

EU4Environment – Water Resources and Environmental Data

TERMS OF REFERENCES FOR LOCAL CONTRACTOR

SUPPORT TO CONTRACTING AUTHORITIES FOR ORGANISING THE DEVELOPMENT AND OPERATION OF FURURE WSS SERVICES IN NIRNOVA SUB-BASIN

DECEMBER 2022

1. Introduction and background

The Programme “EU4Environment: Water Resources and Environmental Data” (hereinafter - the Programme) aims at improving people’s wellbeing in the EU’s Eastern partner countries and enabling their green transformation in line with the European Green Deal and the Sustainable Development Goals. The Programme, co-financed by the European Union, is implemented in close cooperation and coordination with the Implementing Partners: three Member State agencies: Umweltbundesamt GmbH (also called “UBA” or “Environment Agency Austria”), Austrian Development Agency (ADA) and International Office for Water (OiEau, France) as well as two international organisations (OECD and UNECE).

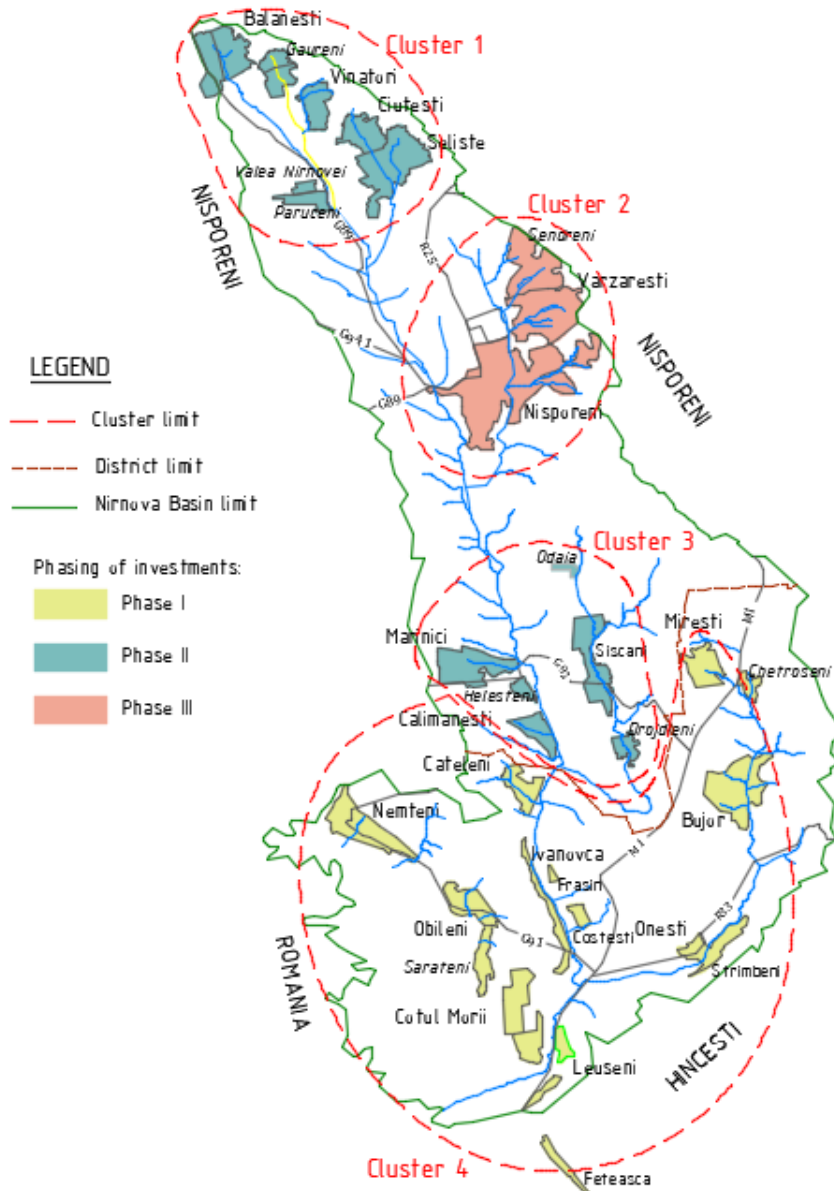
The action’s activities are clustered around two specific objectives:

1. To support a more sustainable use of freshwater resources through improved water policies and practices and help reduce the adverse impact of human activities on water quality and ecosystems;
2. To extend and improve the use of sound environmental statistics by the partner countries and ensure greater availability of policy-relevant data for decision-makers and citizens.

Danube Prut and Black Sea RBMP for the period 2023-2027, that has been developed with EUWI+ project support and have received an agreement from the basin committee on 6 May 2021 is today officially approved.

Considering the nature of RBMPs at large basin scale (the superficies of the district (nearly 15,000 km²), this type of plan gives clear orientation about the crucial importance to develop WSS but leave open the implementation details. For this reason a model of Master plan for WSS development at Nirnova sub-basin scale has been developed too during the last program (see in annexe).

The figure below are extracted from this Nirnova WSS master plan. It represents the phasing of investments in water infrastructure proposed (source: Nirnova WSS master plan – June 2021)



Some important progresses have been made since the finalisation of the master plan for the financing of the drinking water infrastructure in particular for the inter-rayonal cluster 3 and 4 in the south of the sub-basin.

Logically, a next priority for the local authorities from the 2 rayons and 11 municipalities in these 2 clusters is to insure both the development and sustainable management of future infrastructures in a spirit of concretizing the movement created by the development of a WSS master plan on the Nirnova basin.

In this context, important financing decision has been made to develop water supply in the cluster 4 in particular in the 9 municipalities of Hincești rayon. It first targets the development of a main water supply system including water intake from the Prut, drinking water production

and main distribution network to the villages' entrances including building a retention tank at the primary distribution point of the villages. AAM is the work owner of this part, financed by the Ecological National Fund in Moldova, and the infrastructure has been already put in place.

Initial budget was 80 MLei, but the final budget spent reached 100 MLei. To complete the general alimentation of the whole cluster including the 3 villages from Nisporeni rayon as recommended in the master plan, 25 MLei extra are requested. Costing of the extension is under processing by the AAM. The estimated drinking water need from the 11 localities to be connected to the main water supply network i.e. until the entry of the villages, would correspond to 30 % of the nominal capacity of drinking water production i.e. 2460 m³/24h. The demand is anticipated to reach 70 % when all the connexions will be done. The extra capacity could be transfer to another cluster based on further feasibility studies as possibly on Leova rayon or for an interconnection of the Nisporeni cluster. **To update the master plan with this new infrastructure and propose options for optimising its use is part of this tender.**

AAM is keen to transfer the property of this main water system to the rayon council of Hincesti, but the rayonal authorities insisted on the need of a distribution network in the localities in order to have a complete system before taking the charge of the new facilities. **Facilitating this transaction is an expected action line of this tender.**

In order to finance the secondary distribution of drinking water up to the households, a second project is financed by the nation fund for regional development + Rayon council (10 %). 67 MLei has been allocated to finance the water distribution network inside the 11 localities connected to the main system. This project implementation is still to be realised in 3 years. The consultation process is to being organised by the Rural Development Agency in the Central Region including 13 rayons in total and Hincesti and Nisporeni in particular.

In order to facilitate this process, the consultant will be consulted in order to improve the future operation, incorporating in particular precise information on the expected future consumption of the different villages and proposing possible scenarios for the water price to be applied. This last point will benefit from EU4Env. partners support who will propose in particular different water tariff options based on international standards. **Based on the information collected, the service provider will support to the rayonal and local authorities for the preparation of a selection procedure for a new operator.** All in all it is expected that the consultant provide to the rayonal authorities all necessary support for the launching of the selection procedure for a future operator that will be in charge to manage in viable economic conditions the new investments in the south part of the Nirnova sub-basin. This process of selection of the most adapted existing operator is common in France including numerous different modalities, but would be a first pilot experience in Moldova. An extra difficulty to be overpassed is that the cluster of villages is over 2 different rayons. Delegation contract toward the operator will have thus to be signed in a consensual way for the main interested parties i.e. rayonal council + AAM + Mayors. This pilot exercise implement by ADA and OiEau with the support of the service provider would be the first of this kind in Moldova and will require pedagogical skills from the service provider in particular regarding the economic management of the water supply.

This experimental task will be facilitated by the fruitful cooperation developed with Solidarity Water Europe, a French Association, who is working since 2013 on different tools and actions aiming to contribute to set up a more efficient governance model in the Nirnova basin. One of

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these actions is the development of a Nirnova mayor association. The association started with the construction of ECOSAN ecological toilets in the schools of three villages in the Nirnova basin, and the development of youth centred awareness actions.

Most recently, in 2017, when the project “Improving access to water and sanitation in the villages of the river Nârnova” was launched, the Association focussed on assessing the situation, both technically and institutionally, in order to further undertake a coherent and relevant WSS development action. Today SWE focus on building part of the distribution network for Cateleni village, gaining important practical information and costing references in the project’s area.

Moreover, the members of the SWE in Moldova team, constituted of one full time programme manager, will be ready to cooperate with the consultant for technical clarifications, information exchanges and support to the participatory approach. He will assist the consulting office in reaching the local stakeholders such as the mayors, local elected, school directors and/or teachers and provide information on the existing WSS infrastructure and practices.

2. Terms of Reference

2.1 Objectives of the assignment

The assignment consists in facilitating the WSS master plan implementation by supporting local authorities of the Nirnova River basin in particular for:

- Gather information and provide advice for optimizing the use of already secured budget allowing in particular the drinking water distribution network to be constructed in the different villages,
- pave the way of the future sound management of the existing, new and planned water works by the preparation of the selection procedure of the most professional and cost effective operator through a transparent, open and opposable procedure,
- develop and improve the contractual framework and governance of WSS services in an inter-municipal context
- update the master plan with the new infrastructure and propose its detailing supported by the construction of a data management framework for its follow up to be transferred to the future operator.
- the search for further financing based on the detailing the invest plan of the master plan and present the future priority future investment to donor community in synergy with the EU4Env project partners.

2.2 Purpose of the assignment

The purpose of the assignment is to assist the relevant authorities, under OiEau guidance and in synergy with Solidary Water Europe, to:

- develop tender and comprehensive contracting documents in order to select a WSS service operator for managing the future infrastructure in the villages in the south of Nirnova River basin

- deepen the information base constituted by the master plan including more precise information on the existing infrastructure, the current commercial and technical information on water metering and billing to support clarifying the possible business plan of the operator, the existing human resources and training plan needed to optimize future personnel recruitment for WSS management
- provide advice to the Moldovan authorities in charge of developing and comprehensive contracting documents for selection of constructors of already financed infrastructure
- Support the authorities to gather the relevant information in order to present to the donors in the most attractive form the future priority investments needed.

These actions could be combined or not. Options shall be developed and presented to the authorities in order to build a consensus before full development of the selected solution.

2.3 Scope of the assignment

The contractor will function as local consultant, supporting the local authorities on their duty to select the most qualified operator who could in the future be in charge of monitoring the water works construction steps and operate the new water works currently under development.

The different tasks to be implemented are as follows:

1. Data collection for detailing the master plan and provide a data management structure in order to insure its follow up
 - Provide a detailed description of the infrastructures to be operated (For each municipality: Networks (location, material, diameter, and year of installation), treatments plants, pumping stations, meters number per size and year of installation, exiting difficulties identified in system operation)
 - Provide detailed data on the customers connected to the water provision system: (For each municipality: Number of customers, consumption for each customer for the past 3 years, Existence of the customer database)
2. Evaluation of the budget required to operate the selected infrastructures
3. Prepare tender documents to launch a specific procedure to select an operator following national procurement procedures: TOR, draft contract
4. Assist the local authorities to launch the tender procedure, analyze the bids, select the best operator, negotiate, and prepare the contract.

That means:

- Gather data to facilitate the local situation comprehension about:
 - A. existing entities who deal (or could deal) with WSS within the vicinity (and, if it appears to be a suitable option at short or middle term, within the whole country and internationally).
 - B. existing or predictable gaps to be filled (technical, financial, human resources, juridical, institutional, interpersonal, etc.)
 - C. existing local WSS infrastructures (capacity, state, localization, property, etc.)
 - D. local stakeholders and beneficiaries needs (technical, financial, etc.)
 - E. governance wishes and constraints
 - F. contractual habits
 - G. extra financing needs and possibilities
- Regularly report to OiEau and ADA

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- Act as project stakeholders local contact to facilitate discussions
- Act as creative force in permanent concertation with OiEau

In order to improve the information base constituted by the master plan, deepening of information will be targeted based on the WSS master plan and prioritisation during the inception period. In particular data base on the future clients, volume of drinking water already delivered and sold, and previsions will have to be put in place. This tool will be used to inform the bidder as precisely as possible on the economic context.

Support for attracting financing for the Nirnova WSS master plan implementation will be provided in addition by better defining extra financing needed and the order of priority. Presentation to donors will be managed by EU4EnvW&D programme partners, but participation to presentation 3 meetings could is required.

2.3 Expected deliverables and timeline

Within the scope of this assignment the following should be delivered:

- A full and up-to-date report of all relevant data gathered, including the results of the meetings with the main stakeholders,
- Tender documents drafts for selection of WSS service operator for managing the WSS infrastructure in the villages in the South of Nirnova River basin, including:
 - o Technical and financial specifications for operating the new water supply investments.
 - o Tender dossier which implies the development of a selection procedure for an operator in order to manage in viable economic conditions the new investments in the south part of the Nirnova sub-basin.

Deliverables can be amended or specified for the purpose of the assignment. Time of delivery can be amended at the proposal of the company and approved by ADA.

Copies of all expected deliverables will be provided electronically (by email) in English and Romanian (only the Tender documents for selection of WSS service operator) to ADA (approved deliverables in one hard copy to ADA office in Chisinau). The outputs/documents format must be compatible with existing ADA software.

No	Deliverable	Time of delivery (months after inception date of the contract)
1	A full and up-to-date report of all relevant data gathered	3
2	Tender documents drafts for selection of WSS service operator for managing the WSS infrastructure in the villages in the South of Nirnova River basin, including mentioned documents in p. 2.3.	5
3	Assignment Completion Report, including the final evaluation and selection of the company, draft contract, and including the results from last consultations	12

2.4 Approach and methodology

Reported data will have to be up-to-date, complete, consistent, sourced, and assessed in terms of quality and reliability.

The contractor will have to gather the main stakeholders and beneficiaries for listening, questioning, and building consensus.

The Contractual habits will have to gather model of tender dossier and contracts in order to make the best possible synthesis adapted to the context.

The service provider will document the need for extra financing possibilities.

DATA SOURCES

1- Data provided by SWE

Solidarity Water Europe has been involved in Moldova since 2006, coordinating many projects. The association started with the construction of ECOSAN ecological toilets in the schools of three villages in the Nirnova basin, and the development of youth centred awareness actions. Most recently, in 2017, when the SWE launched the project "Improving access to water and sanitation in the villages of the river Nârnova", the Association focused on assessing the situation, both technically and institutionally, in order to further undertake a coherent and relevant WSS development action. This activity allowed SWE to understand the project's area and pointed out what would be the main directions to follow. The technical assessment covers of the project's territory. It includes an initial analysis of available water resources, water and sanitation infrastructure, as well as an inventory of WSS projects undertaken in the two rayons. Together with this diagnosis, were elaborated Village Fact Sheets which address the water resource and WSS infrastructure situation for each of the 30 villages.

In addition to this diagnosis which will be available for the consultant, SWE will provide the following documents:

- "Updating the Economic Development Strategy and attracting investments in the sanitation field for the Nirnova basin", 2013, Ecoexpert SRL. Including maps of proposed alternatives for sanitation in Nisporeni rayon
- Prefeasibility Study of water supply and sanitation in the villages of Nisporeni rayon with a focus on collective solutions, 2008, VITANSIA SRL.
- Updated water analysis of 15 water sources in the basin made by Hydrogeological office of Moldova
- A GIS of the basin including all the existing information for each village

Moreover, the members of the SWE in Moldova team will be ready to cooperate with the consultant for technical clarifications, information exchanges and support to the participatory approach. They will support the consulting office in reaching the local stakeholders such as the mayors, local elected, school directors and/or teachers and provide information on the localisation of different water sources and infrastructure elements.

2- Field data gathering

Thanks to his **presence on the field**, the contractor is expected to have (or get) and keep up-to-date database about every themes of the project

3- Publications, specialized press, other study reports.

All activities under this service are designed and will be implemented in accordance with principles of human rights, gender equality, good governance, and the inclusion of socially deprived groups.

3. Procurement and contracting modalities

For the procurement of these services **Austrian Public Procurement Law** is applied (Austrian Federal Public Procurement Act, PPA2018) and a **direct award procedure** (single tender) conducted. ADA acts as Contracting Authority.

Several bidders will be invited to submit an offer, also the call for proposals will be published on the Programme's webpage and social media.

ADA will enter into a service contract with the selected best bidder. For this purpose an ADA standard contract will be concluded (see Annex to these ToRs).

Subcontracting: Persons who are not employed by the bidder are to be considered as subcontractors (persons working e.g. on the basis of service contracts, free employment contracts or the like). The bidder shall specify in its offer all parts of the services which it intends to subcontract and name the subcontractors.

4. Eligibility criteria

The bidder must meet the following eligibility criteria:

4.1. Legal authorization: The bidder must be authorized (according to the law of Republic of Moldova) to provide the services.

Required proof: business license or certified excerpt from the register of companies or other documents as foreseen by the law.

4.2. Professional reliability: The bidder is professionally reliable if there is no reason for exclusion pursuant to § 78 para of the PPA.

Required proofs: extract from the Register of Companies (not older than three months) or equivalent certificate issued by a court or an administrative authority of the bidder's country of origin.

4.3. Financial and economic capacity¹: The financial and economic capacity of the bidder is fulfilled if the following minimum requirements are met: the average annual turnover for the last 3 years should be equivalent to EURO 30,000.

Required proofs: extract from the company's accounts.

4.4 Technical capacity²: The technical capacity of the bidder is fulfilled if the following minimum requirements are met:

- Minimum 7 years of general experience in fields related to consultancy and a minimum of 1 consultancy service contract value of EURO20.000 are available;
- At least 5 years of experience in the professional field in Republic of Moldova;

^{1,2} In the case of bidding consortia, these minimum requirements must be met at least by all members jointly; if subcontractors are involved, at least by bidder and subcontractor(s) jointly. It is not necessary that each individual bidder in a consortium/each subcontractor fulfills these minimum requirements.

- Experience of consultancy in water resources management will consider a strong advantage;
- Experience gained during the participation in international projects of similar complexity;
- Proven skill to complete projects on time, and within the budget

The following key personnel are available, and minimum requirements are met:

1. Team Leader

- University degree in civil engineering, or other related fields
- 10 years of work experience
- 5 years of experience in similar projects and assignments
- Excellent organizational, analytical and communication skills
- Knowledge of water supply and sanitation and water resource management legislation of Republic of Moldova
- High capacity to solve challenging issues
- Proven experience in developing and submitting reports in Romanian and English
- Excellent knowledge of Romanian and good knowledge of English, knowledge of other minority language will be considered as asset

2. Economist/financial/procurement expert

- University degree in economy, financial or other related fields
- 7 years of work experience
- Good knowledge of Moldavian national legislation on water supply and sanitation, water tariffs, economy in water management field
- Good knowledge of the structure of WSS service operators in Moldova
- Proven experience in developing tender documents and procurement process experience
- Excellent analytical skill
- Excellent knowledge of Romanian, knowledge of English and other minority language from Moldova will be considered as asset

3. Legal expert

- University degree in law or public administration
- 5 years of work experience
- Good knowledge of national water resources management field and water supply and sanitation legislation, regionalization of WSS service
- Excellent analytical skill
- Excellent knowledge of Romanian, knowledge of English and other minority language from Moldova will be considered as asset

To prove the eligibility the bidder may submit the required proofs with the offer. The actual eligibility proofs must then promptly be provided upon ADA's request. In any case, the proofs will be requested from the best bidder before the contract is awarded.

5. Award criteria and selection process

The contract is awarded to the **technically and economically most favourable bidder (best value for money)**. The submitted offers will be evaluated according to the following criteria and weighting.

Quality 80%

1	Specific experience of the Consultant relevant to the assignment	20%
2	Adequacy of the proposed methodology and work plan in responding to the Terms of Reference	20%
3	Key professional staff qualifications and competence for the assignment	40%

In particular the following aspects are relevant under criterion 1: experience with applying the national legislation in water supply and sanitation and consultation of local public authorities and stakeholders in the WSS field.

Price 20%

4	Total financial offer	20%
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Proofs: the following proofs serve as basis for the evaluation and shall be submitted with the offer:

- Description of participation in projects with similar complexity and within proposed budget (0.5 pages maximum per project description)
- Technical approach and methodology for implementation of the assignment (2 to 5 pages expected)
- Work plan (e.g. Gantt Chart format) 1 page expected
- CVs of experts (proposed staff), which will also contain information of degrees and professional/expert certification obtained (if any), previous experience in other projects with description of task/objectives, personal involvement
- Financial Offer (1 page expected)
- Recommendations from other donors if available

Calculation method

Evaluation of the offer will be done on the basis of the quality-related award criteria. For each quality criterion, a score of 0/1/2/3/4/5/6/7/8/9/10 can be achieved.

Quality Criteria: offers are scored in a manner that the offer with the highest score in the criterion obtains the maximum number of points and each next offer the proportionally lower number of points according to the following formula:

$$\text{Points quality criterion} = (\text{Individual score of the offer} / \text{score of the offer with the highest score}) \times \text{weight}$$

Price Criterion: offers are scored depending on the prices offered in the financial offer in the manner that the offer with the lowest price obtains the maximum number of points and each next offer the proportionally lower number of points according to the following formula:

Points Price Criterion = (Lowest price/price of offer) x weight

Calculation of total points:

Total points = Points Quality Criterion 1 + Points Quality Criterion 2 + Points Quality Criterion 3 + Points Price Criterion

The best offer is the offer with the **highest number of total points/%**. If the number of total points is the same for more than one bidder, the offer with the lowest total price (amongst these bidders) shall be the most favourable offer.

Upon completion of the evaluation ADA reserves the right to negotiate with the bidder with the most favourable offer (highest ranking). ADA may conduct negotiations with more bidders if the outcome of the evaluation procedure did show only minor differences between the offers or the negotiations with the bidder with the highest-ranking lead to no contractual basis within a reasonable period of time.

ADA will notify all bidders of the award decision.

6. Processing of Personal Data

During initiation and performance of contracts, ADA may process personal data of natural persons that are collected by ADA or transferred or disclosed to ADA by prospective contractors or third parties under their instruction, e.g., personal data of employees, legal representatives, agents or other partners of the prospective contractors or such third parties. By submitting information to ADA, you, as a prospective contractor, acknowledge:

- to have taken note of ADA's Privacy Notice <https://www.entwicklung.at/en/media-centre/privacy-notice> ('ADA Privacy Notice');
- to ensure that each direct or indirect transfer or disclosure of personal data to ADA during the initiation or performance of a contract is lawful pursuant to applicable data protection law;
- to ensure that all persons, whose personal data are transferred or disclosed to ADA, were promptly and demonstrably provided the ADA Privacy Notice; and
- that if a contract is concluded and in accordance with its terms, ADA publishes, in particular on the ADA website, information about the contract and the contracting parties.

7. Preparation and Submission of offers

Interested bidders are invited to submit an offer. The offer shall consist of the following parts:

7.1 Technical offer

- Description of the company, including the experience in similar assignments and experience in implementation of projects financed by donors
- Approach and methodology for implementation of the assignment, including Work plan
- CVs of the experts/staff with the description of the experience in similar assignment.

7.2 Financial offer

The financial offer should include the total amount for implementation of the assignment, including the specified costs of experts (specify the workload in person-days for staff member), transportation, organization of meetings, all other costs for successful implementation. The total cost should include all the taxes (income, social security, medical insurance, etc.) **excluding VAT**.

7.3 Proofs

The bidder may be requested to present the proof of the average turnover after the announcement of the winner.

The winner will present the excerpt from the Criminal Records that shows that the persons responsible for managing (including authorized representatives) have not been criminally convicted (excerpt not older than six months) or an equivalent document issued by a Court or an Administrative Authority of the bidder's country of origin).

Offers shall be addressed to: Andrei Ursache, e-mail andrei.ursache@ada.gv.at

Questions can be addressed by E-mail to: Andrei Ursache, andrei.ursache@ada.gv.at the latest until 25th December 2022.

Deadline for submission of offers is 6nd January 2023.

8. Annexes

Annex: Template contract.