**TERMS OF REFERENCE**

**Consultancy Services for supporting the procurement activities of the RAPID Project**

**Procurement Expert (Individual Consultant)**

# **1. Background**

The Government of Romania has received a loan from the International Bank for Reconstruction and Development (IBRD) to support the implementation of the Rural Pollution Prevention and Reduction Project (RAPID Project).

RAPID Project is an initiative aimed at addressing environmental challenges in the rural areas of Romania. Focused on mitigating pollution and promoting sustainable practices, the project seeks to safeguard the country's rural landscapes, preserve natural resources, and enhance the overall well-being of local communities.

The Loan 9505-RO for the Project was ratified by Romania by the Law no. 332/2023 on November 7th 2023 and it became effective on December 13th, 2023. The Project closing date is June 30th, 2028.

The objectives of the project are to strengthen the institutional capacity of selected public entities, monitor pollution in agriculture, and transfer knowledge on agricultural pollution reduction to participating farmers. The project consists of three components:

1. **Modernization of Public Institutions:** Enhance the institutional capacity of the Ministry of Environment, Waters, and Forests (MEWF) to monitor, evaluate, and report investments, including those related to environmental aspects of the National Recovery and Resilience Plan (NRRP). This involves increasing the national capacity for monitoring, prevention, and reduction of pollution from agricultural sources in rural areas, including the National Administration "Romanian Waters" (ANAR), the National Phytosanitary Authority (ANF), and the Directorate for Land Consolidation and Land Fund (DÎFFF) within the Ministry of Agriculture and Rural Development (MADR).
2. **Knowledge Exchange and Awareness:** Facilitate knowledge exchange, awareness, and information/innovation transfer to participating farmers. This includes establishing model farms to promote best agricultural practices for pollution prevention and reduction. The project also involves creating national knowledge transfer networks and conducting information and awareness campaigns for the public regarding project activities, including other environmentally-focused interventions funded under NRRP.
3. **Project Management:** Ensure effective project management to oversee and coordinate the various components and activities outlined in the project.

The project aims to create a comprehensive framework for addressing agricultural pollution in Romania, involving institutional capacity building, knowledge dissemination, and active participation of farmers in adopting sustainable practices.

The procurement related activities under the *RAPID* Project include procurement of goods, non-consultant and consultants’ services, IT development systems, as well as a Grants scheme. Procurement for the implementation of the sub-projects financed under the Grant Scheme will be conducted by the beneficiaries themselves who will have to follow World Bank's Regulations and procedures as well as specific templates provided by the PMU and included in the Grants Financing Contracts. The *Rural Pollution Prevention and Reduction Project* is financing goods, services and works (under the Grants component only), and operating costs and comprises of three components: **C*omponent 1.*** *Modernization of Public Institutions in Charge of Pollution Control****, Component 2.*** *Knowledge-Sharing, Awareness, and Information/Innovation Transfer for Participating Farmers****, Component 3.*** *Project Management.*

Under the present assignment, The Ministry of Environment, Waters and Forests (MEWF), through the Project Management Unit (PMU) responsible for the implementation of Rural Pollution Prevention and Reduction 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.

**Definitions of terms:**

The Project / RAPID – Rural Pollution Prevention and Reduction Project

MEWF – Ministry of Environment, Waters and Forests

PMU – Project Management Unit – represents the unit established within the Ministry of Environment, Waters and Forests, that manages the implementation of the Rural Pollution Prevention and Reduction Project

NRRP - National Recovery and Resilience Plan

ANAR - National Administration "Romanian Waters",

ANF - the National Phytosanitary Authority,

DÎFFF - Directorate for Land Consolidation and Land Fund

MADR - Ministry of Agriculture and Rural Development

The Contract – represents the contract to be signed with the awarded Individual Consultant

The Client – is the Ministry of Environment, Waters and Forests through the PMU RAPID

Grants scheme – the Grants scheme under the Component 2 of RAPID Project for investments in farms’ environmental infrastructure

The Procurement Expert – is the Individual Consultant that will be selected, based on the present Terms of Reference, to support the PMU with the implementation of all the procurement related activities under the RAPID Project.

# **2. Objectives of the assignment**

Key objectives of the consultancy services are:

1. Enhancing the capacity of the PMU for project implementation, through providing permanent professional services in the procurement field, for the project benefit, in accordance with the applicable procurement procedures established in the Loan Agreement of the RAPID Project;
2. Supporting a timely attaining of the RAPID Project objectives, by providing project implementation services to the PMU in the procurement area, in accordance with the provisions of the Project documents, World Bank's Regulations and procedures, and other Guidelines as appropriate, and in line with local legislation, as applicable;

# **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:

1. Manages and carries out the assigned procurement activities as required for the project implementation,
2. Participates in the preparation of action plans and procurement plans;
3. Strengthens the procurement capabilities of the Client and of the other Project’s beneficiaries by: (i) assisting and advising the PMU staff (such as technical, financial, monitoring, environment, social specialists) and the staff of other institutions and MEWF’s departments involved in RAPID Project implementation, in the preparation of Terms of Reference and Technical Specifications; (ii) participating in Evaluation Committees/providing advice and assistance to the members of the Evaluation Committees as well as to the members of the Acceptance Committees on procurement related issues and procedures;
4. Elaborates procurement documents for works, goods, consulting and non-consulting services, IT systems and other procurement related documentations as appropriate and as assigned. These will include Special procurement notices, Request for Expressions of Interest, prequalification documents, initial selection documents, request for bids documents, request for proposal documents, forms of contracts, contracts and any addenda, etc. All these documents shall be based on the World Bank standard procurement documents or in accordance with any applicable provisions of 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 allocation of risks between the parties;
5. Supports the PMU with the elaboration of the procurement procedures that will be followed and implemented under the Grants scheme, as well as with the elaboration of the grants related procurement templates and documents as per the designed procedure. Also, the Consultant shall support the PMU in the elaboration of the ToRs for the monitoring and mentoring the Grants scheme beneficiaries and shall ensure coordination and supervision of the activity of the Consultant under the mentoring contract. He/she will work closely with the Consultant in order to ensure that the grants beneficiaries will timely and properly apply and follow the established procurement procedures in implementing the grants sub-projects;
6. Carries out the procurement related activities for the expenditures to be financed out from the Project Incremental Operating Costs (operating costs) category and elaborates the related documents as requested and needed, in accordance with the provisions of applicable procedures and the budget thresholds foreseen by the national legislation;
7. Ensures that all goods, works, consulting / non-consulting services and IT systems, as well as the operating costs are procured in accordance with the applicable procurement procedures, as foreseen in the Loan Agreement, in the applicable IBRD Procurement Regulations and in the national legislation;
8. 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 / proposals evaluation documents and evaluation grids/templates etc.) and distributes them to the evaluation committee members, (3) attends bid evaluation/negotiation meetings with specific inputs, including notes taking, and elaborates the minutes of the meetings, (4) provides other necessary technical support to facilitate procurement activity and decision making and (5) takes part in bids/EoIs/proposals evaluations and in acceptance of deliverables, as member of the evaluation/acceptance committees, in line with his/her area of competence;
9. Prepares or supports preparation of contract documents and/or amendments for being signed by the parties;
10. Prepares any other procurement related documents, prior and post contract award, in collaboration with other members of the implementation team, as applicable;
11. Collaborates with the other PMU staff in preparing procurement related reports requested by MEWF, Ministry of Public Finance, World Bank and internal or external auditors;
12. Collaborates with the other PMU staff in preparing the procurement related reporting documents during World Bank’s support implementation missions, including for Bank’s post review of the procurement decisions;
13. Prepares data referring to the procurement activities to be introduced in the Project’s financial management system and uploads data, as applicable;
14. Participates at keeping up to date the information that is to be uploaded in the Bank’s system STEP (Systematic Tracking of Exchanges in Procurement) and in Client Connection;
15. Participates at contracts negotiations/contract amendments negotiations and elaborates the Negotiation minutes (including for amending Contracts), as agreed during the negotiations;
16. Participates at various PMU meetings, including with the World Bank’s representatives and prepares minutes / drafts conclusions of the meetings;
17. Participates at meetings / workshops / conferences with Component 1 and Component 2 beneficiaries (including grants beneficiaries), presenting procurement procedures and offering clarifications.

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

1. Examine and get extensive knowledge of the project documents (Project Appraisal Document, Project Paper, Loan Agreement, Project Operational Manual, Project Procurement Plan, Project Action Plan, Grants manual and annexes among others);
2. Meet and work directly with the PMU team, especially the PMU Director, PMU Deputy Director, PMU Procurement Manager 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 either

1. be a person authorized under the Law **300/2004 regarding the authorization of individual persons and family associations to carry out independent activities or**
2. **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 future substitution of the individual consultant 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 7 years of working experience;
* At least 5 years of practical experience in the public procurement area;
* Proficient knowledge and understanding of the principles governing public procurement;
* Knowledge and working experience with World Bank’s procurement procedures, procurement regulation as well as with Romanian public procurement legislation;
* Knowledge and working experience with other International Financing Institutions would be an advantage;
* Previous Work experience with a World Bank Project Management Unit 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 assignment**

The duration of the contract is until March 31st, 2028 (three months before the current closing date of the RAPID Project), or any other period mutually agreed by the parties, as may be necessary. The contract may be extended, in terms of both time duration and inputs in case the RAPID Project Closing date is extended or in case it is otherwise necessary.

The initial estimated total input under the present assignment is planned to be and it is estimated at **49 months of contract duration** (10 months FY 2024, 12 months FY 2025, 12 months FY 2026, 12 months FY 2027, 3 months FY 2028) x **4 hours/day** x **17 days/month** = **3,332 working hours.**

This initial estimated total input will be finally agreed during contract negotiations subject to Consultant’s availability and the agreed date of the commencement of services.

This planned estimated input is indicative being only an estimation and there will be no need for modifications of the contract through amendments, in order to adapt the working schedule, unless a substantial increase/decrease of monthly inputs will be agreed between the parties during contract implementation. It is estimated that the exact number of working hours per month to fluctuate, in accordance with the workload at the PMU level.

The Work plan will permanently be adapted to the project implementation needs and will be agreed upon between the Consultant and the Client. It will be detailed and carried over in the monthly time-sheets, which will provide a description of the activities carried out, of the deliverables provided and will specify the monthly total inputs effectively and actually performed.

Throughout the implementation of the Contract, the Client and the Consultant will periodically establish the Work plan and the schedule of the following activities, through written or oral communications, including the estimated inputs for the future activities, as needed. The parties will keep track of the total inputs actually provided since the beginning of the contract, the total inputs provided during the reporting month and the remaining inputs out of the total inputs foreseen in the contract – data which will be reflected in the Consultant’s monthly report.

 Payments will be calculated and made based on the total number of working-hours actually performed and delivered within each month.

Consultant’s monthly average input will be of about 68 working-hours. Even if the input is foreseen as a part time, the input per working day can normally range between 0-8 hours/day depending on the working schedule agreed between the Client and the Consultant and as per the workload dictated by project’s activities. The monthly work-schedule may also include time periods with full-time input (8 hours/working-day) and time periods with higher or lower than the 8 hours/working day time-input, and also weekends and/or national holidays, if so agreed between the parties.

The consultant is expected to commence performance of the services within maximum one week after contract signing.

The contract will include a probationary period of 30 days, after which it may be terminated through a notification issued by the Client.

# **6.Reporting**

**Monthly Progress Reports**: Based on the work plan mutually agreed with PMU and services actually provided, the Procurement Expert will deliver a progress report of an entire month which he/she has worked. The monthly progress report will contain at least, but will not be limited to, a list of activities planned and delivered during the reporting period, their progress toward the targets, results of the activities and a corresponding time-sheet. The time-sheet records daily inputs of the Procurement Expert and it 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 one hard copy as well as in electronic format, in Romanian language. English translations will be provided only if so requested by the Client.

The progress reports will be delivered within five working days as from the last day of each month. All reports will be submitted for the approval of the 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 Procurement Manager;
* Will cooperate closely with the Procurement Department, as well as with all the other departments of the PMU;
* Will provide support to the procurement processes at PMU’s and also at Project Beneficiaries’ level;
* Will report to the PMU Director and to the Procurement Manager;
* Will cooperate with the World Bank’s 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, d**uring 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. The Client will not pay or reimburse the Consultant for any other costs outside of the fees agreed for in the contract. In case of travel outside Bucharest for meetings / workshops / conferences, any related costs incurred by the Consultant as for travel, accommodation, per-diem and as such, will be paid against supporting documents (for travel and accommodation) and at the level and in line with the thresholds approved for public administration for per-diem.

The Client will provide access to all relevant information, documents and stakeholders’ contact points to facilitate the implementation of the activities under this assignment, and if needed, equipment and working capital to carry out the tasks included in these Terms of Reference, including access to the PMU’s network resources for working remotely.

For the occasional situations in which the Consultant will carry out activities at the Client's premises, the Client will provide a furnished and equipped office space at PMU’s premises, including access to the Internet and to PMU’s network resources.