**UNICEF Moldova**

**TERM OF REFERENCE**

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

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

**Duration and timeline: 120 workings days** (within a 10-month period from May 2024 to February 2025)

1. **Background**

National policy reforms have paved the way for Moldova's European integration, but there are still many reforms that need to be further developed and implemented to support Moldova's accession to the European Union. Moldova's social assistance system is grappling with several challenges, including limited coverage that leaves many vulnerable groups without support, fragmented programs that hinder effective service delivery, and gaps in targeting mechanisms that prevent resources from reaching those who need them the most.

The Ministry of Labor and Social Protection (MLSP) launched in 2023 the Reform of Social Assistance System to enhance governance, increase access to social protection, and mitigate the negative impacts of the socio-economic crises. Within this, MLSP defined the essential social services that aim to address the needs of vulnerable people in a uniformly based approach. As a part of the reform, the MLSP reorganized local social assistance authorities into ten territorial social assistance agencies (TSAA) and social assistance units at the rayon level with a primary goal to rebuild a new level of coordination between the central and local levels. In August 2023, the primary legislation was approved by the Parliament, whereas the secondary legislation was approved in December 2023. To ensure continuity of technical support, UNICEF will provide technical assistance on the following, which implies legal adjustments of various sets of legal documents (Laws, decrees, etc):

* developing an integrated information system for social assistance;
* Revising the minimum quality standards for social services and their monitoring indicators.
* developing a value-for-money framework.

1. **Purpose of the Assignment**

The national consultant will provide technical assistance to the Ministry of Labor and Social Protection on legal amendments and ensure that the operational functionality of the newly established social assistance system and adjustments are in line with the RESTART objectives, goals concept note and national priorities.

**Objectives of the Assignment**

The primary objective of the assignment is to provide legal technical support with regard to the following tasks under the RESTART reform:

* Analyze legal framework on social assistance
* Prepare draft laws/government decrees, regulations, and other legal documents
* Ensure drafts of legal documents are consulted with MLSP, key stakeholders and experts:
* Consult with the MLSP, Minister, State Secretaries, chief of departments and align legal framework with policy recommendations
* Adjust legal documents as agreed with MLSP
* Consult with the team of experts working in the RESTART reform (social services, human resources, territorial reorganization, etc.)
* Contribute/prepare: legislative initiatives, brief notes, and legal impact analysis, draft contracts, prepare draft responses to petitions, related to the RESTART reform
* Prepare overview tables of objections and recommendations, including prepare analysis of recommendations and formulate justification
* Prepare comparative tables
* Participate in work sessions and public consultations with stakeholders

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

Technical assistance will be provided based on a purposive need to carry out legal adjustments and ensure the operational functionality of the newly established social assistance system. The support provided by the legal consultant, in cooperation with the team of other experts,will consist of:

* The development of legal briefs, draft laws/government decrees, regulations, draft contracts, and draft replies to petitions related to the RESTART reform will be a collaborative effort jointly undertaken with the team of experts and MLSP. This process will be informed by a desk review of the available data, as well as discussion and consultation on implementing the RESTART Reform.
* One of the critical aspects of the approach is the facilitation of inclusive public consultation sessions. These sessions, including regional consultations, are designed to ensure the meaningful participation of key stakeholders, thereby fostering a sense of ownership and collective responsibility.
* Adjusting the legal framework for social assistance and other related documents will involve revising existing laws and introducing new regulations to align with the requirements of the RESTART reform.

1. **Deliverables and delivery dates**

The expected deliverables under this consultancy are:

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| --- | --- | --- | --- |
| **NO** | **Tasks** | **Deliverables** | **Timeline\*** |
| 1 | * Provide technical assistance to review 20 Governments decrees related to functionality of social services and draft proposals to improve the regulations governance and administration * Facilitate consultation with key stakeholders | * brief(s) on legal documents to be reviewed * draft(s) of Government decrees and/or other normative acts * legal documents: comparative tables, legal justification, summary of legal recommendations, impact analysis * agenda(s) of public consultations events and/or table of received feedback | 30 working days |
| 2 | * Provide legal advice on ensuring effective operational functionality of the newly established social assistant system * Contribute inter-institutional dialogue and legislative process | * draft legal documents such as: contracts, justification and replies to petitions, information notes, briefs on legal framework * case studies supporting policy recommendations | 30 working days |
| 3 | Provide legal advice, at MoLSP request related to the implementation of the RESTART Reform | * draft legal documents such as: replies and justification to petitions, information notes, briefs on legal framework | 20 working days |
| 4 | * Provide support to MoSLP to set up the legal framework on the establishment of a new Public Institutions which will manage the digital activities of MoLSP * Adjust legal framework related to various informational automated systems owned and managed by MoLSP | * draft legal framework: government decision and other supportive documents (such as regulatory impact analysis, information note, table with synthesis of proposals, etc) * amend other related normative framework | 40 working days |

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

To achieve the above-mentioned objectives, the individual consultant, under the guidance of UNICEF, 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 brief notes.

Changes to the agreed dates for deliverables must be mutually agreed in writing by UNICEF and the contractor, and in consultation with MLSP. UNICEF reserves the right to impose a penalty of payment on the following conditions: a) unsatisfactory delivery; and b) unjustifiable late completion of deliverables (by five days or more), through a 10% deduction of the cost of the assignment.

1. **Reporting requirements**

The consultant will report to the Social Policy Officer (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 Social Policy Specialist.

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 Social Policy Officer (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) in law, social sciences, public policy or international development policy;
* 10 years of professional experience in legal research, policy or technical assistance related to public policy or/social protection policy;
* Experience in qualitative analysis and fieldwork experience on collection of data;
* Strong knowledge of social protection policy debates on RESTART reform is considered an advantage;
* Demonstrated ability to produce clear, succinct legal materials;
* Previous research 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 an 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:

|  |  |
| --- | --- |
| **Deliverable (delivered according to the timeline agreed upon with UNICEF)** | **Proportion of payment** |
| Deliverable 1 | 30% |
| Deliverable 2 | 30% |
| Deliverable 3 – 4 | 40% |

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 specialist will work under the oversight of Social Policy Officer (RESTART Team Leader) of 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 in order 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:

**Direct contact role** YES ☐ NO ☒

If yes, please indicate the number of hours/months of direct interpersonal contact with children, or work in their immediately physical proximity, with limited supervision by a more senior member of personnel:

**Child data role** YES ☐ NO ☒

If yes, please indicate the number of hours/months of manipulating or transmitting personal-identifiable information of children (name, national ID, location data, photos):

More information is available in the Child Safeguarding SharePoint and Child Safeguarding FAQs and Updates

**17. Ethical considerations**

The Contractor will ensure that the process is in line with the United Nations Evaluation Group (UNEG) Ethical Guidelines1. The Contractor should be sensitive to beliefs, manners and customs and act with integrity and honesty while interacting with stakeholders and beneficiaries. Furthermore, the Contractor 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 Contractor can use documents and information provided only for the tasks related to these terms of reference.

As per the internal PROCEDURE ON INDIVIDUAL CONSULTANTS, together with the Notification letter, the consultant will be sent the link to 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.