent in Law ( <i>Master - 5 pts, Doctor – 10 pts</i> )	10
	At least six (6) years of progressive experience in the research, monitoring activities, consultancy in the field of justice and/or anticorruption ( <i>less than 6 years – 0 pts, 6 years – 20 pts, each additional year – 5 pts, up to max 40 pts</i> )	40
	At least five (5) years of proven professional experience involving legal drafting and/or analysis of normative acts related to justice and/or anticorruption ( <i>less than 5 years – 0 pts, 5 years – 15 pts, each additional year – 5 pts, up to max 35 pts</i> )	35
	At least three (3) assignments of elaborating reports/analysis/assessments/consultancy on policy/legal framework related to regulating fighting and preventing corruption in the Republic of Moldova, during the last seven (7) years ( <i>each assignment – 5 pts, up to max 35 pts</i> )	35
		180

	At least two (2) assignments of elaborating reports/analysis/consultancy related to application of the international standards in the field of fight and prevention of corruption ( <i>each assignment – 5 pts, up to max 20 pts</i> )	20	
	Strong communication and teamwork/coordination skills demonstrated by previous assignments ( <i>each assignment – 5 pts, up to max 15 pts</i> )	15	
	Previous work with UNDP and/or other development partners will be an asset ( <i>each assignment – 3 pts, up to max 15 pts</i> )	15	
	Language Qualifications ( <i>Fluency in Romanian – 3 pts, Russian – 3 pts, English – 4 pts.</i> ) – up to 10 pts	10	
3.1 b	Key Experts (minimum of one (1) person) ( <i>the total number of points shall be calculated as an average between the totals received by each Key Expert</i> )		
	Master's degree or equivalent in Law ( <i>Master – 5 pts, Doctor – 10 pts</i> )	10	170
	At least five (5) years of progressive experience in the field of, related research and/or consultancy in prevention and fight against corruption ( <i>less than 5 years – 0 pts, 5 years of experience – 20 pts, each additional year – 5 pts, up to max 40 pts</i> )	40	
	At least four (4) years of proven professional experience involving legal drafting and/or analysis of normative acts related to justice and/or anticorruption ( <i>less than 4 years – 0 pts, 4 years of experience – 20 pts, each additional year – 5 pts, up to max 30 pts</i> )	30	
	At least three (3) assignments of elaborating reports/analysis/assessments/consultancy on policy/legal framework related to regulating fighting and preventing corruption in the Republic of Moldova, during the last seven (7) years ( <i>each assignment – 5 pts, up to max 35 pts</i> )	35	
	At least two (2) assignments of elaborating reports/analysis/consultancy related to application of the international standards in the field of fight and prevention of corruption ( <i>each assignment – 5 pts, up to max 20 pts</i> )	15	
	Experience/consultancy related to the protection of witnesses/persons communicating information in corruption related cases is a strong advantage ( <i>each assignment – 10 pts, up to max 30 pts</i> )	30	
	Language Qualifications ( <i>Fluency in Romanian – 3 pts, English – 4 pts, Russian – 3 pts</i> ) – up to 10 pts	10	
<b>Total Section 3</b>			<b>350</b>

## Section 5. Terms of Reference

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### **A. Project Title**

“Curbing Corruption by Building Sustainable Integrity” Project

### **B. Rationale**

The goal of the project „Curbing Corruption by Building Sustainable Integrity in Moldova” is to contribute to achieving a sustainable integrity and anticorruption system in the Republic of Moldova through the strengthened capacities of the public and private sector entities and the civil society for the efficient application and monitoring of national integrity instruments and standards. It will contribute to the progressive implementation of the Sustainable Development Goal 16 that calls for a substantial reduction of corruption and bribery in all their forms and for developing effective, accountable and transparent institutions at all levels. The Project is framed around the National Integrity and Anticorruption Strategy (NIAS) 2017-2020 and responds to the needs of its various actors and stakeholders in addressing the challenges for the effective implementation of NIAS, including insufficient capacities within central and local public authorities to ensure the uniform compliance with anticorruption and integrity standards; lack of mechanisms for enforcing integrity standards in private sector; and weak anticorruption demand-side explained by the limited awareness of men and women on the available anticorruption tools to be used and on the means of protection in the event of denunciation of corruption.

The National Anticorruption Center is the public authority specialized in preventing and combating corruption, corruption-related acts and corruptible deeds and is responsible for the coordination and monitoring of the NIAS implementation. One of the Center’s prevention measures is the improvement of the legal framework in line with the anticorruption international standards.

One of the international anticorruption standards playing a key role for a successful investigation of corruption cases consists in ensuring fair and adequate protection of all witnesses disclosing corruption acts. In this respect, the United Nations Convention against Corruption, ratified by the Republic of Moldova by the Law No. 158-XVI of 06.07.2007, provides in the Art. 32 for the protection of witnesses, experts and victims and in the Art. 33 for the protection of reporting persons. Accordingly, *“Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with the Convention and, as appropriate, for their relatives and other persons close to them”*. The Criminal Law Convention on Corruption, adopted in Strasbourg, 27.01.1999 and ratified by the Republic of Moldova by the Law No. 428/2003, as well expressly provides in the Art. 22 for the “Protection of collaborators of justice and witnesses”. According to the above-mentioned article: *“Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for:*

- *those who report the criminal offences established in accordance with Articles 2 and 12 or otherwise co-operate with the investigating or prosecuting authorities;*

- *witnesses who give testimony concerning these offences”.*

In the Republic of Moldova the witness protection is ensured by the Law No. 105/2008 on the Protection of Witnesses and other Participants of Criminal Proceedings, which aims to ensure security of criminal proceeding participants, whose life, body integrity, freedom or property is threaten due to the fact that they hold data that they have accepted to provide to judicial bodies and which represent conclusive evidence for perpetration of serious, very serious and exceptionally serious crimes. At the same time, according to art.5 of the Law No. 105/2008 “The authority empowered to protect witnesses and other criminal proceeding participants shall operate as a subdivision of the Ministry of Internal Affairs”. Hence, the Ministry of Internal Affairs is the authority appointed at the national level to ensure protection of witnesses, including in corruption cases. In such circumstances, some regulatory drawbacks and risks have been identified in relation to witnesses’ protection in corruption related cases.

In this context, to ensure adequate protection of all witnesses disclosing data about corruption acts, it is necessary to carry out a comprehensive study of the national and international normative framework, as well as of the international practice related to ensuring witnesses’ protection during corruption cases’ investigation (especially if employees of the public entity responsible for carrying out the criminal investigation are involved). Subsequently, after the analysis of the legal framework and identification of legal drawbacks/gaps, it will be necessary to draft and promote provisions for amending the normative acts dealing with protection of witnesses in corruption criminal cases. In this context, the UNDP Project “Curbing Corruption by Building Sustainable Integrity” seeks a Company/NGO to support NAC in the elaboration of a study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring witnesses’ protection during corruption cases’ investigation and provide recommendations for the relevant amendments of the national legal framework.

### **C. Scope of Service, Expected Outputs**

#### **The consultancy will have two major outputs:**

1. A comprehensive study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring protection of witnesses and persons communicating information during corruption cases’ investigation;
2. Concrete recommendations for the relevant amendments of the national legal framework to ensure the implementation and observance of the international anticorruption standards in criminal matters on ensuring protection to witnesses and persons communicating information in case of investigation of corruption crimes, including proposed draft amendments.

#### **Scope of work:**

To deliver the outputs the Service provider has to carry out the following tasks and activities in the course of work:

- Carry out an analysis/audit of the background documentation, including legal, normative

- and institutional framework related to ensuring protection of witnesses and persons communicating information in cases of corruption and corruption-related crimes;
- Evaluate the existent regulatory and institutional framework in the field and its operational capacities to effectively protect witnesses and persons communicating information in cases of corruption and corruption-related crimes;
  - Carry out an analysis of the international standards and relevant good international practices in the field of witnesses and persons communicating information in cases of corruption and corruption-related crimes and assess the conformity of the Moldovan legal and institutional framework in this field with the international standards and good practices;
  - Identify the drawbacks of the national legal and institutional framework on ensuring protection of witnesses and persons communicating information in case of corruption and corruption-related crimes;
  - Develop proposals for amending the national legal framework to ensure the implementation and observance of the international anticorruption standards in criminal matters on ensuring protection to witnesses in case of investigation of corruption crimes, including draft amendments;
  - Present the results of the analysis in a public presentation event organized by the UNDP and NAC.

To carry out the analysis the Service provider will apply but not limited to the following tools:

- Desk review of the relevant official (legal and normative documents, official reports, statistics, etc.) and alternative documents (reports by the CSOs, relevant international organizations, etc.);
- In-depth interviews, focus group discussions with relevant authorities, civil society organizations, international organizations, etc.;
- First-hand documentary field research to establish any facts related to the protection of witnesses and persons communicating information in cases of corruption and corruption-related crimes;
- Any alternative tools suggested by the Service Provider.

**The Final Study should contain at least the following:**

- Executive summary;
- Introduction and methodological chapter explaining the applied methodological tools;
- Overall results of the analytical study (main report);
- Conclusions and recommendations for amending the national legal framework to ensure the implementation and observance of the international anticorruption standards in criminal matters on ensuring protection to witnesses in case of investigation of corruption crimes.

**The entire assignment is to be finalized not later than 28 February 2021.**

#### **D. Institutional Arrangement**

The Contractor will work under the guidance of and in close cooperation with the UNDP Project and with the delegated staff from NAC for both substantive and administrative aspects of the assignment.

The Contractor will follow the agreed upon time schedule and will be accountable for the delivery of quality outputs to the Project Manager, who will approve contractor's deliverables, after coordination with the NAC delegated staff.

#### **E. Deliverables and estimated timeframe**

<b><i>Deliverables</i></b>	<b><i>Tentative timeframe</i></b>
The detailed plan of activities and methodology for conducting the study submitted and validated with the Project and NAC	By 10 September 2020
Draft study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring protection to witnesses and persons communicating information during corruption cases' investigation submitted	By 15 November 2020
Feed-back on the draft study collected from the main stakeholders within the validation meetings	
Final study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring protection to witnesses and persons communicating information during corruption cases' investigation submitted and approved by Project and NAC	By 10 December 2020
Concrete recommendations for the relevant amendments of the national legal framework to ensure the implementation and observance of the international anticorruption standards in criminal matters on ensuring protection to witnesses and persons communicating information in case of investigation of corruption crimes, including proposed draft amendments submitted	By 24 December 2020
<b>Final Study</b> presented in a public event organized by UNDP	By 28 February 2021

#### **F. Deliverables Format**

All deliverables will be submitted in both hardcopy one (1) unbound original and one (1) electronic copy using the standard software products (Microsoft Office Word, Excel, Access and PowerPoint). The Study and draft amendments will be presented in Romanian language, and the Executive summary will be translated in English.

### **G. Qualifications of the Successful Service Provider at Various Levels**

Bidders should enclose a résumé for each person anticipated to be assigned to the project and should include specific information on staff experience and roles. Bidders agree that named staff will participate in the project at the level and duration specified unless agreement is provided in writing by the Programme to allow substitutions.

Résumés of key project personnel must be included in the offer, résumés for other personnel may be included as deemed applicable by the Bidder. Descriptions of subcontractor staff members, if applicable, should follow the format utilized for the Bidder organization. The résumés submitted for project personnel should be detailed and comprehensive. Specifically, résumés should include:

- Anticipated role and level of participation in the project;
- Previous experience relevant to the assigned role in the project (*links to relevant reports/publications to be provided*);
- Education, training and certification details;
- Contact information (name, title, organization, mailing address, phone, and email) for a minimum of three business references;
- Linguistic skills.

Bidders should describe, in detail, their previous corporate experience in similar related to the project's assignment, if any. This section should include the corporate experience as well as the role of any subcontract organization(s) indicated in the Bidder's proposal. Descriptions of subcontractor staff members, if applicable, should follow the format utilized for the Bidder organization. The Project retains the right to accept or reject all proposed project personnel and to ask for replacement of the Project staff, as necessary.

The **Service Provider** should meet the following **minimum qualifications criteria** which make the applicant eligible for this assignment:

- Be legally registered entity or a consortium of firms/organizations/NGOs;
- At least five (5) years of experience in providing services of monitoring and evaluation of public policies, strategic documents, legislation in justice sector and/or anticorruption;
- At least five (5) assignments in developing assessment/monitoring reports of public policies related to justice sector and/or anticorruption (relevant links to be provided);
- Members of the proposed team of experts have at least two (2) assignments on the assessment of the effectiveness of implementation of specific legislation in the justice and/or anticorruption sectors related to criminal/civil procedures;
- At least three (3) assignments of working with development partners and demonstrated capacity to properly manage a contract/subcontract under a donor funded effort.

**Qualification of the Team Leader:**

- Master's degree or equivalent in Law;
- At least six (6) years of progressive experience in the research, monitoring activities, consultancy in the field of justice and/or anticorruption;
- At least five (5) years of proven professional experience involving legal drafting and/or analysis of normative acts related to justice and/or anticorruption;
- At least three (3) assignments of elaborating reports/analysis/assessments/consultancy on policy/legal framework related to regulating fighting and preventing corruption in the Republic of Moldova, during the last seven (7) years;
- At least two (2) assignments of elaborating reports/analysis/consultancy related to application of the international standards in the field of fight and prevention of corruption;
- Strong communication and teamwork/coordination skills demonstrated by previous assignments;
- Previous work with UNDP and/or other development partners will be an asset;
- Fluency in Romanian, Russian and English.

**Qualification of the Key Experts (minimum one (1) Key Expert):**

- Master's degree or equivalent in Law;
- At least five (5) years of progressive experience in the field of, related research and/or consultancy in prevention and fight against corruption;
- At least four (4) years of proven professional experience involving legal drafting and/or analysis of normative acts related to justice and/or anticorruption;
- At least three (3) assignments of elaborating reports/analysis/assessments/consultancy on policy/legal framework related to regulating fighting and preventing corruption in the Republic of Moldova, during the last seven (7) years;
- At least two (2) assignments of elaborating reports/analysis/consultancy related to application of the international standards in the field of fight and prevention of corruption
- Experience/consultancy related to the protection of witnesses/persons communicating information in corruption related cases is a strong advantage;
- Proficiency in Romanian, Russian and English for the purpose of assignment.

Each Bidder should **develop and submit a technical concept note** explaining:

- Their internal quality assurance standards, recommendations, previous works:

- constituent and legal documents available;
- list of services provided over the past five (5) years in the field of conducting similar research;
- recommendations from enterprises, organizations and other clients available;

- **Draft methodology to be applied for the research describing the approach, sources and main research tools to be applied.**

**Note:** Proposed timeline should include all indicative dates for deliverables as outlined above and a plan for meeting these and any additional deadlines.

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.

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.

## Section 6: Returnable Bidding Forms / Checklist

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This form serves as a checklist for preparation of your Proposal. Please complete the Returnable Bidding Forms in accordance with the instructions in the forms and return them as part of your Proposal submission. No alteration to format of forms shall be permitted and no substitution shall be accepted.

Before submitting your Proposal, please ensure compliance with the Proposal Submission instructions of the BDS 22.

### Technical Proposal Envelope:

<b>Have you duly completed all the Returnable Bidding Forms?</b>	
▪ Form A: Technical Proposal Submission Form	<input type="checkbox"/>
▪ Form B: Bidder Information Form	<input type="checkbox"/>
▪ Form C: Joint Venture/Consortium/ Association Information Form	<input type="checkbox"/>
▪ Form D: Qualification Form	<input type="checkbox"/>
▪ Form E: Format of Technical Proposal	<input type="checkbox"/>
<b>Have you provided the required documents to establish compliance with the evaluation criteria in Section 4?</b>	<input type="checkbox"/>

### Financial Proposal Envelope

**(Must be submitted in a separate sealed envelope/password protected email)**

▪ Form F: Financial Proposal Submission Form	<input type="checkbox"/>
▪ Form G: Financial Proposal Form	<input type="checkbox"/>

## Form A: Technical Proposal Submission Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

We, the undersigned, offer to provide the services for the **Elaboration of a study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring witnesses' protection during corruption cases' investigation** in accordance with your Request for Proposal No. RfP-20/02091 and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium /Association members or subcontractors or suppliers for any part of the contract:

- a) is not under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists;
- b) have not been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization;
- c) have no conflict of interest in accordance with Instruction to Bidders Clause 4;
- d) do not employ, or anticipate employing, any person(s) who is, or has been a UN staff member within the last year, if said UN staff member has or had prior professional dealings with our firm in his/her capacity as UN staff member within the last three years of service with the UN (in accordance with UN post-employment restrictions published in ST/SGB/2006/15);
- e) have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future;
- f) undertake not to engage in proscribed practices, including but not limited to corruption, fraud, coercion, collusion, obstruction, or any other unethical practice, with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN and we embrace the principles of the United Nations Supplier Code of Conduct and adhere to the principles of the United Nations Global Compact.

We declare that all the information and statements made in this Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification and/or sanctioning by the UNDP.

We offer to provide services in conformity with the Bidding documents, including the UNDP General Conditions of Contract and in accordance with the Terms of Reference

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand and recognize that you are not bound to accept any Proposal you receive.

I, the undersigned, certify that I am duly authorized by [Insert Name of Bidder] to sign this Proposal and bind it should UNDP accept this Proposal.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*[Stamp with official stamp of the Bidder]*

## Form B: Bidder Information Form

<b>Legal name of Bidder</b>	[Complete]
<b>Legal address</b>	[Complete]
<b>Year of registration</b>	[Complete]
<b>Bidder's Authorized Representative Information</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Are you a UNGM registered vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UGNM vendor number]
<b>Are you a UNDP vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UNDP vendor number]
<b>Countries of operation</b>	[Complete]
<b>No. of full-time employees</b>	[Complete]
<b>Quality Assurance Certification (e.g. ISO 9000 or Equivalent) (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company hold any accreditation such as ISO 14001 related to the environment? (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company have a written Statement of its Environmental Policy? (If yes, provide a Copy)</b>	[Complete]
<b>Contact person UNDP may contact for requests for clarification during Proposal evaluation</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Please attach the following documents:</b>	<input checked="" type="checkbox"/> Company Profile, which should not exceed fifteen (15) pages, including printed brochures and product catalogues relevant to the goods/services being procured <input checked="" type="checkbox"/> Certificate of Incorporation/ Business Registration <input checked="" type="checkbox"/> Official Letter of Appointment as local representative, if Bidder is submitting a Bid in behalf of an entity located outside the country <input checked="" type="checkbox"/> Quality Certificate (e.g., ISO, etc.) and/or other similar certificates, accreditations, awards and citations received by the Bidder, if any <input checked="" type="checkbox"/> Latest Audited Financial Statement (Income Statement and Balance Sheet) including Auditor's Report for the past three (3) years (quick ratio formula could be applied)

- Statement of Satisfactory Performance from the Top 3 Clients in terms of Contract Value the past three (3) years
- CVs, together with attestation certificates (if applicable) and training attendance certificates (if applicable), of the proposed Team Leader and Key Experts (mentioned in Section 5: Terms of Reference)
- Technical concept note explaining the internal quality assurance standards, recommendations, previous works (list of services provided over the past five (5) years in the field of conducting similar research), proposed timeline and a **draft methodology to be applied for the research describing the approach, sources and main research tools to be applied**, as described in Section 5: Terms of Reference
- All information regarding any past and current litigation during the last five (5) years, in which the bidder is involved, indicating the parties concerned, the subject of the litigation, the amounts involved, and the final resolution if already concluded

## Form C: Joint Venture/Consortium/Association Information Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

To be completed and returned with your Proposal if the Proposal is submitted as a Joint Venture/Consortium/Association.

No	Name of Partner and contact information <i>(address, telephone numbers, fax numbers, e-mail address)</i>	Proposed proportion of responsibilities (in %) and type of services to be performed
1	[Complete]	[Complete]
2	[Complete]	[Complete]
3	[Complete]	[Complete]

<b>Name of leading partner</b>  (with authority to bind the JV, Consortium, Association during the RFP process and, in the event a Contract is awarded, during contract execution)	[Complete]
--	------------

We have attached a copy of the below document signed by every partner, which details the likely legal structure of and the confirmation of joint and severable liability of the members of the said joint venture:

Letter of intent to form a joint venture      **OR**       JV/Consortium/Association agreement

We hereby confirm that if the contract is awarded, all parties of the Joint Venture/Consortium/Association shall be jointly and severally liable to UNDP for the fulfillment of the provisions of the Contract.

Name of partner: \_\_\_\_\_

Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Name of partner: \_\_\_\_\_

Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Form D: Qualification Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

If JV/Consortium/Association, to be completed by each partner.

### Historical Contract Non-Performance

Contract non-performance did not occur for the last 3 years

Contract(s) not performed for the last 3 years

Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Reason(s) for non-performance:	

### Litigation History (including pending litigation)

No litigation history for the last 5 years

Litigation History as indicated below

Year of dispute	Amount in dispute (in US\$)	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Matter in dispute: Party who initiated the dispute:	

		Status of dispute:	
		Party awarded if resolved:	

## Previous Relevant Experience

Please list only previous similar assignments successfully completed in the last five (5) years.

List only those assignments for which the Bidder was legally contracted or sub-contracted by the Client as a company or was one of the Consortium/JV partners. Assignments completed by the Bidder's individual experts working privately or through other firms cannot be claimed as the relevant experience of the Bidder, or that of the Bidder's partners or sub-consultants, but can be claimed by the Experts themselves in their CVs. The Bidder should be prepared to substantiate the claimed experience by presenting copies of relevant documents and references if so requested by UNDP.

Project name & Country of Assignment	Client & Reference Contact Details	Contract Value	Period of activity and status	Types of activities undertaken

*Bidders may also attach their own Project Data Sheets with more details for assignments above.*

Attached are the Statements of Satisfactory Performance from the Top 3 (three) Clients or more.

## Financial Standing

<b>Annual Turnover for the last three (3) years</b>	Year	USD
	Year	USD
	Year	USD
<b>Latest Credit Rating (if any), indicate the source</b>		

Financial information (in US\$ equivalent)	Historic information for the last three (3) years		
	Year 1	Year 2	Year 3
	<i>Information from Balance Sheet</i>		
Total Assets (TA)			
Total Liabilities (TL)			
Current Assets (CA)			
Current Liabilities (CL)			
	<i>Information from Income Statement</i>		
Total / Gross Revenue (TR)			
Profits Before Taxes (PBT)			
Net Profit			
Current Ratio			

Attached are copies of the audited financial statements (balance sheets, including all related notes, and income statements) for the years required above complying with the following condition:

- a) Must reflect the financial situation of the Bidder or party to a JV, and not sister or parent companies;
- b) Historic financial statements must be audited by a certified public accountant;
- c) Historic financial statements must correspond to accounting periods already completed and audited. No statements for partial periods shall be accepted.

## Form E: Format of Technical Proposal

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

The Bidder's proposal should be organized to follow this format of Technical Proposal. Where the bidder is presented with a requirement or asked to use a specific approach, the bidder must not only state its acceptance, but also describe how it intends to comply with the requirements. Where a descriptive response is requested, failure to provide the same will be viewed as non-responsive.

### SECTION 1: Bidder's qualification, capacity and expertise

- 1.1 Brief description of the organization, including the year and country of incorporation, and types of activities undertaken.
- 1.2 General organizational capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted (if so, provide details).
- 1.3 Relevance of specialized knowledge and experience on similar engagements done in the region/country.
- 1.4 Quality assurance procedures and risk mitigation measures.
- 1.5 Organization's commitment to sustainability.

### SECTION 2: Proposed Methodology, Approach and Implementation Plan

This section should demonstrate the bidder's responsiveness to the TOR by identifying the specific components proposed, addressing the requirements, providing a detailed description of the essential performance characteristics proposed and demonstrating how the proposed approach and methodology meets or exceeds the requirements. All important aspects should be addressed in sufficient detail and different components of the project should be adequately weighted relative to one another.

- 2.1 A detailed description of the approach and methodology for how the Bidder will achieve the Terms of Reference of the project, keeping in mind the appropriateness to local conditions and project environment. Details how the different service elements shall be organized, controlled and delivered.
- 2.2 The methodology shall also include details of the Bidder's internal technical and quality assurance review mechanisms.
- 2.3 Explain whether any work would be subcontracted, to whom, how much percentage of the work, the rationale for such, and the roles of the proposed sub-contractors and how everyone will function as a team.
- 2.4 Description of available performance monitoring and evaluation mechanisms and tools; how they shall be adopted and used for a specific requirement.
- 2.5 Implementation plan including a Gantt Chart or Project Schedule indicating the detailed sequence of activities that will be undertaken and their corresponding timing.
- 2.6 Demonstrate how you plan to integrate sustainability measures in the execution of the contract.
- 2.7 Any other comments or information regarding the project approach and methodology that will be adopted.

## SECTION 2A: Bidder's Comments and Suggestions on the Terms of Reference

Provide comments and suggestions on the Terms of Reference, or additional services that will be rendered beyond the requirements of the TOR, if any.

## SECTION 3: Management Structure and Key Personnel

- 3.1 Describe the overall management approach toward planning and implementing the project. Include an organization chart for the management of the project describing the relationship of key positions and designations. Provide a spreadsheet to show the activities of each personnel and the time allocated for his/her involvement.
- 3.2 Provide CVs for key personnel that will be provided to support the implementation of this project using the format below. CVs should demonstrate qualifications in areas relevant to the Scope of Services.

### Format for CV of Proposed Key Personnel

<b>Name of Personnel</b>	[Insert]
<b>Position for this assignment</b>	[Insert]
<b>Nationality</b>	[Insert]
<b>Language proficiency</b>	[Insert]
<b>Education/ Qualifications</b>	<i>[Summarize college/university and other specialized education of personnel member, giving names of schools, dates attended, and degrees/qualifications obtained.]</i> [Insert]
<b>Professional certifications</b>	<i>[Provide details of professional certifications relevant to the scope of services]</i> <ul style="list-style-type: none"> <li>▪ Name of institution: [Insert]</li> <li>▪ Date of certification: [Insert]</li> </ul>
<b>Employment Record/ Experience</b>	<i>[List all positions held by personnel (starting with present position, list in reverse order), giving dates, names of employing organization, title of position held and location of employment. For experience in last five years, detail the type of activities performed, degree of responsibilities, location of assignments and any other information or professional experience considered pertinent for this assignment.]</i> [Insert]
<b>References</b>	<i>[Provide names, addresses, phone and email contact information for two (2) references]</i> Reference 1: [Insert] Reference 2: [Insert]

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe my qualifications, my experiences, and other relevant information about myself.

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Signature of Personnel

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Date (Day/Month/Year)

## Form F: Financial Proposal Submission Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

We, the undersigned, offer to provide the services for **Elaboration of a study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring witnesses' protection during corruption cases' investigation** in accordance with your Request for Proposal No. RfP-20/02091 and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

Our attached Financial Proposal is for the sum of [Insert amount in words and figures].

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand you are not bound to accept any Proposal you receive.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*[Stamp with official stamp of the Bidder]*

## Form G: Financial Proposal Form

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	RfP-20/02091		

The Bidder is required to prepare the Financial Proposal following the below format and submit it in an envelope separate from the Technical Proposal as indicated in the Instruction to Bidders. Any Financial information provided in the Technical Proposal shall lead to Bidder's disqualification.

The Financial Proposal should align with the requirements in the Terms of Reference and the Bidder's Technical Proposal.

**Currency of the proposal: USD**

### Table 1: Summary of Overall Prices

	Amount(s), excl. VAT
<b>Professional Fees</b> (from Table 2)	
<b>Other Costs</b> (from Table 3)	
<b>Total Amount of Financial Proposal</b>	

### Table 2: Breakdown of Professional Fees

Name	Position	Fee Rate, excl. VAT	No. of Days/months/ hours	Total Amount, excl. VAT
		A	B	C=A+B
In-Country				
Home Based				
<b>Subtotal Professional Fees:</b>				

T.P

**Table 3: Breakdown of Other Costs**

Description	UOM	Quantity	Unit Price, excl. VAT	Total Amount, excl. VAT
International flights	Trip			
Subsistence allowance	Day			
Miscellaneous travel expenses	Trip			
Local transportation costs	Lump Sum			
Out-of-Pocket Expenses				
Other Costs: (please specify)				
<b>Subtotal Other Costs, excl. VAT:</b>				

**Table 4: Breakdown of Price per Deliverable/Activity**

Deliverable/ Activity description	Time (person days)	Professional Fees, excl. VAT	Other Costs, excl. VAT	Total, excl. VAT
The detailed plan of activities and methodology for conducting the study submitted and validated with the Project and NAC				
Draft study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring protection to witnesses and persons communicating information during corruption cases' investigation submitted				
Feed-back on the draft study collected from the main stakeholders within the validation meetings				
Final study on the conformity of the national legal and institutional framework with the international standards and good international practice related to ensuring protection to witnesses and persons communicating information during corruption cases' investigation submitted and approved by Project and NAC				

Concrete recommendations for the relevant amendments of the national legal framework to ensure the implementation and observance of the international anticorruption standards in criminal matters on ensuring protection to witnesses and persons communicating information in case of investigation of corruption crimes, including proposed draft amendments submitted				
<b>Final Study</b> presented in a public event organized by UNDP				
<b>Overall Price, excl. VAT</b>				