

REQUEST FOR EXPRESSIONS OF INTEREST

Republic of Moldova

Moldova Water Security and Sanitation Project

Credit No.: 7027-MD

Reference No.: MD-PIU-NORLD-369411-CS-INDV

Assignment Title: National consultant to develop the Implementation Plan of Directive 91/271/CEE on urban wastewater treatment

Date: July 21, 2023

Moldova Water Security and Sanitation Project (MWSSP) is a World Bank-financed Project implemented by the Ministry of Infrastructure and Regional Development (MIRD).

The NORLD now invites eligible Individual Consultants (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services.

The attention of interested Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank’s “Procurement Regulations for IPF Borrowers” November 2020 (“Procurement Regulations”), setting forth the World Bank’s policy on conflict of interest. A Consultant will be selected in accordance with the „Open Competitive Selection of Individual Consultants” method set out in the Procurement Regulations.

The objective of the assignment is to support the Ministry of Infrastructure and Regional Development (MIRD) and the Ministry of Environment (ME) in developing National Implementation Plan of the Directive 91/271/CEE.

The detailed Terms of Reference (TOR) for the assignment can be found at the NORLD web page: <https://www.ondrl.gov.md>

Further information can be obtained at the address below during office hours 09 00 to 16 00 hours.

The applications should include letter of Expression of Interest, CV, and related recommendation letters, if any, together with a copy of CV **in WORD format**.

Expressions of interest must be delivered in a written form to the address below (in person, or by mail, or by fax, or by e-mail) by **August 4, 2023, 16:00 o’clock**, Moldova time, indicating the assignment title in the subject line.

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Moldova Water Security and Sanitation Project

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Annex 1: Terms of Reference

TERMS OF REFERENCE (ToR)
Implementation of the Moldova Water Security and Sanitation Project
(P173076)

Individual Consultant Selection (IC)

National consultant to develop the Implementation Plan of
Directive 91/271/CEE on urban wastewater treatment

within the

P.I. National Office for Regional and Local Development

I. Moldova water security and sanitation project BACKGROUND

The Government of Moldova (GoM) is currently implementing a project supported by the World Bank (IDA) financing the **Moldova Water Security and Sanitation Project (MWSSP)**. The MWSSP directly supports the Government's commitment to Sustainable Development Goal No. 6: to achieve universal and equitable access to safe and affordable drinking water, sanitation, and hygiene by 2030 through its Action Program and the National Water Supply and Sanitation Strategy 2014-2028.

The World Bank's Water Security Diagnostic and Future Outlook¹ showed that there are several pressing challenges to Moldova's water security, such as (i) inequalities in access, inadequate quality of water supply in small towns and weak performance of service providers; (ii) poor environmental health and environmental pollution due to lack of sanitation and wastewater collection and treatment; (iii) weak institutions, fragmented financing streams and unresolved reform areas which hinder programmatic delivery of services.

Access in water supply and sanitation (WSS) is constrained by large coverage gaps in rural areas, compounded by income status. Compared to other countries in the Danube region, the share of population with access to basic water and sanitation services in Moldova is low. The gap between urban and rural remains one of the largest in Europe and is one of the key water security issues the country is facing. Based on JMP-data², gains were made in rural water supply access to drinking water services from piped networks, from 33 percent in 2000 to an estimate 40 percent in 2017, while urban piped service remained almost stable at 85 percent.

Household Budget Survey (HBS) (2018) data provides the picture on national access to a public piped water supply being 70 percent, with urban access at 92.4 percent and rural access at 52.2 percent. However, the water quality of rural piped system is often compromised and below drinking water quality standard. Those not served by public centralized systems rely on so-called self-supply, through private shallow wells. Around one in three people rely on self-supply for their drinking water with 80 percent of wells not compliant with drinking water norms (e.g. nitrates, e-coli). The poorest quintile of the rural population faces the largest obstacles to get connected to a public system and is least able to invest in private piped supply by wells (9 percent), with 42.2 percent of the poorest households collecting water with buckets or carts. In 2018, out of a total of 1,220 centralized water systems, 1,168 were functional, although performance data is not systematically available.

¹ <https://openknowledge.worldbank.org/handle/10986/34809>

² Joint Monitoring Program data is derived based on linear extrapolations using national survey data and JMP population estimates; discrepancies between nationally reported data can be found due to differences in estimation methods and definitions. See also: <https://washdata.org/data>

In response to these challenges, the Project Development Objective (PDO) of the MWSSP is **to increase access to safely managed water supply and sanitation services in selected rural areas and towns, and to strengthen institutional capacities for water supply and sanitation service delivery**. Strengthening institutional capacities for water supply and sanitation service delivery refers to both national level planning and sector development capacities, as well as to improved operational efficiency and delivery at utility level.

The Project will have four components:

Component 1: Increasing access to safely managed WSS services in selected rural areas and towns. This component will develop new and rehabilitate existing WSS infrastructure and Water, Sanitation and Hygiene (WASH) facilities in rural areas and towns, thus expanding access and quality of services for households, businesses, and public institutions, and supporting resilience. Component 1 supports climate adaptation through (a) providing reliable centralized water supply protecting vulnerable households from drought and poor water quality; (b) improving wastewater systems, sanitation, and WASH facilities, reducing environmental exposure to pathogens exacerbated by flooding, particularly in towns facing frequent flooding; and (c) ensuring climate-resilient design of all infrastructure for robust functioning under extreme weather events. It consists of two subcomponents:

Subcomponent 1.1: Expanding access and quality of WSS services. This subcomponent will finance climate-resilient investments in towns and rural areas. This includes the following:

- (a) **Water supply investments:** Expansion and rehabilitation of the regional water systems for water supply production and distribution, and service connections for Local Public Administrations (LPAs) in selected districts, including the preparation of relevant technical studies and management documents; technical supervision; and citizen engagement activities. This refers to water supply infrastructure in two preliminarily identified subprojects, that is, regional water system expansion for LPAs in Cahul District and the Administrative Territorial Unit (ATU) of Gagauzia and a regional water supply system with a surface water treatment plant in Riscani District. Many LPAs, particularly in the south (Cahul) as well as in the northern part along the Prut (Riscani), face shortages of water in the summer, with shallow wells/springs posing a challenge such as in the Prut cluster villages, in the Vulcanesti town, and other villages in Cahul District.
- (b) **Wastewater investments:** Expansion and rehabilitation of wastewater systems in selected towns, including the construction and rehabilitation of sewer networks and service connections, and the construction of new wastewater treatment plants, including the preparation of relevant technical studies and management documents; technical supervision; and citizen engagement activities. This refers to two preliminarily identified subprojects in Soroca and Comrat towns. There are areas in the Comrat town that face frequent flooding, and the Soroca town is also vulnerable directly on the right bank of the Dniester. The project will support the assessment of flood risk and impact at the household level and, in addition to ensuring resilient design of infrastructure, provide measures to reduce the impact of floods where possible.
- (c) **Pilot for on-site household sanitation:** selected rural or peri-urban villages, will benefit from the improvement of on-site household sanitation following a demand-led approach through the provision of technical assistance, the implementation of information campaigns, and the carrying out of civil works. The pilot will be co-financed through the ADA grant. This pilot will demonstrate the use of climate-resilient low-cost technologies for rural sanitation.

Subcomponent 1.2: Improving resilient WASH facilities in public social institutions. This subcomponent will finance works, goods, consulting services, non-consulting services and training/workshops to realize

climate-resilient WASH facilities in Health Care Facilities (HCFs) and education institutions and implement hygiene education and behavior change communication program.

Component 2: Strengthening institutional capacity at national and local levels for WSS service delivery.

This component focusses on institutional capacities of national and subnational entities and WSS operators for management, planning, regulation and reform implementation, and performance improvement of service providers for green, resilience, and inclusive service delivery. At the national level, development of plans, policies, and regulatory documents will support climate adaptation through climate-resilient planning, and at the local level, performance improvements will deliver climate benefits through reduction of Non-Revenue Water (NRW) and improvement of energy efficiency. It consists of two subcomponents:

Subcomponent 2.1: Building national institutional capacity for WSS. This subcomponent aims to strengthen critical functions of facilitating and implementing WSS sector reform, investment planning and monitoring, and sector modernization and build capacities to this end of the assigned lead unit/entity within Ministry of Infrastructure and Regional Development's (MIRD's) structure. It finances goods, non-consulting services, consulting services, and training/workshops for activities that strengthen institutional capacities for planning, financing, economic regulation, performance monitoring, professional development, and the revision and development of new policies and normative documents.

Subcomponent 2.2: Improving performance of WSS service providers. Subcomponent 2.2 will finance works, goods, consulting services, non-consulting services, and training to support the implementation of a prioritized rolling multiyear Performance Improvement Plan (PIP) of selected WSS operators involved under Subcomponent 1.1. WSS operators will carry out annual assessments on PIP implementation and Key Performance Indicators (KPIs), including publication of results and feedback rounds with customers. The financing for selected WSS operators will be allocated based on the results. Investments and TA activities identified in the PIPs are based on utility diagnostics and include, but are not limited to, the following: improving technical and commercial operations, improving financial management (FM), HR management, and organization and strategy aspects, including improving asset management systems and inventories, energy efficiency, NRW reduction programs, water metering practices and equipment to improve climate resilience, water safety, and business continuity, and enhancing responsiveness to customers.

Component 3: Project management and coordination. This component will finance operational costs, consulting services, non-consulting services, goods, and training to finance the overall project management cost, including the project team at the Project Implementation Unit (PIU), implementation support consultants at the regional level within MIRD's RDAs for environmental and social standards implementation, and, at the national level, MIRD as the Project Implementing Entity (PIE). It will finance training costs, including for capacity building in procurement, environmental, and social standards, specialized short-term implementation support consultants, financial audits, project communication and citizen consultations, and monitoring and evaluation (M&E).

Component 4: Contingent emergency response component (CERC). A provisional zero-amount component is included, which will allow for rapid reallocation of credit/loan proceeds from other components during an emergency under streamlined procurement and disbursement procedures. This component allows the Government to request the World Bank to recategorize and reallocate financing from other project components to cover emergency response and recovery costs.

II. Current situation regarding the transposition of EU Directive 91/271/CEE into a national legislation on urban wastewater of the republic of moldova

The transposition of Council Directive 91/271/EEC of May 21, 1991, hereinafter referred to as the Directive, is a national obligation in the implementation of the "National Action Plan for the Implementation of the Association Agreement between the Republic of Moldova and the European Union for the period 2014-2016", approved by Government Decision No. 808 of October 7, 2014, and further through the "National Action Plan for the Implementation of the Association Agreement between the Republic of Moldova and the European Union for the period 2017-2019," approved by Government Decision No. 1472 of December 30, 2016.

The process of legislative harmonization has three key components:

1. Legislative transposition - the incorporation of EU legislation into national legislation.
2. Implementation - identification and/or designation of institutions and resources (material, human, financial) for the implementation of the transposed legislation.
3. Enforcement and control - ensuring mechanisms, procedures, and means of control to ensure compliance with the new legislation.

The current national legislative framework is in the stage of legislative transposition.

During the period from 2014 to 2018, the central public administration took significant steps in the process of harmonizing national legislation with the provisions of European Directives. The provisions of Directive 91/271/EEC, which regulate the wastewater sector, are incorporated into several national legislative acts:

1. Water Law no. 272 of December 23, 2011, published / April 26, 2012, in the Official Journal no. 81, article no: 264 / effective date: October 26, 2013;
2. Law no. 303 of December 13, 2013, on public water supply and sanitation services: published: March 14, 2014, in the Official Journal no. 60-65, article no: 123 / effective date: September 14, 2014;
3. Government Decision no. 950 of November 25, 2013, approving the regulation on the requirements for the collection, treatment, and discharge of wastewater into the sewerage system and/or water outfalls for urban and rural areas: published: December 6, 2013, in the Official Journal no. 284-289, article no. 1061;
4. Government Decision no. 802 of October 9, 2013, approving the regulation on the conditions for discharging wastewater into water bodies: published: November 1, 2013, in the Official Journal no. 243-247, article no: 931;
5. Government Decision no.736/2020 regarding the approval of the methodologies of identification and designating nitrates' vulnerable areas and nutrients' sensitive areas.

Directive 91/271/EEC is de facto transposed into these legislative acts. For example, it is reflected in Government Decision No. 1157 of October 13, 2008, approving the Technical Regulation "Measures for soil protection in agricultural practices." Section 11 addresses soil protection measures in the use of sludge in agriculture, especially from wastewater treatment plants, and Annexes 1-7 provide for the use of sludge in agriculture.

Unlike harmonization, the objective of the approximation process is to ensure full alignment of national legislation on wastewater discharge and the corresponding administrative system to be 100% compliant with EU legislation, not only formally but also in practice.

The first step in the approximation process is to conduct a comprehensive and accurate assessment of the legislative and administrative "gaps" that need to be addressed to ensure compliance with EU legislation. The analysis of the transposition of Directive 91/271/EEC into national legislation has demonstrated that only a limited number of articles have been just partially transposed into the current legislation. The conditionality for final transposition of the Directive implies the following aspects:

1. Development and approval of action plans for collection, treatment, and discharge of urban wastewater.
2. Development and approval of a technical and investment program for the implementation of requirements regarding the treatment of urban wastewater (article 17).
3. Reporting, program development, and participation in the work of the committee composed of representatives of member states have not been carried out, due to the current non-EU member status of the country.

In June 2022, the Republic of Moldova obtained the status of candidate member of the European Union. In accordance with the provisions of the signed Agreements, the Republic of Moldova is carrying out an extensive process of approximation of national legislation to the provisions of the European Union's legislative acts. Therefore, one of the actions planned in the process of approximation/harmonization of legislation is the need to develop the National Implementation Plan of the Directive on treatment of urban waste water 91/271/CEE.

This action is included in the following documents approved at national level:

- Association Agenda Republic of Moldova - European Union (Point IV, sunbpoint 2);
- Government Activity Programme approved by Parliament Decision No 28 of 16 February 2023 (Chapter V "Environment", paragraph 1);
- Government Action Plan for 2023, approved by Government Decision No. 90 of 28 February 2023;
- Action Plan for the implementation of GD No. 199/2014 on the approval of the Water Supply and Sanitation Strategy 2014-2030.

III. OBJECTIVES

The objective of this assignment is to support the Ministry of Infrastructure and Regional Development (MIRD) and the Ministry of Environment (ME) in developing National Implementation Plan of the Directive 91/271/CEE.

IV. SCOPE OF WORK

The National Implementation Plan will be developed according to the provisions of the Law no. 100/2017 on normative acts as well as in line with relevant provisions set forth in the GD 386 / 2020 on planning, development, approval, implementation and monitoring and evaluation of public policy documents and will comprise as a minimum (indicative) the following compartments.

1. INTRODUCTION;

1.1 Rationale for approximation

1.2 Overview of the wastewater sector in Moldova: institutional aspects

1.3 Brief description of the provisions of Directive 91/271/EEC

2. OBJECTIVE OF THE NIP

3. ASSESSMENT OF THE WASTEWATER MANAGEMENT IN MOLDOVA

3.1 Current situation (problem identification) within the wastewater sector (accessibility to water supply and wastewater collection and treatment infrastructure and service; responsible authorities in the sector of water supply and sanitation sector at national level; water management authorization process;

- sludge management; wastewater treatment in agro-food industry; existence of urban wastewater monitoring systems, etc)
- 3.2 Existing wastewater Legal, Regulatory and Institutional Framework
- 3.3 Existing Strategies and Programs on wastewater management and their implementation status
- 3.4 Current status of Directive 91/271/CEE approximation
- 4. LEGAL GAP ANALYSIS (Table of Concordance)
- 5. PLAN OF MEASURES
 - 5.1 Priority setting
 - 5.1 Proposed measures
- 6. MONITORING AND EVALUATION FRAMEWORK

In developing the NIP the Consultant is expected to implement the activities described below.

Inception Phase

Activity 1: Identification of key involved / interested institutions and conduct current situation / problem identification meetings / consultations with the designated representatives of institutions identified.

Activity 2. Collect data and information, develop the methodology of preparation of the NIP and coordinate them with the MIRD.

Activity 3. Prepare the Inception Report for the assignment which besides the results of the activity 1 and activity 2 will describe the implementation arrangements (identified of counterparts within the key interested institutions, ways of communication, criteria of acceptance of produced draft materials, expected inputs from the counterparts from MIRD (facilitation in organizing the meetings with involved persons, access to relevant materials and information, timely feedback on produced draft deliverables, etc).

Inception Report will be subject of formal approval by the Client after receiving No Objection from the main beneficiary – the MIRD.

NIP development Phase

Activity 4: In close consultation with the relevant actors the Consultant will conduct a gap analysis of national legislation against the provisions of Directive using Table of Concordance instrument.

Consultant will also develop recommendations for institutional adjustments required that will be most probable induced by the legal approximation. Liaise with the relevant national stakeholders and assess the sectoral impact, risks, vulnerability for further Plan of Measures prioritization and implementation.

Activity 5: The NIP will encompass a Plan of Measures proposed to be taken in order to achieve the objective(s) of the NIP. The Plan of Measures will comprise but not necessarily limited to the following items:

- name of the transposed provision,
- name of the planned actions,
- statement of the objective of the action,
- institutions responsible for implementation,
- timeframe for implementation,
- estimated costs for implementation of the action;
- identification of possible sources of funding for the implementation of the planned actions.

All proposed measures included in the Table of Measures will be presented in tabular format and the timeframe and cost for implementation items will mandatory be duly justified in the narrative part of the Chapter.

Activity 6: The Consultant will identify / develop the relevant to the wastewater sector indicators for M&E Framework and coordinate them with the main counterpart – MIRD.

The list of Deliverables is presented in the Table 1 below.

V. DELIVERABLES

Table. 1 Details of key deliverables and timelines

Deliverable	No. of planned expert days	Deadline	Phase completion
Development of the Inception Report, which will also include the general description of the provisions of Directive 91/271/CEE, the detailed working plan, including needs for meetings with the responsible public institutions, the list of documents to be examined, other important issues for the development of the Implementation Plan.	5	15 calendar days after the contract signing	Approval of the Inception Report by the delegated representatives of the MIRD and ME
Draft of the Implementation Plan of Directive 91/271/EEC in the Republic of Moldova (Version I)	15	30 calendar days after the approval of the Inception Report	Approved with comments presented by MIRD and ME
Power Point presentation which will be offered in a joint meeting to present the draft of the Implementation Plan of Directive 91/271/EEC in the Republic of Moldova	2	30 calendar days after the approval of the Inception Report	-
Final version of the Implementation Plan of Directive 91/271/EEC in the Republic of Moldova	2	10 calendar days after approval and receiving comments from the MIRD and ME for the draft Implementation Plan	Signed Acceptance Certificate by the MIRD and ME
Draft Government Decision, Informative Note and correlation table, according to the provisions of the Law no. 100/2017 regarding the normative acts	1		

All the documents should be presented in Romanian language.

IX. CONSULTANT QUALIFICATIONS

The assignment is for a National Consultant specialized in European wastewater laws and regulations. The Consultant should have extensive experiences and proved experience of working in public or international European institutions or national implemented projects, with relevant experience in wastewater regulatory

systems, and be familiar with best practices for institutional arrangements for management of wastewater infrastructure.

(i) General experience – 30 points:

- Master's degree in water supply and sanitation, civil engineering, environmental protection, or other relevant fields.
- Good knowledge and understanding of the European laws and regulations in urban wastewater treatment.
- Good knowledge of national legislation and the situation regarding the collection/treatment of wastewater.

(ii) Specific experience – 50 points:

- Minimum 5 years of experience in development of the laws, directives and other regulation documents in the field of urban wastewater treatment, in European countries;
- At least 5 years of experience of working in / with European countries public institutions or projects, which used to develop/harmonize national legislation in the field of urban wastewater treatment to the European legislation;
- Experience in implementation of at least 3 international projects and related to the proposed tasks.
- Knowledge of the Romanian legislation and experience in the field of urban wastewater treatment is an asset.

(iii) Language and Relevant Experience - 20 points:

- Proficiency in English and Romanian languages;
- Computer skills (MS Office and familiarity with project management software, such as MS Project).

VI. TIMING

The implementation of the present assignment is planned for 25 expert days, during a period of approx. 2 months.

VII. INSTITUTIONAL ARRANGEMENTS

The consultant's activity will be carried out in close collaboration with and under the guidance of the delegated persons from the MIDR and ME, and also in close cooperation with the PIU.

NOTE:

Qualified women, with relevant skills for this activity, are strongly encouraged to apply.