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## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

**Date: 27 June 2016**

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<b>Country:</b>	Republic of Moldova
<b>Description of the assignment:</b>	National Legal Consultant on solid biomass regulatory framework
<b>Project name:</b>	Moldova Energy and Biomass Project
<b>Duration of initial assignment:</b>	July 2016 – December 2016 (50 days of consultancy)
<b>Expected duration of assignment:</b>	July 2016 – November 2017 (100 consultancy days, 50 days each year) subject to extension upon positive accomplishment of the initial assignment

Proposals should be submitted online by pressing the "Apply Online" button, no later than **12 July 2016**.

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [mihail.maciuca@undp.org](mailto:mihail.maciuca@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.

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### 1. BACKGROUND

The first phase (2011-2014) of the Moldova Energy and Biomass Project (MEBP) with a budget of 14.56 million EUR project, funded by the European Union and UNDP and implemented by UNDP, contributed to a more secure, competitive and sustainable energy production in the Republic of Moldova through targeted support to the most viable and readily available local source of renewable energy, which is biomass from agricultural wastes.

In 2015 the Project entered its second phase in the framework of the Eastern Partnership Integration and Cooperation (EaPIC) programme, based on its continued high relevance and the clearly identified need to further support the consolidation of the emerging biomass market in the country. The extension timeframe spans until the end of 2017 with additional EU-funding of 9.41 million EUR.

Major activities of MEBP include development of the public sector through creating demand and private sector through increasing the capacity on the supply side of the biomass sector. Creating demand on the public sector side consists of grants and capacity building activities that are oriented to the installation of biomass-based heating systems within publicly managed institutions: schools, hospitals, kindergartens, etc. Increasing the capacity of the supply side consists of various financial and technical assistance mechanisms to support competitive development of solid biofuel production and biomass boiler technology transfer.

One of the centerpieces of MEBP activities is to support developing the local legal and policy framework that would be prone to establishing a competitive basis for biomass market. Moldova is a net importer of energy products and a predominantly agricultural country where solid biomass potential could have an immediate application if proper policies and frames exist. Supporting local biomass production through legal, financial and institutional instruments is one of the priorities Government of Moldova (GOM) has set in its 2030 National Energy Development Strategy.

The first efforts to create systematic supply and demand started in early 2011 when MEBP 1 was launched. GOM through Ministry of Economy (MOE) established Energy Efficiency Department to develop policies and Agency for Energy Efficiency (AEE) to implement those policies through coordination and attraction of donor assistance, managing that assistance, coordinating and synergizing various sectors, players and value chains oriented to produce competitive and reliable renewable products and systems.

Despite some progress, biomass potential remains unexplored and remains vulnerable to market variations and non-functioning systems like legal support, subsidies, competitive and affordable finances, associative representation and lobbying, access to technical assistance, know-how and technology, etc.

In an effort to respond to existing and uprising challenges, MEBP looks to hire a national consultant to provide legal advice to project staff and other relevant stakeholders on various legal issues pertaining to biomass development activities. Some of the areas of legal expertise that require attention but are not limited to are: 1) fiscal regulation, 2) public procurement, 3) public private partnership, 4) energy efficiency and renewables, 5) waste management and other.

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

MEBP activities are cross-cutting and multiple striving to outreach the various sub-sectors and domains of the solid biomass sector. Most activities are new and innovative for the Moldovan environment and intend to set examples for replication or create proper and inductive conditions for replication and development. In order to ensure proper alignment and synergies among different activities including legal compliance, MEBP seeks legal assistance on the following areas pertaining to the development of biomass sector:

- 1) public and private partnership, or other legal and organizational ways of long-term cooperation between public and private partners
- 2) public procurement
- 3) fiscal regulation and legal interpretation of various taxation issues governing biomass activity
- 4) customs code and various regulations that govern the import and export activities of various biomass-related products and services
- 5) public administration and the interrelations between different levels of authorities and various stakeholders
- 6) energy efficiency, renewables
- 7) waste management
- 8) association and cooperation
- 9) other areas not limited to the above and as requested by MEBP

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

## **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

### **I. Academic Qualifications:**

- Bachelor degree in Law or related discipline;

### **II. Experience:**

- At least 10 years of experience of legal practice in public and/or private areas;
- Experience in purchasing in public or private sectors;
- Previous experience in drafting normative documents, writing comprehensive business plans, defending business cases pertinent to the environment or energy field is a strong advantage

### **III. Competencies:**

- Sound knowledge of legal drafting process, analysis of legal and normative acts;
- Excellent knowledge of Moldovan laws and regulations in the areas public private partnership, public purchasing, fiscal matters, energy and renewables demonstrated by previous experience;

- Solid understating and awareness of EU *acquis communautaire* in the area of renewables and biomass in particular would be an advantage;
- Ability of introducing new concepts to new environment demonstrated by previous experience;
- Strong research and analytical skills, ability to produce quality and customer oriented reports and analysis;
- Fluency in Romanian and Russian. Good command of written and spoken English would be an advantage;

#### IV. Personal qualities:

- Responsibility, creativity, flexibility and punctuality;
- Ability to solve difficult and challenging projects;
- 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.

#### **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;

##### 2. Financial proposal;

##### 3. Personal CV including past experience in similar projects and at least 3 references.

#### **5. FINANCIAL PROPOSAL, TIMEFRAMES AND DELIVERABLES**

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

#### **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.

**No travel is envisaged under current assignment.**

#### **6. EVALUATION**

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

- Bachelor degree in Law or related discipline;
- At least 10 years of experience of legal practice in public and/or private areas;
- Fluency in Romanian and Russian

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.

<b>Technical Evaluation Criteria</b>	<b>Scoring</b>	<b>Maximum Points Obtainable</b>
Bachelor degree in the field of Law or Jurisprudence	Bachelor Degree – 20; Master’s degree or higher – 30 pts	30
At least 10 years of experience of legal practice in public and/or private areas	10 years – 30 pts; add 2 pts. for each additional year up to max. 40 pts	40
Experience in purchasing in public or private sectors	5 pts. for each year of experience, up to max. 20 pts	20
Previous experience in drafting normative documents, writing comprehensive business plans, defending business cases pertinent to the environment or energy field is a strong advantage	5 pts. for each previous assignment, up to max. 25 pts	25
<b>Interview</b>		
Sound knowledge of legal drafting process, analysis of legal and normative acts	Up to 40 pts.	40
Excellent knowledge of Moldovan laws and regulations in the areas public private partnership, public purchasing, fiscal matters, energy and renewables demonstrated by previous experience	Up to 50 pts.	50
Solid understating and awareness of EU <i>acquis communautaire</i> in the area of renewables and biomass in particular would be an advantage	Up to 30 pts.	30
Ability of introducing new concepts to new environment demonstrated by previous experience	Up to 30 pts.	30
Strong research and analytical skills, ability to produce quality and customer oriented reports and analysis	Up to 20 pts.	20
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	Up to 5 pts.	5
Fluency in Romanian and Russian. Good command of written and spoken English would be an advantage	Fluency in Russian and Romanian – 0 pts., knowledge of English – 10 pts	10
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b>Financial Evaluation Scoring</b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> 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.		<b>200</b>

#### 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**