



IFAD VI (PRRECI)	
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Terms of Reference for the Legal Consultant Tender 30/19 PRRECI

I. Project Background

The Consolidated IFAD Programme Implementation Unit (CPIU-IFAD) was created in 2000 year by the Government of Moldova to implement the rural and agricultural development programmes funded by the International Fund for Agricultural Development, based in Rome, Italy. The CPIU-IFAD it is implementing two ongoing projects Inclusive Rural Economic and Climate Resilience Programme (IRECR) and Rural Resilience Project. The principal functions of the CPIU are: to carry out the overall programming and budgeting of Programme activities; take the lead in Programme implementation in cooperation with business development and other services providers, infrastructure contractors, beneficiary institutions, such as farmer-based organizations and rural women's groups, PFIs, and monitor and document Programme progress.

CPIU-IFAD plans to recruit a legal consultant, to provide professional advice and support to CPIU staff on legal aspects for implementation of project activities and contract management, which is in line with IFAD Mission recommendations form Sep.2018.

The Legal Consultant shall provide legal assistance to CPIU IFAD towards effective implementation of the Program comprising the both ongoing projects: Inclusive Rural Economic and Climate Resilience Programme (IRECR) and Rural Resilience Project (RRP).

Experienced candidates are sought for the position of Legal Consultant, a position that reports to the CPIU-IFAD Director.

II. Objectives

The Legal Consultant will provide strategic legal advice to the CPIU-IFAD's on Programme implementation matters, including the interpretation of Unit agreements, amendments to these documents and their application to the various aspects of the administrative/implementations' functions. He/She will be responsible for identifying and analyzing legal issues; negotiating and drafting key documents; writing, reviewing, and editing reports, opinions, correspondence, articles, and other documents, presenting clear recommendations to the CPIU IFAD Director on legal matters; and ensuring legal compliance by CPIU-IFAD with: Programme Financing Agreements; IFAD and Republic of Moldova laws and regulations;

The overall objectives of this consultancy service are to:

1. Provide strategic legal advice to the CPIU-IFAD's on programme implementation matters, including but not limited to the CPIU-IFAD legal protection/ issues of: government contracts, commercial contracts; policies and procedures; human resources; CPIU records management; cooperating institutions and other international organizations.
2. Providing legal input for the design and implementation of CPIU-IFAD programmes;
3. Provide legal expertise and contractual remedies.
4. Represent CPIU-IFAD in courts/tribunals proceedings.

5. Participate in the contract negotiation committee and ensure the implementation of the applicable anticorruption policy.
6. Participating in the meetings for review of complaints, and providing support in resolving disputes amicably.

III. Duties of Assignment

1. Register the CPIU IPAD as an operator of personal data at National Center for Personal Data Protection of the RM and design/adjust the CPIU PIM's regarding this specific requirement;
2. Advises Director in anticipating and guarding against legal risks facing the CPIU IFAD;
3. Review the IRECR and PRR Financing Agreements, CPIU IFAD Projects Implementation Manuals and Procedures to obtain an understanding of the context of the legal operating environment of the CPIU-IFAD;
4. Prepare an inception report which details the methodology/approach to the assignment and a related work implementation plan;
5. Review contract templates as well as sample of existing or past contracts for goods, works and consulting services and external service providers and make recommendations for enhancing these to better reflect the requirements of IFAD missions, audit recommendation and standards as well relevant country legislation. The sample of contracts and the recommendations should include those for which there were or are ongoing disputes;
6. Prepare and submit for discussion, a report of the findings of the contract review and contract management processes and recommendations for their enhancement;
7. Prepare and submit enhanced contract templates for feedback;
8. Assist in reviewing the legal material and any other relevant documents and to identify the most important issues that need to be sorted out on a priority basis. Provide legal expertise and contractual remedies.
7. Draw up formalities regarding the settlement of disputes and monitor the implementation of the legal clause. Represent CPIU-IFAD in courts/tribunals proceedings.
9. Participates in negotiations, assures that the negotiating representatives are duly empowered, assist in drafting negotiation minutes and prepares and advises on all types of contracts to be executed by CPIU IFAD for the implementation of the programs;
10. Membership Records. The Legal Consultant ensures that official records are maintained of members of the Committees. He/She ensures that these records are available when required for reports, other votes, etc;
11. Assist the Procurement Specialist/Director in preparation, reviewing and decision-making on the claims submitted by the bidders in respect of the protests submitted on the procurement decisions as per CPIU IFAD bid process;
12. Provide assistance in coordination of the relationship with outside counsel; provide support in issuance of instructions; monitoring of performance and quality; cost efficiencies; and endorsement of invoices of such outside counsel for final approval by the CPIU Director;
13. Advise on the legal aspects of policy issues under consideration by CPIU-IFAD's Management.
14. Provide legal training to other divisions on legal issues and requirements.
15. Performs such other duties and exercise such other powers as are commonly incidental to the office of legal counsel, as well as such other duties and powers that shall be assigned from time to time by the CPIU IFAD Director.

IV. Qualifications and Experience:

The candidate should have:

1. University degree in Law (Master's degree or equivalent will be an asset).
2. At least five (5) years of relevant practice experience in law working or at a law firm or as legal in-house counsel in Moldova, preferably with some experience as counsel in a commercial entity or counsel in a not-for-profit organization.
3. At least three (3) years of Experience with a diverse range of legal issues, with an emphasis on transactional practice, such as international commercial transactions, project finance, bank finance, construction and general corporate law.

4. Broad understanding of Moldovan legislation of relevance to the CPIU IFAD program implementation, for example, the Labour Code, Civil Code, Fiscal Code, environmental legislation, and legislation dealing with land use.
5. Proven ability to work in a national as well as international context;
6. Demonstrated oral and written communications skills in order to interface with a variety of stakeholders.
7. Ability to work with multidisciplinary teams and institutions.
8. Responsible and flexible attitude and capacity to manage a variety of tasks with minimal supervision.
9. Fluent in written and oral communication in Romanian and English; good proficiency in Russian.
10. Strong computer skills with functional working knowledge of Microsoft Office applications (Word, Excel, Power Point), Outlook Express, Explorer, Jurist, and Moldlex.
11. Experience in working with international financial institutions and other donor organizations or/and experience in serving as a secretary of the supreme governing body of a commercial entity, not-for-profit organization or other organization will be an advantage.

V. Contract Type and Duration

The Consultant will be contracted on a time-based contract and will provide services based on pre-agreed unite rate(per working day) and monthly presented reports on assignment progress. The consultant is expected to commence services initially for 1 year on a full-time basis, including 3 months' probation period with possible extension based upon a satisfactory performance. The assignment is likely to be extended depending upon satisfactory performance of the outputs envisaged in the TORs.

VI. Reporting Obligations:

The Consultant will report to CPIU-IFAD Director. The consultant's performance will be reviewed before the Probation period expire and at the contract completion.

VII. Selection Method:

The Consultant will be selected based on the "Selection of Individual Consultants (ICS)" procurement method.

The shortlisting criteria are:

1. General Qualifications - 30 points
 - Higher education degree (Master's degree or equivalent);
 - At least (5) years of relevant practice experience in law working or at a law firm or as legal in-house counsel in Moldova,
 - At least 3 years of professional experience in a comparable position in a financial or international development organizations and/or projects;
2. Adequacy for the Project - 40 points
 - Proven ability to work in a national as well as international context;
 - Demonstrated oral and written communications skills in order to interface with a variety of stakeholders would be an asset.
3. Language and Relevant Experience - 30 points
 - Good knowledge of English and Romanian (both written and oral);
 - Good knowledge of common Microsoft office tools;
 - Outstanding organizational skills, ability to multitask and reply to inquires upon short notice.