

TERMS OF REFERENCE

**National consultant(s) for the elaboration of amendments
to the legal framework
on social entrepreneurship in Moldova
(Tender no. 0220EUY)**

www.eunlocking.eu

1. Background information

The “Unlocking the potential of young social entrepreneurs in Moldova and Ukraine” project helps to foster the social entrepreneurial potential of young people in Moldova and Ukraine by establishing a favourable ecosystem for social enterprises, including the legal framework, as well as by inspiring and supporting more young social entrepreneurs to develop and sustain their innovative solutions to the promotion of social inclusion and environmental sustainability across both countries.

The project is funded by the European Union under its EU4Youth Programme. The project will be implemented by a consortium including the following organisations: Gustav-Stresemann-Institut (GSI), Germany – the lead, Pro NGO! (Germany), AXA Management Consulting (Moldova), Eco-Razeni Association (Moldova), CONTACT (Moldova), and Egalite International (Ukraine) in 30 months, starting from 1st February 2020.

The Republic of Moldova became the first country of the Eastern Partnership to introduce terms ‘social entrepreneurship’ and ‘social enterprise’ (SE) in the legislation, but since other essential elements of the ecosystem, such as quality business education and access to funding are not in place, the dynamics of the sector is slow. Social entrepreneurship and SEs are still a new topic in Moldova. In addition, there is a significant lack of specific legal regulation and implementation measures favoring the development of SEs in Moldova. The Moldovan government envisaged certain tax incentives, rental benefits, mentoring from public institutions, and other support measures for social enterprises. At the same time, experts note that the authorities are still very cautious about offering any substantial financial stimulus for social enterprises because of the fear that they may be misused by traditional business companies. Successful development of social enterprises in the Republic of Moldova is not possible without an explicit, comprehensive legal framework on social entrepreneurship activities and clear methodology of all regulations’ execution.

Eco-Razeni Association is in charge of the project legal component coordination in Moldova. Therefore, currently Eco-Razeni Association is seeking for a local consultant or a team of consultants to be involved in a complex process of preparation of recommendations for amending the legislative and regulatory framework (including specific methodologies of execution) in the field of social entrepreneurship. These recommendations will also be discussed and analysed together with the Working Group and National Commission for Social Entrepreneurship. The document will be presented to the Ministry of Economy and Infrastructure in order to be pushed forward at appropriate times, whenever it is possible for the Executive or Parliament to review specific regulations.

2. Project Description

Overall objective	The overall objective is to improve capacity of youth-owned social enterprises to fight unemployment, reduce migration and contribute to social inclusion and cohesion in the Eastern Partnership region.
Specific objectives	The specific objectives of the project are: <ul style="list-style-type: none">• to improve the legal framework for social entrepreneurship in Moldova and establish this legislation for Ukraine based on Moldova’s best-practices;• to improve capacity of young social entrepreneurs in business administration, fundraising and advocacy activities for promoting social enterprises’ interests through the development of a Moldovan-Ukrainian network of young social entrepreneurs;• to motivate more youth in Moldova and Ukraine to start social start-ups and recognise their contribution to social inclusion and reduction of inequalities;• to strengthen relevant business support structures for young entrepreneurs in both countries, including start-up funding.
Project duration	1 February 2020 – 31 July 2022
Target groups	Young people in Moldova and Ukraine, especially 500 young social entrepreneurs; Members of parliament (MPs) and legal experts, governmental officials, fiscal bodies, incl. tax inspection and custom offices of both countries; 200 NGO leaders; 200 public experts; 300 journalists and bloggers; 50 business mentors; and 24 academic institutions.
Countries covered	Moldova (MD) and Ukraine (UKR)

Target location in Moldova	Nationwide
Project beneficiaries	500 young social entrepreneurs, 2500 disadvantaged young people engaged in social businesses, and local communities in Moldova and Ukraine
Expected results	<ul style="list-style-type: none"> • An active network of 500 social enterprises is established, which will contribute to the promotion of public-private partnerships in Moldova and Ukraine; • Creation of EcoHub supporting young social entrepreneurs, which will play an important role to stimulate mutual learning, information and best practice exchanges among young social entrepreneurs, as well as provide seed funding for 15 best social start-up initiatives with a strong focus on environmental sustainability and proven records on employment opportunities for marginalised youth; • 6 Social Entrepreneurship Labs will be opened in 6 most depressed and remote regions in Ukraine, ensuring outreach to underprivileged youth including young women, single mothers, and indigenous people; • An increase of public awareness on social enterprise, integration of social entrepreneurship topics into the university curriculum, and young social entrepreneurs are supported to earn public recognition for their innovative efforts to tackle social exclusion, inequalities and environmental degradation

3. Scope of work

The consultant(s) are expected to support Eco-Razeni Association, mainly under the Activities 1.1 - 1.7 of the Project - the Improvement of legal framework for SEs in Moldova, on providing legal advice that includes all the aspects of the analysis, investigation, gaps identification, formulating recommendations and drafting process of amendments related to legislative and regulatory framework (including specific methodologies of execution) of the social entrepreneurship in Republic of Moldova. The work will be done by consulting the Project Baseline Report conducted in Moldova and draft of National action plan for development of social entrepreneurship in Republic of Moldova 2021-2025.

Consultant(s)' responsibilities:

- Analyse and research existing regulatory framework for SEs in Moldova, national strategies / policies on development of social entrepreneurship in Moldova;
- Monitor fiscal and judicial practices on social enterprises in Moldova;
- Conduct consultation with all relevant stakeholders (Ministries and relevant public institutions, social enterprises, traditional businesses, NGOs);
- Coordinate the consultant(s) activities with the project team and the Working Group within the National Commission for Social Entrepreneurship;
- Participate in public consultations/public hearings/ working group meetings/ national conference, focused on the analysis and discussion of proposals to improve the legal framework in the field of social entrepreneurship;
- Develop recommendations for drafting amendments to the relevant legislation for SEs: taxes, public procurement, employment, access to finance, etc.;
- Develop and adjust the concept of specific public policy documents based on proposals and recommendations of stakeholders;
- Upon agreement with the project team, advocate the proposed changes/recommendations to relevant governmental authorities/ Parliament.

The consultant(s) will develop the detailed methodology in consultation with the project team. Due to the current COVID-19 outbreak, we suggest a more digital approach to the work by using online tools and video-conferencing tools for interviews/meetings/presentations.

All raw data obtained in this process are in the possession of the contracting entity.

4. Deliverables

The following deliverables are expected from the consultant(s):

- 1) **Inception report:**

The consultant(s) shall submit an inception report after signing of the agreement detailing the **work methods, tools and work plan**. Working methodology will include: planned timeline, methodology / approach, planned stakeholders to be consulted, data collection and analysis tools, qualitative and quantitative protocols for data collection and analysis, advocacy plan, etc. The report also should comprise of (1) Guidelines for in-depth interviews/focus-group discussions, (2) standardized questionnaires for the online survey, and (3) consent form.

2) **Preliminary findings and the recommendations report** should deliver the following points:

- Summarising the methodology of the work and specifying any limitations/complications and changes to the initial design;
- Analysis of legal and regulatory framework related to social entrepreneurship and SEs ecosystem;
- Draft preparation of legislative / normative amendments or recommendations considering the enabling environment for SEs development in all its aspects;
- Updated advocacy plan.

3) **Final document:** legal analysis and elaboration of recommendations for amending the legal and regulatory framework (including specific methodologies of execution) on social entrepreneurship in the Republic of Moldova. The document will be adjusted according to the proposals and recommendations given by Working Group. The consultant(s)/consultant teams should consider and adapt comments/feedbacks of the project team and partners for the preliminary report.

** Please note all the deliverables should be in English. Deliverable no. 3 (Final document) should be in Romanian and English.*

5. Timeframe

The work is estimated to be undertaken right after the contract is signed until **31 January 2021**.

No	Tasks/Deliverables	Estimated deadline
1	Deadline for submission of expression of interest	6 August 2020
2	Select the consultant/consultancy team and sign contract	20 August 2020
3	Inception report	27 August 2020
4	Feedback from the project team for the inception report	3 September 2020
5	Field work	30 September 2020
6	Preliminary findings and the recommendations report	7 October 2020
7	Feedback from the project team for the preliminary report	12 October 2020
8	Present the preliminary findings and the recommendations to Project Working Group (0,5 day)	October 2020
9	Present the preliminary findings and the recommendations to public hearings participants (3 days)	October - November 2020
10	Present the preliminary findings and the recommendations to National Commission for Social Entrepreneurship (0,5 day)	November 2020
11	Present the adjusted findings and the recommendations to National Conference on Social Entrepreneurship participants (1 day)	November 2020
12	Development and adjustment of the concept of specific public policy documents based on proposals and recommendations of stakeholders	December 2020
13	Meetings with decision-makers to vote on the proposed amendments	December 2020
14	Final work report	31 January 2021

6. Consultant(s) expertise requirements

The consultant(s) should meet the following criteria:

- Relevant degree(s) in law or economic studies;
- Proven strong professional experience in the field of social entrepreneurship for at least 3 years;
- Proven strong experience in the elaboration, monitoring and evaluation of public policies, legal and regulatory framework (at least 3 years of experiences);

- Experience in conducting research and elaborating analytical studies, methodological works (documentary evidence attesting that the services previously provided comply with similar conditions of provision, accepting, web links where they can be viewed the studies in which he participated);
- Proven work experience with representatives of central public authorities / or local public administration;
- The experience of collaboration with actors within the social entrepreneurship ecosystem will be an advantage;
- Excellent team player with a proven track record of working with multi stakeholder community;
- Strong interpersonal, communication and presentation skills;
- Proven capacity to present data concisely and clearly;
- Previous experience in distant researches, strong skills in modern communication technologies and awareness in social entrepreneurship landscape will be an advantage;
- Excellent communication and written skills in English and Romanian;
- Disclosure of conflict of interest.

7. Budget & Payment

The consultant(s)/consultant teams should submit the total budget in the proposal with detail breakdown including applicable government taxes. 50% of the contract amount will be paid after the submission of the inception report, and remaining 50% amount will be paid after submission of all the required deliverables as mentioned at point 4 of this ToR. The proposed budget for the consultancy should include all relevant costs, such as professional fees, travel, local transport, accommodation, etc. The maximum budget for the work/one consultant/consultant team is **5000 €** (five thousand Euro) including all costs and taxes.

Please note that Eco-Razeni Association will retain all the taxes to be transferred to authorities. The consultant(s) gets only his/her remuneration and other costs cleared of all taxes.

8. Deadline and submission of expression of interest (Eoi)

Eco-Razeni Association invites interested consultants/consultancy teams to submit the following Eoi documents by **Thursday, 6 August 2020**:

- Expression of interest outlining how the consultant(s)/consultant teams meets the selection criteria and their understanding of the ToR;
- Financial proposal;
- CV(s) of the consultant or all consultancy team members;
- At least 1 example of similar pieces of work completed recently.

The Eoi, in **English**, shall be sent to Mr. Sergiu Gurau office@ecorazeni.md and Ms. Chau Bui chau.bui@pro-ngo.org with *"EU4Youth-Unlocking the potential – Legal consultants"* as the email subject. Any questions to the tender should be directed to office@ecorazeni.md.

9. Ethical standards and Intellectual Property

The consultant(s) should take all reasonable steps to ensure that the work is designed and conducted to respect and protect the rights and welfare of the people and communities involved and to ensure that the work is technically accurate and reliable, is conducted in a transparent and impartial manner, and contributes to organisational learning and accountability.

All products/deliverables resulting from this work will be owned by the project. The consultant(s)/consultant teams will not be allowed, without prior authorisation in writing, to present any of the analytical results as his or her own or to make use of the work results for private publication purposes.