



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 18 October 2013

Country: Republic of Moldova

Description of the assignment: International consultant on protection of personal data and elections

Project name: Democracy Programme/Elections

Period of assignment/services: 4 – 14 December 2013

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: beatricia.revenco@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. BACKGROUND

UNDP Moldova “Programme for improving the quality of Moldovan Democracy through Parliamentary and electoral support” is a multi-year institutional development programme that aims to support the institutional consolidation and modernization of both Moldovan Parliament and Moldovan Central Electoral Commission (CEC).

Electoral component of the Programme (further referred as Programme) provides continuous assistance to the Central Electoral Commission towards:

- Improving the capacity of the CEC to meet European gender and human rights standards;
- Improving the institutional environment for electoral management bodies that can deliver inclusive and modern electoral processes;
- Improving the electoral and population registration process of the Republic of Moldova.

Under the Programme activity “Improving the CEC institutional capacity to meet European standards for human rights” the Programme intends to organize a roundtable/workshop on the issue of personal data protection and elections.

The overall objective of the roundtable is to discuss international best practices of balancing personal data protection requirements with the interest to publish electronic voter lists on the internet to enhance its quality and transparency for political contestants.

The roundtable shall also discuss the current Moldovan legislative framework on data protection and elections in an effort to identify current possibilities (or limitations) to provide electronic access,

verification and cross-checks to voter lists through the internet.

The participants of the roundtable shall be the Members of Parliament, CEC members and staff; representatives of Moldovan Data protection authority, other relevant state institutions, and UNDP Moldova Programme staff.

As a result of the roundtable the Programme intends to prepare a brief legal assessment of the current Moldovan legal framework on personal data protection in the context of elections with specific attention to analysis of the Law No. 133 "On personal data protection" and the Electoral Code to identify current provisions for publication of voter list data on the internet.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The Programme intends to contract an International Consultant (further referred as "Consultant") to provide consultancy services and deliver the following two deliverables: (1) prepare and deliver detailed presentation at the roundtable and (2) draft brief legal assessment of Moldovan data protection legislation and elections.

For detailed information, please refer to Annex 1 – Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

- I. Academic Qualifications:
 - Master's degree in Law or related fields.
- II. Years of experience:
 - At least 7 years of work experience in the field of democratic governance, electoral area;
 - At least 5 years of experience in data protection and/or elections legal issues;
- III. Competencies:
 - Familiarity with relevant EU and Council of Europe standards in data protection.
 - Experience in preparing and delivering trainings, presentations, speeches to large-scale events with diverse audience;
 - Experience in legal drafting;
 - Ability to analyse, plan, manage diversity of views, adapt to different environments (cultural, economic, political and social);
 - Full professional knowledge of English; knowledge of Romanian and/or Russian would be an advantage.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. Proposal:
 - (i) Explaining why they are the most suitable for the work;
 - (ii) Provide a brief methodology on how they will approach and conduct the work (if applicable);
2. Financial proposal;
3. Personal CV including past experience in similar projects, the duly filled Personal History Form (P11) and at least 3 references.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

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

- Master’s degree in Law or related fields;
- At least 7 years of work experience in the field of democratic governance, electoral area;
- At least 5 years of experience in data protection and/or elections legal issue;

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts);

* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master’s degree in Law or related fields	(Master’s – 10 pts; PhD -20)	20
At least 7 years of work experience in the field of democratic governance, electoral area	(7 years – 40 pts, each additional year – 10 pts, up to max. 70 pts)	70
At least 5 years of experience in data protection and/or elections legal issues	(each year of such work – 10 pts, up to max. 40 pts)	40
Familiarity with relevant EU and Council of Europe standards in data protection	(no – 0, yes – 15 pts.)	15
Experience in preparing and delivering trainings,	(no – 0, yes – 15 pts.)	15

presentations, speeches to large-scale events with diverse audience		
Experience in legal drafting	(no – 0, yes – 15 pts.)	15
Ability to analyse, plan, manage diversity of views, adapt to different environments (cultural, economic, political and social)	(no – 0, yes – 15 pts.)	15
Full professional knowledge of English; knowledge of Romanian and/or Russian would be an advantage	(Romanian and/or Russian – 10 pts; English – 5 pts)	15
Interview (demonstrated technical knowledge and experience; communication/ interpersonal skills; creativity/ resourcefulness)	65 – demonstrated technical knowledge and experience; 20 – communication/ interpersonal skills; 10 – creativity/resourcefulness)	95
Maximum Total Technical Scoring		300
Financial		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

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

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS