



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 17 September 2015

Country: Republic of Moldova

Description of the assignment: National Consultant on legal aid in the Transnistrian region of the Republic of Moldova

Project name: Support to Justice Sector Reform in the Republic of Moldova

Period of assignment/services: October-November 2015 (up to 30 working days)

Application instructions: Proposals should be submitted online by pressing the "Apply Online" button no later than 23:59, 27 September 2015.

Requests for clarification only must be sent by standard electronic communication to the following e-mail: alexei.ghertescu@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

The Law on State Guaranteed Legal Aid (the Law) in Moldova was adopted in 2007 and came into force in July 2008. Prior to 2008, the State guaranteed legal aid was provided by the National Bar Association of the Republic of Moldova, which was not always effective. The new legislation changed the system, breaking up the direct ties between investigators and advocates and setting up case monitoring mechanisms. The National Legal Aid Council (NLAC) was set up to govern the State guaranteed legal aid system. Until 2012 the scope of legal aid was limited to criminal cases. Since January 2012 it was expanded to civil cases. In spite of improvements achieved since that time, concerns remain on the quality of legal aid services provided.

At the same time, a distinct legal system is *de facto* functioning in the Transnistrian region of the Republic of Moldova. The legal aid system in this region has not experienced significant changes since the Soviet times and legal aid is provided through the regional Bar Association. The system is limited to the cases in criminal procedures when the apprehended by police or suspect cannot afford to pay for a lawyer.

A Report on Human Rights in the Transnistrian Region of the Republic of Moldova by Thomas Hammarberg¹ was released in February 2013 and provides some insights into the situation. It is concluded in the report that there is no general legal aid system in the region, there is lack of legal assistance in the cases of domestic violence and for the persons deprived of their legal capacity, especially for those held in psychiatric institutions. While the Republic of Moldova is progressing in the development of its state guaranteed legal aid system, disadvantaged and vulnerable people leaving in the Transnistrian region of the country are lacking possibilities to access legal aid services while in need. This is limiting their access to justice and thus to the effective protection of their human rights.

¹ Can be accessed here: <http://www.un.md/publicdocget/41>

The UNDP Moldova with the support from the Istanbul Regional Hub is looking to conduct a study to assess both the legal framework and the existing practice of the provision of legal aid services in the Transnistrian region of the Republic of Moldova, with the particular focus on assessing capacity of the Bar Association as currently the sole provider of legal aid in the Transnistrian region and other actors in this field, followed by the recommendations structured so as to address capacity development needs of the Bar Association and other relevant actors.

2. OBJECTIVE:

The main objectives of the present assignment is to perform gap analysis together with capacity and needs assessment of the legal aid system in the Transnistrian region of the Republic of Moldova and produce a set of recommendations for its improvement.

3. SCOPE OF WORK AND EXPECTED OUTPUT:

In order to achieve the objectives the National Consultant shall perform the following tasks:

- Produce a set of criteria of an effective legal aid system following the existing international standards. The criteria will form the basis for further gap analysis as well as capacity and needs assessment of the legal aid system in the Transnistrian region;
- Carry out desk-review of the *de facto* existing legislative framework and practices relevant to the provision of legal aid services in the Transnistrian region;
- Make a field visit to the Transnistrian region of up to 5 working days in order to meet with the representatives of the Bar Association, other legal aid related actors, representatives of NGOs and relevant public authorities of the region and collect necessary information on the functioning of the legal aid system;
- Conduct gap analysis, capacity and needs assessment of the legal aid system in the Transnistrian region, including: management, organization and quality of legal aid, monitoring/reporting system, existing cooperation between the lawyers' administrative entity (Bar Association), civil society and other actors involved in the judiciary process, as well as other relevant issues following the set criteria of an effective legal aid system. The following areas are to be examined in details:
 - I. Enabling environment (legislation, policies, regulations, funding);
 - II. Management and organization of the legal aid services through the Bar Association and other providers;
 - III. Quality of services: review on the quality of legal aid delivered as compared to the existing international best practices;
 - IV. Criteria and mechanisms for assurance of the quality of legal aid – tools available in the Bar Association and other legal aid providers;
 - V. Cooperation between the providers of legal aid services and other institutions and *de facto* public authorities involved (prosecutor's office, police, courts, etc.);
- Based on the analysis and assessments performed, produce a set of recommendations with concrete measures for the improvement of the legal aid system;
- Produce a report on the analysis performed, specifying the details and conclusions of the gap analysis, capacity and needs assessments and the recommendations proposed;
- Perform any other assignment related tasks.

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, Political sciences or other relevant field;

II. Years of experience and sphere of experience:

- At least 5 years of proven working experience on issues related to access to justice, rule of law, human rights or other related field;

- At least 1 year of experience in legal aid related area;
- Previous experience in access to justice and human rights areas in the region;
- Previous experience in conducting gap analyses, capacity and needs assessments, preparing study reports is a strong asset;
- Previous work as a lawyer/advocate, particularly as a designated lawyer within legal aid system, is an asset;

III. Competencies:

- Proven analytical and research skills, ability to facilitate discussions;
- Fluency in English, working knowledge of Russian;
- Knowledge of one or more additional languages relevant for Moldova is an asset.

IV. Personal qualities:

- 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;
- Responsibility, creativity, flexibility and punctuality.

The 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.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. Technical Proposal:
 - a. explaining how applicant responds to each of the qualification requirements (particularly providing details on the previously implemented similar projects, if any) and why he/she is the most suitable for the work;
 - b. describing a short vision on achievement of tasks;
2. Personal information (Personal History Form /P11) including records of past experience in similar projects/assignments and concrete outputs obtained with three references;
3. Financial proposal (in USD, specifying a total **lump sum** amount)

6. 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 fees and taxes, and number of anticipated working days).

Travel

Field visits to the Transnistrian region of the Republic of Moldova are envisaged for the purposes of this assignment.

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.

7. EVALUATION

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

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, Political sciences or other relevant field;
- At least 5 years of proven working experience on issues related to access to justice, rule of law, human rights or other related field;
- At least 1 year of experience in legal aid related area.

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

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

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.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master's Degree or equivalent (5-year university education) in Law, Human Rights, Political sciences or other relevant field	(Master – 35 pts., PhD – 40 pts.)	40
Proven working experience on issues related to access to justice, rule of law, human rights or other related field	(5 years of experience – up to 50 pts., 5-7 years of experience – up to 55 pts., more than 7 years – up to 60 pts)	60
Experience in legal aid related area	(1 year – up to 20 pts., more than 1 year – up to 25 pts)	25
Previous work as a lawyer/advocate, particularly as a designated lawyer within legal aid system	(no – 0 pts., to some extent – up to 5 pts., extensive experience – up to 10 pts)	10
Fluency in English, working knowledge of Russian; knowledge of other languages relevant for Moldova	(English – 10 pts., Russian – 10 pts., knowledge of other languages relevant for Moldova – 5 pts.)	25
Interview	(up to 70 pts. – knowledge of legal aid area; up to 30 pts. – experience in access to justice and human rights areas in the region; up to 30 pts. – analytical and research skills,	140

	experience in conducting gap analyses, capacity and needs assessments, preparing study reports; up to 10 pts. – personal qualities)	
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: <u>S = Fmin / F * 200</u> 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