**UNICEF Moldova**

**TERMS OF REFERENCE**

**National Individual Consultancy on legal support to reform RESTART**

**Location:** Chisinau, Moldova and possible field visits

**Duration and timeline: 70 days** (within a 7-month period from September 2023 to March 2024)

1. **Background**

National policy reforms have deepened the path toward European integration, but many reforms have yet to be further developed and implemented to support Moldovan accession to the European Union and to mitigate the negative impacts of the current socioeconomic crisis. Moldova faces several challenges in its social assistance system, including limited coverage, fragmented programs, and gaps in targeting mechanisms.

The Ministry of Labor and Social Protection (MLSP) launched the Reform of Social Assistance System to enhance governance and quality and improve access to social assistance. Within this, MLSP intends to define the essential social services that satisfy the needs of vulnerable people, which are currently underfunded and fragmented over the country. The reform also aims to reorganize the local social assistance authorities into nine territorial social assistance agencies (TSAA) to ensure better coordination between the central and local levels. To ensure the reform is effectively carried out and, as a result, access to quality social services is guaranteed, the MLSP will:

* Assess the needs for social services and design the framework of social services at the

local level

* Develop an integrated information system for social assistance.
* Revise minimum quality standards for social services and their monitoring indicators.
* Develop costing standards for social services.
* Revise the salary scale for social assistance staff at a local level.

Therefore, it is essential to analyze the current legal framework and prepare adjustments in accordance with the new policy decisions. MLSP successfully implemented the first phase of the reform. Bill nr. 260, voted in the first and second readings in Parliament, sets the primary legal framework, which ensures the reorganization of the current social assistance system. This bill amended 19 other laws:

* Law on Compulsory Healthcare Insurance
* Law on expropriation for reasons of public utility
* Family Code
* Law of the population support fund
* Law on the additional protection of specific categories of the population
* Law on Veterans
* Law on Public Finance
* Law on Social assistance
* Law on the Prevention and Combating of Human Trafficking
* Law on equal opportunities between women and men
* Law on administrative decentralization
* Law on Local Public Administration
* Law on Prevention and Combating of Domestic Violence
* Law on Social Services
* Law on Legal Regime of Adoption
* Law on Social Inclusion of persons with disabilities
* The Law on the Special Protection of Children at risk and children separated from their parents
* Law on the Rehabilitation of Crime Victims
* Law on the unitary salary system in the budget sector

1. **Purpose of the consultancy**

The national consultant will provide technical assistance to the Ministry of Labor and Social Protection on producing legal changes and ensuring that adjustments are in line with policy decisions of the RESTART reform.

1. **Objectives of the Consultancy**

The primary objectives of the consultancy are as follows:

* Analyze legal framework on social assistance
* Prepare draft laws/government decrees, regulations, and other legal documents based on decisions made by working group of the RESTART reform and the management of MLSP
* Ensure drafts of legal documents are consulted with MLSP, key stakeholders and experts:
* Consult with the Minister, State Secretaries, chief of departments and align legal framework as proposed by decision makers
* Consult with the team of experts of working group RESTART (social services, human resources, territorial reorganization, etc.) and other relevant stakeholders
* Contribute/prepare legislative initiatives: brief notes, and legal analysis
* Prepare overview tables of comments and suggestions provided by stakeholders, analyze and integrate them. Also, prepare other relevant tables upon requests from the MLSP management and RESTART Team Leader
* Participate in work sessions and public consultations with stakeholders

1. **Details of how the work should be delivered**

The technical assistance will be provided based on need to carry out legal adjustments that are planned under the RESTART reform.

The support provided by the legal consultant, in cooperation with the team of other experts,will consist of:

* Development, jointly with the team of experts and MLSP, legal analysis, and recommendations. The adjustments will be made based on a desk review of the available data, discussion, and consultation on the implementation of the RESTART Reform
* Facilitation of inclusive public consultation sessions, including if needed regional consultations with meaningful participation of key stakeholders
* Adjust legal framework on social assistance and other related documents

1. **Deliverables and delivery dates**

Changing the legal framework is one of the essential elements of the reform process. After the completion of the preparation and approval of the draft law 260 which sets the primary legal framework, the secondary legal framework is to be improved and developed.

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| **Tasks** | **Deliverables** | **Workdays** **\*** | **Tentative timeframe** |
| **Phase I**   * Desk study review | List of legal documents to be reviewed | 2 working days | By 5 October 2023 |
| **Phase II**   * Revise 4 legal documents: amendment of Government Decree (GD) no. 1263/2016 regarding the National Social Assistance Agency, amendment of GD no. 149/2021 regarding the Ministry of Labor and Social Protection, elaboration of the draft GD regarding the creation and operation of Territorial Social Assistance Agencies, elaboration of the draft Internal Regulation on the operation of Social Assistance Structures (September - October 2023) | 4 legal documents are revised and ready for approval | 20 working days | By 30 October 2023 |
| **Phase III**   * Revise other documents as per comments from MLSP, UNICEF and other relevant stakeholders: the amendment of around 20 GDs on social assistance, including social services (September - November 2023). | Revised Government decrees as per recommendations | 23 working days | By 30 November 2023 |
| **Phase IV**   * Provide technical support in revising the secondary legislative framework that will ensure the proper functioning of the social assistance system in accordance with the new regulations | Secondary legislative framework is revised as per RESTART reform | 15 working days | By 15 February 2024 |
| **Phase V**   * Providing technical assistance and work closely with other experts in revising legal framework on human resources: work, professional programs development and social assistance personnel attestation. | Legal framework on human resources | 10 working days | By 10 March 2024 |

*\* Exact deadlines will be mutually agreed upon contract signature.*

To achieve the above-mentioned objectives, the individual consultant, under the guidance of UNICEF and MLSP, will:

* Review and adjust as necessary the legal documents and work plan for the assignment, including the data collection, as per UNICEF and MLSP recommendations.
* Conduct briefing and de-briefing meetings with UNICEF and the MLSP, as well as other partners as required;
* Review and adjust if necessary, the desk review of relevant legal documents and briefing notes.

1. **Reporting requirements**

The consultant will report to the UNICEF RESTART Team Leader, who will regularly communicate with the consultant and provide feedback and guidance on his/her performance and all other necessary support so to achieve objectives of the consultancy, as well as remain aware of any upcoming issues related to consultant’s performance and quality of work. Also, the consultant will work closely with UNICEF Social Policy Specialist and receive overall guidance.

All activities and deliverables undertaken by the consultant shall be discussed and planned in consultation with UNICEF and MLSP. The consultant is expected to deliver each component of the deliverables electronically (in Word format) and in Romanian. At each stage, the deliverable shall be sent to the RESTART Team Leader, with the Social Policy Specialist in copy.

1. **Performance indicators for evaluation of results:**

The performance of work will be evaluated based on the following indicators:

* Completion of tasks specified in ToR;
* Compliance with the established deadlines for submission of deliverables;
* Quality of work;
* Demonstration of high standards in cooperation and communication with UNICEF and counterparts

1. **Qualifications and experience**

Technical background and experience required:

* Advanced university degree (Masters, or PhD) in law, social sciences, public policy or international development policy;
* Five years of professional experience in legal research, policy or technical assistance related to public policy or/social protection policy;
* Experience in qualitative analysis;
* Strong knowledge of social protection policy debates on RESTART reform;
* Demonstrated ability to produce clear, succinct legal materials;
* Previous experience on social assistance is an asset;
* Demonstrated working experience with government officials and local authorities, and UN agencies;
* Excellent written and oral communication skills in Romanian and working knowledge of English is required. Knowledge of Russian would be advantage.

1. **Content of technical proposal**

* Relevant experience with similar type of assignments;
* Proposed approach and methodology (max 1500 words), including:
* Timeline and milestones
* Risk and mitigation measures
* Ethical considerations and how the consultant will address them

In addition, please provide your Curriculum Vitae.

1. **Content of financial proposal**

The applicant should fill in the Financial Offer Template and specify the consultancy fee, per day of work, requested for the tasks described in the Terms of Reference in MDL.

Other expenses directly related to the ToR assignments and deliverables such as: (translation/interpretation costs, local transportation etc.) may be included in the financial offer unless specified that UNICEF will cover them separately (see paragraph 14 and 15 below).

The final selection will be based on the principle of “best value for money” i.e. achieving desired outcome at lowest possible fee.

If not provided by ToR, UNICEF will not reimburse costs not directly related to the assignment. This contract does not allow payment of off-hours, medical insurance, taxes, and sick leave.

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/output is incomplete, not delivered or for failure to meet deadlines.

1. **Evaluation criteria for selection**

The candidate is expected to reflect in the submission the qualifications, knowledge and experience related to the requirements listed above. Technical evaluation will be performed through a desk review of applications, evaluation of technical proposals, and if necessary, may be supplemented by an interview.

The total amount of points to be allocated for the price component is 30. The maximum number of points (30) will be allotted to the lowest price proposal of a technically qualified offer. Points for other offers will be calculated as Points (x) = (lowest offer/ offer x) \* 30.

The selection process is aimed at selecting the applicant who obtains the highest cumulative score (technical evaluation + financial offer evaluation points) following “best value for money” principle.

1. **Payment schedule**

The payment will be linked to the following deliverables upon satisfactory completion and acceptance by UNICEF:

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| **Deliverable (delivered according to the timeline agreed upon with UNICEF)** | **Proportion of payment** |
| List of legal documents to be reviewed and 4 legal documents are revised and ready for approval, Revised Government decrees as per recommendations | 65% |
| Secondary legislative framework is revised as per RESTART reform, Legal framework on human resources | 35% |

UNICEF reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/outputs are incomplete, not delivered for failure to meet deadlines.

1. **Definition of supervisory arrangements**

The consultant will work under the oversight of RESTART Team Leader UNICEF Moldova. Payments will be rendered upon successful completion of each task, as per the schedule outlined above.

1. **Work location and official travel involved**

The work may require local travels to conduct in-person visits and interviews with the different government officials. The consultant is expected to cover costs, arrange and schedule such visits, including transportation. The UNICEF office will facilitate introductions to key informants.

1. **Support provided by UNICEF**

UNICEF will regularly communicate with the consultant and provide feedback and guidance and necessary support so to achieve objectives of the work, as well as remain aware of any upcoming issues related to the performance and quality of work. UNICEF will provide an initial package of relevant documents and available research, and an initial list of relevant experts and counterparts to work with. UNICEF will also request relevant data – as agreed upon with the consultant – from relevant government counterparts.

**16. Child Safeguarding**

Is this project/assignment considered as “Elevated Risk Role” from a child safeguarding perspective?

YES ☐ NO ☒ If YES, check all that apply:

**17. Ethical considerations**

The Contractor will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines1. The Consultant should be sensitive to beliefs, manners and customs and act with integrity and honesty while interacting with stakeholders and beneficiaries. Furthermore, the Consultant should protect the anonymity and confidentiality of individual information. All participants should be informed about the context and purpose of the Assessment, as well as about the confidentiality of the information shared. The Consultant can use documents and information provided only for the tasks related to these terms of reference.

As per the internal PROCEDURE ON CONSULTANTS, together with the Notification letter, the selected candidate will be sent the link on Agora containing UNICEF policies on Prohibiting and Combatting Fraud and Corruption; Prohibition of discrimination, harassment, sexual harassment and abuse of authority and other relevant policies for their information and acknowledgment. The selected candidate must complete the applicable mandatory online courses on UNICEF’s learning platform prior to signature of contract. All certificates should be presented as part of the contract