LCRM – Legal Resources Centre from Moldova

[Extended tender] LRCM seeks to contract a consultant / team of consultants to undertake the external evaluation of the implementation of a USAID project

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EXTENDED DEADLINE FOR THE CALL FOR PROPOSALS:
Terms of Reference for the end of the project evaluation.
CLOSING DATE:
LRCM hereby extends the bids submission deadline to **14 April 2020.**
BUDGET CEILING:
The total budget for the overall assignment activity should not exceed the amount of **USD 10,000** (including any relevant travel, accommodation or consultancy costs).
N.B. *Should travel bans or movement restrictions not be lifted by the time of carrying out evaluation activity, the LRCM and Consultant shall mutually agree upon a new timeline to accomplish the purpose of assignment.*

The Legal Resources Centre from Moldova (LRCM) is a non-profit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.

The LRCM promotes an independent, efficient, and accountable judiciary, respect of human rights, an enabling environment for civil society and democracy. For that end, we identify problems with systemic impact, bring them into the public agenda, propose solutions, react to abuses and mobilize partners for changes in good. More information on LRCM activity is available at www.old2.old.crjm.org.

1. BACKGROUND

In October 2016, the LRCM started the implementation of the project "Promoting the Rule of Law in Moldova through civil society oversight", supported by the U.S. Agency for International Development (*hereinafter the USAID funded project*). The project purpose is to improve rule of law and accountability of the justice system in Moldova via active civil society oversight and participation in decision-making processes. The period of implementation of the project is October 2016 – September 2020. Total budget of the project – USD 1,200,000.

The project objectives are the following:

- ***to promote an enabling environment for civil society organizations (CSOs)*** – to achieve this result, LRCM aims to reach the following sub-results: (i) Legislation on the creation and operation of CSOs and their public utility status will be improved and CSOs will be informed on the new legal requirements; (ii) A new legal framework on the percentage designations (2%) will be adopted and applied since 2017 and CSOs and taxpayers will be informed on the procedures to designate and -to access the mechanism; (iii) Legislation will be amended to improve the process of legislative public consultation at the Parliamentary level. The legal framework will be improved for ensuring fiscal and financial sustainability of CSOs. CSOs will be empowered to make use of the new fiscal regulations and participation in drafting laws/public policies at the level of the Parliament.
- ***to increase the accountability and transparency of the Moldovan justice system –*** to achieve this result, LRCM aims to reach the following sub-results: (i) The general public and donor community will be informed of the current activity and problems in the judiciary; (ii) Transparency of SCM will increase as a result of consistent CSO and media attention; (iii) The criteria, mechanisms and practice of selection and promotion of judges will be amended to lead to merit based decisions; (iv) The impact of the reforms will be assessed and proposals made to the public authorities to increase; (v) Transparency, efficiency and accountability of the justice system. The plan for building of courthouses to implement the 2016 Law on reorganization of the court system (optimization of judicial map) approved by the Parliament.
- ***to promote effective implementation of European human rights standards in Moldova*** – to achieve this result, LRCM aims to reach the following sub-results: (i) The public will be informed of ECHR violations regarding Moldova and the need for change; hence social pressure on Moldovan authorities will determine them to comply with the ECHR standards; (ii) The skills of trained judges, prosecutors and lawyers will be improved to apply in practice the ECHR standards; (iii) A new system of effective execution of the ECtHR judgments by Moldova will be set up; (iv) The Law on ensuring equality will be amended to strengthen the status of the Non-Discrimination Council, in particular the power to apply sanctions for discrimination. Analysis of court cases on discrimination will be carried out and weaknesses in interpretation highlighted for further improvement; (v) In the long term, the principle of equality and non-discrimination will be fully implemented via Non-Discrimination Council jurisprudence and judicial practice.
- ***to strengthen the institutional capacity and to ensure the sustainability of LRCM*** – to achieve this result, LRCM aims to reach the following sub-results: (i) LRCM's ability to monitor and react promptly to important decisions related to rule of law and human rights in Moldova will be improved; (ii) LRCM will be able to effectively cooperate with mass media and opinion leaders to promote qualitative debates and media coverage on justice, human rights and civil society participation; (iii) Annual activity reports will be drafted and distributed to partners, donors and posted on the LRCM website; (iv) A new LRCM Strategy for 2018-2021 will be adopted, which will include new methods for ensuring LRCM's financial sustainability; (iv) Communication skills will be enhanced that will allow better collaboration within LRCM and with relevant stakeholders, improving LRCM's activities in general; (v) The internal policies and staff performance will be improved to allow LRCM to effectively carry out its mandate.

Direct beneficiaries:

- Civil society organizations
- Judges, prosecutors, lawyers
- Superior Council of Magistracy

- Parliament, Government

Indirect beneficiary:

- Society of the Republic of Moldova

3 years (2016-2019) of project implementation (in numbers)

68	***SCM sittings monitored***
48	*Legal opinions submitted to authorities*
8	*Working group memberships*
31	*Public reactions launched*
27	*Public events & workshops organized*
14	*Publications on relevant topics*
4	*Infographics on issues of public interest*
11	*Newsletters in Romanian, Russian and English*
3	*Strategic litigation cases & 1 amicus curiae*
1	*Case won before the European Court*
4	*Survey for CSOs*
8	*Press clubs with journalists*
5	*Briefs to IGOs (Council of Europe & UN SR HRD)*
5	*Meeting with Moldova's development partners*

2. PURPOSE OF ASSIGNMENT

LRCM seeks to contract a consultant / team of consultants (hereinafter referred to as – *the Consultant*) to undertake the external evaluation of the implementation of the project mentioned above.

Objectives of the Evaluation

The objectives of this evaluation are to:

- **Undertake an evaluation to assess the project's:**

a. **Relevance –** the extent to which the objectives were consistent with beneficiaries' needs and priorities;
b. **Effectiveness –** the extent to which the targeted project objectives were achieved (or are expected to be achieved);
c. **Efficiency –** how economically resources/inputs were converted into results;
d. **Sustainability –** the extent to which the benefits are likely to continue after the project**;**
e. **Impact –** where possible, the long-term effects produced by the project (directly, indirectly, intended, unintended, positive and negative)**;**

- **Provide recommendations for future improvements / planning.**

Illustrative questions directed at evaluating the project activities, in each of the project objectives, might include (but are not limited to) the following domains:

- To what extent the activities undertaken by the project team lead to a more conducive Legal framework for a more effective and sustainable CSO sector?;
- To what extent the activities undertaken by the project team increased the ability of CSO to participate in the decision process, particularly at the parliamentary level?;
- How has the project influenced the CSO sector, and what capacities has it built, if any?;
- To what extent active monitoring of judicial institutions, such as the Superior Council of Magistracy, by LRCM increased the institutions transparency?;
- To what extent the studies and policy proposals drafted by the project team contributed to ensure a more transparent and accountable justice system in Moldova?
- To what extent the activities undertaken by the project team enabled professionals to use and apply human rights standards in their daily work?;
- To what extent the research and written submissions drafted under the project objectives have informed the national stakeholders and international fora?
- To what extent the implemented activities under the institutional program component strengthened LRCM's watchdog and institutional capacities?
- Is there evidence that the initiatives started under the project are likely to grow – scaling up and out – beyond the project life?

The evaluation shall focus on the period of October 2016 – 30 September 2020 (the date of completion of the project).

3. METHODOLOGY

The evaluation assignment is expected to be conducted in a consultative and participatory way. LRCM expects the Consultant to use the following methods: desk study and review of LRCM

regulatory documentation including project documents, activity reports, interviews with the staff, donors and direct beneficiaries (face-to-face interviews when possible), as well as other methods as deemed appropriate by the Consultant. The Consultant shall draft the methodology and consult it with LRCM prior to initiating the evaluation. Critical reflection and learning is integral to this process. The Consultant is expected to plan and ensure the engagement of the LRCM staff in evaluation process.

4. KEY DELIVERABLES

The Consultant shall provide the following deliverables:

- Methodology / action plan, including evaluation tools;
- A draft evaluation report of the USAID supported project implementation, to be submitted to LRCM for comments;
- A final evaluation report on the implementation of the USAID supported project, which will cover at least the following: executive summary, brief project background, main findings relating to the evaluation questions and including detail of any unintended outcomes that are resulting from project activities, recommendations for future action.

All deliverables shall be presented in English. The exact report format will be agreed upon with the Consultant prior to commencing the assignment.

5. TIMELINE

The evaluation shall be conducted between **15 July – 31 August 2020**, with the final Evaluation report to be delivered by **15 September 2020**.

6. REQUIREMENTS FOR THE CONSULTANT

The Consultant (company or individual) shall have proven experience in project evaluation with at least 5 years of experience. Additional requirements include:

a. good knowledge of Moldovan or regional rule of law context;
b. record of participation in minimum two assignments of similar evaluation or degree of complexity;
c. solid experience in project cycle management;
d. experience in evaluation of the projects implemented by civil society organizations. Previous experience in evaluation of the USAID funded projects is an advantage;
e. excellent writing, reporting and communication skills;
f. university degree in Law, Political Sciences, Democracy, Public Policy, International Development. Master’s degree in the same fields is an advantage;
g. proficiency in English. Knowledge of Romanian or Russian is an advantage.

Persons who directly benefited from the implementation or provided services within the project are not eligible.

7. EVALUATION

The cumulative method will be applied in the evaluation of the applications. The contract will be awarded to the candidate achieving the highest cumulative score from the technical and financial parts of the proposal. The technical proposal accounts for 70% of the total score and the financial proposal will account for 30% of the total evaluation score. The calculation criteria of the Financial Offer will be based on a percentage proportion, awarding 100% (equivalent to 30 points) to the lowest financial bid submitted.

The offers will be evaluated based on the following criteria:

Criteria	***Max. point***
Technical	
Envisaged methodology and action plan, including evaluation tools for the assignment	25
Knowledge of Moldovan or regional rule of law context	10
University degree in Law, Political Sciences, Democracy, Public Policy, International Development	5
Experience in project cycle management	5
Experience in evaluation of the projects implemented by the civil society organisations / in evaluation of the USAID funded projects	15
Record of participation in minimum two assignments of similar evaluation or degree of complexity	10
Financial offer	**30**
TOTAL	***100***

8. APPLICATION PROCESS

Offers may be submitted by individual candidates and/or legal entities. The signed and dated offer shall be sent by e-mail to application@old2.old.crjm.org by **14 April 2020**, including the following components:

- the copy of the **registration certificate**/extract for the legal person and the **updated CV** of the candidates, together with a **Cover letter**, which will contain: (1) interest in the assignment and a short description of previous portfolios/beneficiaries, including links or attached two most relevant similar assignments; (2) the name and contact details **of two reference** persons;
- An outline of the **envisaged methodology** for the assignment (outlining the overall approach and suggested methods), including a proposed **plan of action** to achieve the key deliverables with timelines;
- **financial offer in USD**, with the breakdown of costs (consultancy fee per number of anticipated working days, including costs for per diems, accommodation, local travel and travel to Moldova (1(one) return trip). Offers submitted in any other currency will be converted at the official exchange rate of the National Bank of Moldova at the deadline date for submitting the offers;

For local resident candidates: (a) **legal entities** are invited to send their financial offers with the application of the VAT exemption with deduction right. The confirmative documents for VAT exemption will be presented by the beneficiary; (b) **individual candidates** – net amounts.

For foreign individual candidates/legal entities, if selected, the tax resident certificate issued by the relevant tax authority of the origin country will be requested. Upon presentation of the certificate of residence for tax purposes based on the Convention for the avoidance of double taxation, the Consultant will have the sole responsibility for the payment of all applicable taxes relating to Expert and Expert's employees arising from payments to be received.

(!) **Individual successful candidates** should justify the requested fees by filling in a form

(Contractor Employee Biographical Data Sheet in line with USAID requirements) indicating the fees received for similar services from at least three contractors, with the attachment of the supporting documents.

- **declaration on conflict of interests**. In case of a conflict of interests, real or potential, with the members or employees of the LRCM, the candidate is obliged to declare it in a written document enclosed with the application.

Disbursement and payment modalities will be agreed upon by both parties and specified in the contract with the Consultant.

For any clarifications on the assignment, please e-mail at application@old2.old.crjm.org.

NOTE: LRCM reserves the right not to choose any candidate in case the offers received do not meet the desired requirements mentioned in this ToR.

LRCM is an inclusive and diversity-friendly employer. We value difference, promote equality and challenge discrimination, enhancing our organisational capability. We welcome and encourage application from all qualifying candidates. We do not discriminate on the basis of disability, race, colour, ethnicity, gender, religion, sexual orientation, age, marital or parental status or other category protected by law.

This entry was posted on Tuesday, March 31st, 2020 at 10:24 am and is filed under Announcements Archive
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