



UNITATEA DE MANAGEMENT AL PROIECTULUI
"CONTROLUL INTEGRAT AL POLUĂRII CU NUTRIENȚI"

TERMS OF REFERENCE
CONSULTANCY SERVICES - INDIVIDUAL CONSULTANT
Procurement Expert - 1 position

1. Background

Romania has received a loan from the International Bank for Reconstruction and Development (IBRD) to support the implementation of the Integrated Nutrient Pollution Control Project - Additional Financing (**the Project**) by financing over a new six years period, until 31 March 2022, the costs associated with the scale-up of the Project nationwide. The Additional Financing for scaling-up will broadly maintain the objective and structure of the Integrated Nutrient Pollution Control Project (INPCP) with slight modifications, to reflect the realities of the current situation and lessons learned so far under INPCP. The Additional Financing will finance works, goods, services and operating costs and will comprise four components, which are largely the same as in the INPCP, with slight modifications: (i) Component 1: Investments in Local Communities to Reduce Nutrient Pollution; (ii) Component 2: Institutional Strengthening and Capacity Building; (iii) Component 3: Public Awareness and Information Support; (iv) Component 4: Project Management.

Under the Additional Financing the overall development objective of the Project is to support the Government of Romania towards meeting the EU Nitrate Directive requirements at national scale.

The closing date of the INPC Project Additional Financing is March 31, 2022.

Under the present assignment, The Ministry of Waters and Forests (MWF), through the Project Management Unit (PMU) responsible for the implementation of Integrated Nutrient Pollution Control Project seeks contracting specialized consultancy services of an Individual Consultant - Procurement Expert to contribute to and facilitate the development and implementation of PMU's Procurement function in accordance with established procurement procedures.

2. Objectives of the assignment

Key objectives of the consultancy services are to:

- (i) Provide project implementation services to the PMU in the procurement area;
- (ii) Enhance the capacity of the PMU to supply permanent professional services in the Procurement field, for the project benefit;
- (iii) Manage and carry out the assigned procurement activities as required for the project implementation, in accordance with the provisions of the Project documents, World Bank's Guidelines and procedures and local legislation.

3. Scope of the Services:

The Procurement Expert will closely coordinate his/her activity with the other members and consultants of the PMU on Procurement related activities under the Project.

The Procurement Expert will have the following tasks and responsibilities:

- A. Participates in the preparation of action plans and procurement plans;
- B. Strengthens the procurement capabilities of the Client: (i) by assisting and advising the PMU technical staff (such as engineers, financial, legal, M&E specialists) and other staff of other institutions and MWF's departments involved in INPC Project implementation, in the preparation of Terms of Reference and Technical Specifications; (ii) by providing advice and assistance to the Evaluation Committees' members as well as to the Acceptance Committees' members on procurement issues and procedures;
- C. Elaborates tender documentations for works, goods, consulting and non-consulting services and other procurement related documentations as appropriate and as assigned; These will include Bidding Documents and Requests for Proposals, Requests for Quotations, Letters of Invitations and clarifications/amendments to procurement documentation and processes (if needed), minutes of the Evaluation Committees meetings and of negotiation meetings, Evaluation Reports, contract award decisions, etc. All these will be based on the World Bank standard documents or in accordance with the national legislation, as appropriate; The selection of the appropriate type of contract and its key provisions will be based on a sound assessment of contractual risks;
- D. Carries out the procurement related activities for the expenditures to be financed out from the Project Operational costs and elaborates the related

documents as requested, in accordance with the provisions of applicable procedures and the national legislation;

- E. Ensures that all goods, works, plants and services as well as the operational costs are procured and respectively spent in accordance with the applicable procurement procedures as foreseen in the Loan Agreement, in the applicable IBRD Procurement Guidelines and Selection of Consultants Guidelines and in the national legislation;
- F. Supports the PMU for organizing bid/selection evaluation meetings as follows: (1) arranges venues and timing of bid evaluations with evaluation panel members, (2) prepares necessary bid evaluation packages (bid documents, proposals, evaluation sheets etc.) and distributes them to evaluation committee members, (3) attends bid evaluation/negotiation meetings with specific inputs and as a notes taker and keeps the minutes of the meetings, and (4) provides other necessary technical support to facilitate procurement activity and decision making;
- G. Prepares contract documents and/or amendments for being signed by the parties;
- H. Prepares any other procurement related documents, prior and post contract award, in collaboration with other members of the implementation team, as applicable;
- I. Collaborates with the other PMU staff in preparing procurement related reports requested by MWF, Ministry of Public Finance and the World Bank;
- J. Collaborates with the other PMU staff in preparing the appropriate documents during the World Bank's support implementation missions for post review of the procurement decisions;
- K. Prepares data referring to the procurement activities to be introduced in the Project's financial management system of the World Bank;

The Consultant is expected to carry out the following **prior activities** in order to achieve the scope and objectives of the assignment:

- a) Examine and get extensive knowledge of the project documents (Project Appraisal Document, Project Paper, Loan Agreement, Project Operational Manual, Project Procurement Plans, Project Action Plans among others);
- b) Be familiar with the World Bank procedures, regulations and policies;
- c) Meet and work directly with the PMU team, especially the PMU Director and PMU Procurement Staff.

4. *Consultant's Profile:*

In order to be able to charge the Client for the activities performed under these terms of reference, the expert must be either a person authorized under the Law 300/2004 regarding the authorization of individual persons and family associations to carry out independent activities or to act under a limited liability company or another form of organization that enables him/her to issue invoices for the services provided. In any of the cases, the Consultant should be aware that the services will be provided only by the selected Individual Consultant and no substitution of any individual who was initially selected will be permitted.

The qualifications and experience required:

- Academic education, preferably in one of the following areas: public administration, business administration, economics, engineering, legal sciences or another relevant ancillary area;
- At least 10 years of working experience;
- At least 7 years of practical experience in the public procurement area;
- Proficient knowledge and understanding of the principles governing public procurement;
- Sound knowledge and working experience with World Bank's procurement procedures as well as with Romanian public procurement legislation;
- Knowledge and working experience with other International Financing Institutions would be an advantage;
- Advanced PC skills and sound knowledge of the MS Office package: MS Word, Excel, Outlook, Power Point and of MS Project;
- Excellent command of spoken and written Romanian and English is a must;
- Integrity, Proactive, Strong communication and reporting skills and ability to work in multidisciplinary teams.

5. *Duration of the work*

The initial duration of the contract is **two years** including a probationary period of six months, with a possibility of extension, should the assessment of the business needs justify a continuation of the contract.

The total staff months input of the Consultant is estimated at 12 months to be performed within a period of engagement between September 2017 - September 2019 or any other period mutually agreed by the parties.

The consultant is expected to start performance of the services immediately after contract signing.

6. Reporting

Monthly Progress Reports: Based on the work plan agreed with PMU, the Procurement Expert will deliver a progress report of an entire month which he/she works. The monthly progress report will contain at least but will not be limited to the list of activities planned for the reporting period, their progress toward the target, results of the activities and a corresponding time sheet. The time sheet records daily attendance of the Procurement Expert and needs to be cleared by the Client's Representative(s). In case of sensitive activities, the Reports should give general recommendations for potential solutions and approaches for improving or speeding up the processes.

The monthly progress reports will be elaborated in 2 hard copies as well as in electronic format, in English language. Romanian translations will be provided only if so requested by the Client.

The progress reports will be delivered within five days as from the last day of each month. All reports will be submitted for the approval of Client's Representative(s) and will constitute the basis for the monthly payment made to the Consultant under the contract.

7. Institutional arrangements, Data, Local Services, Personnel and Facilities to be provided by the Client

The Procurement Expert:

- Will work under the direct supervision of the PMU (overall management), guided technically by the PMU Director and the Procurement Manager;
- Will cooperate closely with the Procurement Department (which currently includes two other procurement specialists), Technical Department and M&E Department specialists, Financial Department and Legal Department ;
- Will provide support to the procurement processes at PMU level;
- Will report to the PMU Director and Procurement Manager;

- Will cooperate with the World Bank Project Task Team Leader and Procurement Advisor, as well as with WB's specialists and with specialists from other projects financed by the World Bank, in the field of procurement;

The Consultant will not at any time communicate to any person or entity any confidential information acquired in the course of the assignment.

All documentation prepared by the Consultant in the course of the assignment will remain the absolute property of the PMU. The Consultant will, not later than upon termination or expiration of the contract for the current assignment, deliver all such documentation to the PMU.

In case the consultant is a person authorized under the Law 300/2004 regarding the authorization of individual persons and family associations to carry out independent activities, during the contract implementation there will be no dependency relationship of the Consultant to the Client, from the perspective and as defined in the New Fiscal Code as follows:

- The Consultant will not be subordinated to the Client;
- The working program will be chosen by the Consultant provided that all the deadlines for completion of the allocated tasks are met;
- Activities will not take place exclusively at the Client's premises but also in places chosen by the Consultant;
- The Client will not pay or reimburse the Consultant for any other costs outside of the fees agreed for in the contract.

The Client will provide access to all relevant information, documents and stakeholders' contact points to facilitate the implementation of the activities under this assignment, equipment and working capital to carry out the tasks included in these Terms of Reference.