

JOB DESCRIPTION

LEGAL CONSULTANT

The Government of Moldova has established the Millennium Challenge Accountant Moldova (MCA-Moldova), a public institution under Moldovan law, in charge of oversight, management and implementation of “Compact” program. “Compact” is a program financed by the United States of America, through the Millennium Challenge Corporation (MCC), a United States government corporation. Through this program, MCC works with eligible countries, including the Republic of Moldova, to help to reduce poverty through economic growth.

The MCC program contains the two projects: **(1) Transition to High Value Agriculture Project**, aiming to increase rural incomes by stimulating growth in irrigated high value agriculture; and catalyze future investments in high value agriculture by establishing a successful and sustainable model of irrigation system and water resource management and a conducive institutional and policy environment for irrigated agriculture; and **(2) Road Rehabilitation Project** with the objective to increase incomes of the local population by reducing the cost of transport, goods and services; reduce losses to the national economy resulting from deteriorated road conditions; and reduce the number of road accidents through improved traffic conditions.

In order to become fully operational, MCA-Moldova is recruiting the personnel, comprised of specialists in a variety of fields, to professionally manage implementation of the program.

Experienced candidates are sought for the position of Legal Consultant, a position that reports to the MCA-Moldova Executive Director and Legal Consultant.

The Legal Consultant shall provide legal assistance to MCA-Moldova towards effective implementation of the Compact Program comprising the (a) Road Rehabilitation Project and (b) Transition to High Value Agriculture Project.

Position Duties

Reporting to the MCA-Moldova Executive Director and Legal Advisor, the Legal Consultant will provide legal assistance to MCA-Moldova on all legal issues related to the Compact Program including the Road Rehabilitation and Transition to High Value Agriculture Projects. The Legal Consultant is responsible for providing advice to the MCA-Moldova Management Unit, the MCA-Moldova Steering Committee and the MCA-Moldova Executive Committee on all legal issues affecting MCA-Moldova and its operations. He/she will be responsible for identifying and addressing legal issues associated with the MCA-Moldova Program. The Legal Consultant will assist Legal Advisor in liaising with the State Minister, the MCC Legal Counsel, and any outside counsel hired to assist MCA-Moldova.

Responsibilities of the Legal Consultant include, but are not limited to:

- Is responsible for identifying and analyzing legal issues; negotiating and drafting key documents (including all powers of attorney and delegations of authority); writing, reviewing, and editing reports, opinions, correspondence, articles, and other documents, presenting clear recommendations to the MCA-Moldova Executive

Director, the Steering Committee and Executive Committee on legal matters; and ensuring legal compliance by MCA-Moldova with:

- (i) the obligations of MCA-Moldova and the Government contained in the Compact, Program Implementation Agreement, and 609(g) Grant and Implementation Agreement, or otherwise delegated to MCA-Moldova by the Government;
 - (ii) all supplemental agreements entered into under or in furtherance of the Compact (“Supplemental Agreements”);
 - (iii) MCA-Moldova bylaws and Moldovan laws and regulations; and
 - (iv) any other applicable laws, regulations and agreements;
- Provides legal advice on all issues affecting the operations of MCA-Moldova, including, but not limited to, government contracts, third party commercial contracts, fiscal law, and corporate records management. In particular he/she assist Legal Advisor in advising the Steering Committee, Executive Committee and the Executive Director, and the staff of MCA-Moldova on legal issues and addresses legal issues as they arise; this may include preparing and submitting reports on a periodic basis to the Executive Director, Deputy Executive Director and Legal Advisor that identify any problems encountered with MCA-Moldova’s compliance and the recommended solutions;
 - Assist Legal Advisor in exercising its duties as the Secretary of the Steering Committee and Executive Committee to maintain corporate records, including notices, agendas, and minutes of meetings. In particular, he/she assists with the development and implementation of procedures for Steering Committee meetings and other committee actions that comply with the requirements of the Compact, the Program Implementation Agreement, the 609(g) Grant and Implementation Agreement, the relevant Supplemental Agreements, and the relevant governing documents of MCA-Moldova (including the bylaws). Responsible for ensuring that accurate and sufficient documentation exists to meet legal requirements, and to enable authorized persons to determine when, how, and by whom the Committees’ session was conducted. In order to fulfill these responsibilities, and subject to the organization's bylaws, the Legal Consultant attends the Committees’ sessions and assist Legal Advisor in recording minutes of meetings, ensuring their accuracy, and availability, proposes policies and practices, assisting in submitting various reports to the Committees, in maintaining membership records, fulfills any other requirements of the Executive Director, and performs other duties as the need arises and/or as defined in the bylaws;
 - Custodian of records. The Legal Consultant assists Legal Advisor in ensuring that the records of the organization are maintained as required by law and made available when required by authorized persons. These records may include founding documents, lists of members, committee meeting minutes, and other official records.
 - Membership Records. The Legal Consultant assists Legal Advisor in ensuring that official records are maintained of members of the Committees. He/She ensures that these records are available when required for reports, elections, other votes, etc;
 - Bylaws. The Legal Consultant ensures that an up-to-date copy of the bylaws is available at all meetings.
 - Communication. The Legal Consultant assist Legal Advisor in ensuring that proper notification is given of members' meetings as specified in the bylaws. The Legal Consultant assist Legal Advisor in managing the general correspondence of the Committees except for such correspondence assigned to others. Ensures minutes are distributed to members shortly after each meeting.

- Advises on employment matters, including drafting, negotiating and administering employment agreements;
- Participates in negotiations, assures that the negotiating representatives are duly empowered, assist in drafting negotiation minutes and prepares and advises on all types of contracts to be executed by MCA-Moldova for the implementation of the Compact;
- Provides recommendations to the Legal Advisor and Management Unit on particular legal tasks that should be outsourced to any outside counsel;
- Advises Legal Advisor in anticipating and guarding against legal risks facing the MCA-Moldova;
- Provide assistance in coordination of the relationship with outside counsel; provide support in issuance of instructions; monitoring of performance and quality; cost efficiencies; and endorsement of invoices of such outside counsel for final approval by the Finance and Administrative Director;
- Cooperates with and advises representatives of the Government bodies, including ministries and other public agencies, regarding the Government's responsibilities under the Compact, the Program Implementation Agreement, the 609(g) Grant and Implementation Agreement, and Supplemental Agreements;
- Provides required inputs/support to enhance the design and workings of the Management Information System of MCA-Moldova;
- Represents MCA-Moldova before courts and in arbitral proceedings, where appropriate, and coordinates with Legal Advisor and outside counsel otherwise;
- Assist Legal Advisor in preparation, reviewing and decision-making on the claims submitted by the bidders in respect of the protests submitted on the procurement decisions as per MCA-Moldova bid challenge system;
- Work with MCC legal counsel on legal matters relating to implementation of the Compact, the Program Implementation Agreement, the 609(g) Grant and Implementation Agreement, the Supplemental Agreements, and the Compact Program; and
- Performs such other duties and exercise such other powers as are commonly incidental to the office of legal counsel, as well as such other duties and powers that shall be assigned from time to time by the MCA-Moldova Executive Director or Legal Advisor.

Qualifications and Experience

- University degree in Law (Master's degree or equivalent will be an asset).
- At least five (5) years of relevant practice experience in law working at a law firm or as legal in-house counsel in Moldova, preferably with some experience as counsel in a commercial entity or counsel in a not-for-profit organization.
- At least three (3) years of experience in serving as a secretary of the supreme governing body of a commercial entity, not-for-profit organization or other organization.
- Experience with a diverse range of legal issues, with an emphasis on transactional practice, such as international commercial transactions, project finance, bank finance, construction and general corporate law.

- Broad understanding of Moldovan legislation of relevance to the MCA-Moldova program implementation, for example, the Labour Code, Civil Code, Fiscal Code, environmental legislation, and legislation dealing with land use.
- Proven ability to work in a national as well as international context.
- Demonstrated oral and written communications skills in order to interface with a variety of stakeholders.
- Demonstrated professionalism, good judgment, and flexibility to work as necessary outside normal work hours to meet the deadlines and needs of the position.
- Ability to work with multidisciplinary teams and institutions.
- Responsible and flexible attitude and capacity to manage a variety of tasks with minimal supervision.
- Fluent in written and oral communication in Romanian and English; good proficiency in Russian.
- Strong computer skills with functional working knowledge of Microsoft Office applications (Word, Excel, Power Point), Outlook Express, Explorer, Jurist, and Moldlex.
- Knowledge and experience with employment and civil legislation, in the Moldovan context, is an added advantage, as is work experience in public administration or international development.
- Experience in working with international financial institutions and other donor organizations will be an advantage.

The candidate also must:

- Be a citizen of the Republic of Moldova, or a resident of the Republic of Moldova holding an appropriate work permit.
- Be of outstanding character and integrity.
- Be free of all conflicts of interest and committed to protecting the integrity of the program.

In addition, candidates must:

- Be the resident of the Republic of Moldova.
- Be of outstanding character and integrity.
- Be free of all conflicts of interest and committed to protecting the integrity of the program.

Instructions for Submission of Applications:

To be considered, candidates must submit the following information using font size no smaller than 10pt:

- 1) **Cover letter** (maximum three pages) addressing candidate's ability to perform duties and responsibilities as stated in the position description above.
- 2) **Curriculum Vitae** (not to exceed five pages excluding publications, if applicable) stating the applicant's educational background including degree(s) obtained,

professional experience in reverse chronological order, language proficiency, and any relevant professional titles or certifications.

- 3) **Professional references:** names and contact information (telephone number(s) and email address) of three professional references. Please clearly state the relationship of the professional reference to the candidate (e.g., supervisor, former colleague, other) and whether the reference would prefer to be contacted in English.
- 4) **Deadline for receipt** of aforementioned information is *December 7, 2012 at 17:00* in Chisinau, Moldova. Complete application packages must be submitted expedited to either:
Mail to: Millennium Challenge Account Moldova
N. Iorga street, 21, office 5
MD-2012, Chisinau, Republic of Moldova
Tel: +373 22 85 22 99
Email to: office@mca.gov.md
- 5) **An email application should** specify the position name for which you are applying in the subject line of the email message. The application materials should be submitted as attachments in PDF format.
- 6) **The cover letter and curriculum vitae must be submitted in English.**
- 7) **If the applications are sent by mail,** the application package must be sent in an A4 envelope that is marked with a reference. This reference can include the name of the applicant or any other single reference chosen by the applicant. Applications submitted by fax will not be accepted.
- 8) **Short-listed candidates** will be contacted for face-to-face interviews that will take place in Chisinau. Questions and/or phone inquiries from applicants prior to formation of the short-list will not be accepted.
- 9) **MCA-Moldova reserves the right** to contact applicant's listed references and any other relevant references that may aid MCA-Moldova in evaluating the applicant's qualification and suitability for the position.