

MOLDOVA RURAL CONNECTIVITY PROJECT

TERMS OF REFERENCE (TOR)

„OPBRC Specialist (Individual Consultant)”

Legal, Regulatory, and Institutional Assessment to Enable Output and Performance - Based Road Contracts (OPBRC) in Moldova

1. Background and Context

The **Moldova Rural Connectivity Project (MRCP)** is financed by the **World Bank** and aims to (i) improve climate-resilient road connectivity in selected rural areas, (ii) enhance road transit through selected border crossing points, and (iii) strengthen the sustainability and delivery capacity of the road sector in Moldova. The Project is implemented by the **Ministry of Infrastructure and Regional Development (MIRD)** through the **National Road Administration (NRA)**, in coordination with other relevant public institutions.

Under **Component C – Building Sustainability, Delivery Capacity, and Project Management Support**, MRCP finances technical assistance to support sector reforms, institutional strengthening, and modernization of road asset management and contracting practices. One of the key reform priorities under this component is the potential introduction of **Output and Performance - Based Road Contracts (OPBRC)** as an alternative to traditional input-based contracts for road maintenance and rehabilitation.

OPBRC is an internationally recognized contracting approach that emphasizes the delivery of predefined service levels and performance outcomes over a multi-year period, with payments linked to performance and availability rather than quantities of inputs. While OPBRC has been successfully implemented in many countries, **Moldova currently has no experience with this contracting model**, and the existing **legal, regulatory, and institutional framework may have not be designed to accommodate long-term, performance-based road contracts**.

Previous project preparation and supervision missions under MRCP have identified potential constraints related to public procurement legislation, public finance and budgeting rules, construction and planning regulations, institutional capacity within NRA and related entities, and limited market familiarity with OPBRC. Against this background, MRCP will finance this assignment to carry out a focused and time-bound assessment of the enabling environment for OPBRC in Moldova and to prepare the groundwork for subsequent technical assistance supporting OPBRC preparation and procurement.

2. Objectives of the Assignment

The overall objective of this assignment is to **assess the legal, regulatory, institutional, and market conditions required to enable the introduction of OPBRC in Moldova and to define a practical and sequenced pathway for its implementation**.

The specific objectives are to:

1. Assess the adequacy of the legal, regulatory, and policy framework for OPBRC implementation;
2. Evaluate institutional arrangements and capacity to design, procure, manage, and monitor OPBRC;
3. Identify key gaps, constraints, and risks affecting OPBRC implementation;
4. Based on the findings of Tasks 1–3, identify key legal, regulatory, institutional, and market gaps and risks affecting OPBRC implementation and develop a sequenced OPBRC implementation roadmap and framework; and
5. Prepare a **Terms of Reference (TOR) for follow-on consulting firm services** to support OPBRC technical preparation and procurement.

3. Scope of Work

Task 1. Review of Legal, Regulatory, and Policy Framework

The Consultant shall conduct a detailed review of the legal and regulatory framework relevant to OPBRC implementation in Moldova, including public procurement legislation, public finance and budgeting rules, construction and urban planning legislation, contract management regulations, and dispute resolution mechanisms.

This task will assess whether the existing framework allows multi-year contractual commitments, performance-based payment mechanisms, and appropriate allocation of risks between the Employer and the Contractor, consistent with OPBRC principles. The Consultant shall identify provisions that may constrain OPBRC implementation and assess whether such constraints can be addressed through interpretation, secondary regulations, contractual arrangements, or legislative amendments, with particular attention to implementation under World Bank-financed projects.

The assessment shall also include benchmarking of Moldova's legal and regulatory framework against international experience with OPBRC and similar performance-based contracting approaches.

Task 2. Institutional and Capacity Assessment

The Consultant shall assess the institutional arrangements and capacity of key stakeholders involved in road contracting, including MIRD, NRA, the Ministry of Finance, and relevant oversight and control bodies.

The assessment shall examine roles and responsibilities across the OPBRC lifecycle, staffing levels and skills, existing procedures for contract management and supervision, performance monitoring practices, and inter-institutional coordination mechanisms. Particular attention shall be given to NRA's capacity to manage performance-based contracts, including monitoring service levels, enforcing performance standards, and administering payment and penalty mechanisms.

The Consultant shall conduct consultations with key stakeholders and relevant oversight and control institutions, in order to validate findings and gather practical insights on institutional capacity, constraints, and coordination mechanisms related to OPBRC implementation.

Task 3. Market and Industry Assessment

The Consultant shall carry out a high-level assessment of the road construction and maintenance market in Moldova and, where relevant, the regional market. This assessment shall examine the familiarity of contractors and consultants with OPBRC concepts, their technical and financial capacity to assume performance and lifecycle risks, and the availability of qualified supervision and performance monitoring expertise.

The task will also consider market appetite for OPBRC, potential barriers to competition, and implications for packaging and sequencing pilot contracts to ensure adequate market response and value for money.

The assessment shall also consider regional market capacity and the potential participation of international contractors, including factors that may facilitate or hinder their entry into the Moldovan market.

Task 4. Gap and Risk Analysis

Based on the findings of Tasks 1–3, the Consultant shall identify key legal, regulatory, institutional, and market gaps and risks that could affect OPBRC implementation. The analysis shall distinguish between constraints affecting short-term pilot contracts and those requiring medium- to long-term reforms.

This task shall assess the feasibility of introducing OPBRC pilots under the current framework and identify risk mitigation measures that could be applied during contract design, procurement, and implementation.

The analysis shall also assess the readiness for piloting OPBRC contracts under the current legal, institutional, and market framework.

Task 5. Recommendations, OPBRC Operational Framework and OPBRC Implementation Roadmap

Building on the gap and risk analysis under Task 4, the Consultant shall develop practical, prioritized, and actionable recommendations to address identified legal, regulatory, institutional, and market constraints to OPBRC implementation. These may include proposals for legal or regulatory amendments, institutional and procedural reforms, capacity-building measures, and transitional arrangements for piloting OPBRC under the existing framework.

In parallel, the Consultant shall develop an OPBRC operational (implementation) framework to guide the systematic introduction and repeatable application of OPBRC in Moldova across multiple implementation cycles. The framework shall define, at a strategic and operational level, the institutional roles and responsibilities, governance arrangements, decision-making processes, sequencing logic, and key preconditions for OPBRC deployment, from initial readiness and piloting through potential scale-up.

Based on the operational framework and recommendations, the Consultant shall prepare a sequenced and realistic OPBRC implementation roadmap, identifying prerequisites for piloting, indicative timelines, and the roles and responsibilities of key institutions. The roadmap shall be presented in a clear and structured format, including a phased action plan, responsible entities, and indicative resource requirements.

The operational framework and roadmap shall be enabling and reusable in nature, and are not intended to constitute an implementation manual or contract-specific technical documentation, which will be addressed under subsequent technical assistance.

The Consultant shall ensure that the draft recommendations, OPBRC operational framework, and implementation roadmap are presented to key stakeholders in a structured manner (see Task 6) to obtain feedback and validation prior to finalization.

Task 6. Stakeholder Workshop and Preparation of TOR for Follow-On Consulting Firm Services

a) Stakeholder Workshop for Validation of Findings and Recommendations

The Consultant shall organize and facilitate at least one stakeholder workshop in Chisinau (or online/hybrid, as agreed with the Client) to present and validate the key findings and recommendations of the assignment. The workshop shall:

- Present the main assessment findings and proposed recommendations;
- Present the draft OPBRC operational framework and implementation roadmap;
- Present the main elements of the draft TOR for follow-on consulting services; and
- Collect feedback from participants to refine and validate the deliverables.

For this purpose, the Consultant shall:

- Prepare a PowerPoint presentation summarizing key findings, the proposed framework, roadmap, and follow-on TOR;
- Prepare the workshop agenda and materials and lead the workshop discussions; and
- Prepare a brief workshop report summarizing participants, key discussion points, and feedback received.

The logistical arrangements for the workshop (venue, invitations, etc.) will be agreed with and supported by the Client, as appropriate.

The Consultant shall prepare a detailed **Terms of Reference for a follow-on assignment to be carried out by a consulting firm**, to support the technical preparation and procurement of OPBRC pilot contracts. The TOR shall be structured in accordance with World Bank standards and shall cover, at a minimum, the following scope:

- Assisting NRA to identify and prioritize road segments suitable for OPBRC, based on technical condition, traffic, maintenance needs, and risk profile;
- Carrying out the technical assessments required to prepare OPBRC bidding documents, including definition of service levels, performance indicators, risk allocation, and payment mechanisms;
- Preparing complete OPBRC bidding documents for selected road sections, consistent with World Bank procurement requirements and international good practice;
- Providing hands-on technical assistance to NRA during the procurement process, up to and including contract award.

b) Preparation of TOR for Follow On Consulting Firm Services

The TOR shall be sufficiently detailed to allow immediate initiation of the procurement process for the follow-on services. The TOR shall clearly define the scope of services, deliverables, timelines, staffing requirements, and reporting arrangements, in line with World Bank requirements

4. Deliverables and Timeline (2 Months / 8 Weeks)

Given the **2-month (8-week)** duration of the assignment, the following deliverables are expected:

- 1. Inception Report** (End of Week 2):
 - Understanding of the assignment, proposed methodology, detailed work plan, and stakeholder engagement approach;
 - Identification of key issues and initial assumptions;
 - The Inception Report shall be subject to review and approval by the Client.
- 2. Draft Assessment Report** (End of Week 5):
 - Legal, regulatory, institutional, and market assessment;
 - Identification of gaps, risks, and preliminary recommendations.
 - The draft Assessment Report shall be subject to review and approval by the Client.
- 3. Draft OPBRC Operational Framework, OPBRC Roadmap, Draft Follow-On TOR and Draft Workshop Presentation** (End of Week 7):
 - Sequenced roadmap for OPBRC implementation, including indicative timelines and responsible institutions;
 - Identification of prerequisites for pilot implementation;
 - Draft TOR for follow-on consulting firm services.
 - The draft OPBRC Roadmap, Draft Follow-on TOR, and draft workshop presentation shall be subject to review and approval by the Client
- 4. Stakeholder Workshop and Workshop Report** (Between Weeks 7 and 8, as agreed): –
 - Delivery of at least one stakeholder workshop to present and validate the findings and recommendations.
 - Final PowerPoint presentation used for the workshop;
 - Brief workshop report summarizing participants, key discussion points, feedback received, and implications for the final deliverables.
- 5. Final Report Package** (End of Week 8):

- Final assessment report and OPBRC Operational Framework, implementation roadmap;
- Final TOR for follow-on services, incorporating stakeholder comments;
- A concise executive summary highlighting key findings and recommended next steps.
- The Final Report shall be approved by the Client.

All deliverables shall be submitted in English and be of publishable quality.

5. Client, Reporting, and Coordination

The Consultant will report to **MIRD**, with day-to-day coordination through **NRA**.

The Consultant shall coordinate closely with MIRD and NRA, in planning and conducting the stakeholder workshop.

6. Duration and Level of Effort

The assignment shall be carried out over a period of **2 months (8 weeks)** from the contract commencement date. The level of effort shall be commensurate with the scope and timeframe of the assignment.

7. Payment schedule

The contract price will be paid on a lump-sum basis per contractual milestones/deliverable, in accordance with the applicable Procurement Regulations, Annex VIII. Contract Types; para. 3.3(b), Lump-Sum Contracts. Under the contract, Consultant shall develop four (4) Reports, therefore the payments will be split into four installments, as follows:

No	Payment milestone/deliverable	Submission Period by the Consultant	Payment amount (%)	Payment milestone by the Employer
1	Inception Report	End of Week 2 from Contract Signing	15%	7 days after NRA's acceptance of the submitted Report
2	Draft Assessment Report	End of Week 5 from Contract Signing	25%	7 days after NRA's acceptance of the submitted Report
3	Draft OPBRC Framework and Roadmap, Draft Follow-On TOR, and Draft Workshop Presentation	End of Week 7 from Contract Signing	25%	7 days after NRA's acceptance of the submitted Report
4	Final Report package	End of Week 8 from Contract Signing	35%	7 days after NRA's acceptance of the submitted Report

Payments for each Report will be made to the Consultant following NRA's approval of the submitted draft, subject to the Consultant addressing all Bank's comments (if any) on the submitted document(s).

8. Required Qualifications and Experience

i. Qualifications

- Advance degree in law, engineering, economics or related fields

ii. General Professional Experience (25 points)

- At least **10 years of relevant professional experience** in transport infrastructure, public procurement, construction law/regulation, or infrastructure policy.
- Proven track record of working on **road sector development projects**, preferably in developing or transition economies.

iii. Specific Experience with Performance-Based Contracting (50 points).

- Proven experience in conducting **legal, regulatory, and institutional framework assessments**, particularly in the infrastructure or transport sectors.
- Experience in long-term road maintenance contracting, including lifecycle costing, risk allocation, and performance monitoring frameworks. Understanding of multi-year contracting and performance-based payment mechanisms;
- Familiarity with international best practices in performance-based contracting, including approaches used by institutions such as the World Bank and other multilateral development banks.
- Experience in working on projects financed by the World Bank or other international financial institutions (e.g., EBRD, ADB, etc.).
- Demonstrated experience in the design, implementation, or advisory support of Output and Performance-Based Road Contracts (OPBRC) or similar performance-based contracting mechanisms in the road sector will be considered as an advantage.

iii. Working Experience in region and Language Skills (25 points)

- Experience working in Eastern Europe, the Western Balkans, or other transition economies, particularly in public sector reform or transport infrastructure.
- Familiarity with the institutional and regulatory context of Moldova is an advantage.
- Excellent command of English (written and spoken) is required.
- Knowledge of Romanian and/or Russian is an advantage for stakeholder consultations.

Candidates must achieve at least **70 points out of 100** to be considered technically qualified.

The contract will be awarded to the **highest-ranked qualified candidate**, subject to successful negotiations.

8. Confidentiality and Ownership of Data

All documents, analyses, and outputs produced under this assignment shall be the property of the Government of Moldova. The Consultant shall treat all information obtained during the assignment as confidential and shall not disclose it without prior written consent of the Client. The World Bank may use such documents in accordance with its applicable policies.