



PROCUREMENT NOTICE

Assignment Name: *Expert for review and upgrade of Draft Rules on Disciplinary Procedure*

Section 1. Introductory Information

1.1 Background information on the Regional School of Public Administration (ReSPA)

The Regional School of Public Administration (ReSPA) is the inter-governmental organization for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans. ReSPA Members are Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia, while Kosovo* is a beneficiary and observer. ReSPA's purpose is to help governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare them for membership in the European Union (EU). Since its inception, ReSPA has contributed to the development of human resources and administrative capacities through training programmes and innovative cooperation mechanisms such as the exchange of good practices, peer reviews and development of know-how.

The European Commission (EC) provides directly managed funds for support of ReSPA activities (research, training and networking programmes) in line with the EU accession process. The new EC grant supports the main objective of ReSPA work in 2016-2017: Improving regional cooperation in the field of PAR and EU integration and strengthening administrative capacities in the beneficiaries. This objective will be achieved through the following three pillars of ReSPA Programme of Work for 2016-2017:

- (1) European Integration Pillar: Increased capacity of public administration in the ReSPA Members necessary for successful conducting of the European Integration process;
- (2) Public Administration Reform Pillar: Facilitated and enhanced cooperation and exchange of experience in Public Administration Reform and European Integration activities in ReSPA Members;
- (3) Governance for Growth Pillar: Ensured effective coordination of the implementation of the Governance for Growth pillar of the SEE 2020 Strategy.

ReSPA is implementing its activities through the Secretariat which is consisting of 15 staff members from the Western Balkan region. The Secretariat is located in Danilovgrad, Montenegro. The organisation is currently updating its legal and institutional documents, and is seeking an expert to review and upgrade its Draft Rules on Disciplinary Procedure.

1.2 ReSPA now seeks to engage an expert to review and upgrade, where and insofar as it may be necessary, the Draft Rules on Disciplinary Procedure. A detailed description of the assignment is provided in the Terms of Reference attached to this Procurement Notice. Interested qualified experts are invited to apply for this engagement in order to be considered through a competitive procedure for the assignment.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence

1.3 Objective and purpose of the assignment are:

The Secretariat of ReSPA has drafted rules regulating the disciplinary procedure. The main objective of the Assignment is to thoroughly review ReSPA's Draft Rules on Disciplinary Procedure, from a standpoint of an external expert, and to upgrade this document in accordance with relevant international standards applicable to this type of proceedings. The document should be of a good quality and applicable for ReSPA as an inter-governmental organisation and taking into account its small size. The Draft Rules on Disciplinary Procedure will be made available to the selected legal expert for the performance of the assignment.

1.4 Expected deliverables of the work are: as per Terms of Reference.

1.5 Tentative timeframe: the assignment is expected to be performed during September 2016.

1.6 Budget: The contracted expert will be remunerated on the basis of a daily fee. The concrete fee for the selected legal expert will be determined based on the applicant's experience and within the budgeted maximum for this assignment. Level of effort for the performance of assignment is three expert days.

1.7 **NOTE:** Any individual employed by a company or institution who would like to submit an offer in response to this Procurement Notice must do so in their individual capacity, even if they expect their employers to sign a contract with ReSPA. In such case the consultant shall notify ReSPA in the application which institution is his/her employer.

Section 2. Preparation of CVs and supporting documentation

2.1 Language of application: The CVs and supporting documentation shall be prepared in English.

2.2 The CVs should provide information on the qualifications and competencies of the applicant, her/his general track record and previous specific experience in similar assignments, as required by the Terms of Reference. The applicants should particularly state in their CVs:

- Length of experience in disciplinary procedures conducted in the system of international organisations, for instance, the applicant is expected to state for how many time he/she performed the role of a member of Disciplinary Board,
- Length of experience in legal drafting and mention the types of legal drafting processes in which the applicant was involved.

2.3 The required qualifications and experience and other competencies: as per Terms of Reference

Section 3. Submission of CVs and supporting documentation

3.1 The candidates are invited to submit the following documentation:

- **Proposal:**
 - Explaining their experience in the disciplinary proceedings and legal drafting experience and how the applicant intends to approach the assignment,
- **Personal CV** including past experience in similar activities and particularly issues referred to under point 2.2 of this Procurement Notice.
- At least three contacts for references (name and position of referee, email address and phone number) which would be contacted by ReSPA. (**NOTE:** There is no need to submit reference letters; ReSPA will directly contact the referees)

3.2 The required documentation should be submitted in electronic format by e-mail to the following address: d.glodic@respaweb.eu by 9 September 2016 before 12H00. Late submissions will not be considered for evaluation.

Public servants of ReSPA Members and Kosovo* are not eligible to apply.

Section 4. Evaluation of offers

4.1 The offer will be evaluated against the required qualifications and competencies as defined in the Terms of Reference.

4.2 The applicant securing the highest final ranking will be invited to submit a financial proposal (the financial proposal shall specify a total sum amount **in EURO** for expert's daily fee) and negotiate the contract. If negotiations are successful the selected candidate will be awarded the contract. Should the negotiations fail; the next ranked candidate will be invited to negotiations.

Section 5. Final Considerations

5.1 The payment will be done in one installment, following the submission and approval of the deliverables.

5.2 The following document is attached to this Procurement Notice:

Terms of Reference

5.3 ReSPA reserves the right to cancel this procurement procedure at any moment without any compensation to the applicants.

The cost of preparing a proposal and of negotiating a contract, including any related travel, cannot be reimbursed by ReSPA under any circumstances nor ReSPA can be held liable for it, regardless the outcome of the procurement procedure.

5.4 Should you need any further clarifications with respect to this procurement notice, please contact: Mr. Duško Glodić, Programme Manager (Legal) via email: d.glodic@respaweb.eu .

Any request for clarification must be sent by standard electronic communication to the above email address.

TERMS OF REFERENCE

EXPERT ON DISCIPLINARY PROCEDURE

Purpose

The purpose of the consultancy is to review and upgrade ReSPA's Draft Rules on Disciplinary Procedure in order to enable the institution to function up to the highest international standards.

Objectives and Scope of the Assignment

The ReSPA Secretariat has prepared a Draft Rules on Disciplinary Procedure. There is a need to ensure an independent review of the prepared act and its upgrade, if needed. The main objective of the Assignment is to thoroughly review ReSPA's Draft Rules on Disciplinary Procedure, and to upgrade this document. The document should be of a good quality and applicable for ReSPA as an inter-governmental organisation and taking into account its small size (15 job positions).

The Draft Rules on Disciplinary Procedure will be submitted to the selected expert as well as other relevant legal documents of ReSPA, such as the Agreement Establishing ReSPA, Staff Regulations and other documents deemed necessary by the selected expert. The selected expert will be given possibility to contact with some ReSPA staff on the issues that might require further clarification. Since the travel is not envisaged, the communication may be organised through different available means: telephone, video conference, skype etc.

The final document size is expected to be between 10 and 20 pages, and, besides the legal text, it should include an Explanatory Note. The final document will contain all elements as envisaged in the draft text and will be adopted by the Governing Board of ReSPA in the form of an annex to the Staff Regulations of ReSPA.

Tasks and Responsibilities

The Expert is expected to perform the following tasks:

- to review the Draft Rules on Disciplinary Procedure - revisions should focus on the composition of the Disciplinary Board, system of sanctions, list of misconducts, course of the procedure, appeal system, and particular attention should be paid to the responsibility of the Director and other relevant aspects;
- to liaise and consult with the ReSPA Secretariat in order to obtain inputs for the revisions of the Draft Rules on Disciplinary Procedure;
- to compare the Draft Rules on Disciplinary Procedure with the similar documents of international organisations of similar size to ReSPA;
- to upgrade the text of the Draft Rules on Disciplinary Procedure, taking into account the need to ensure that the procedure may be smoothly conducted, but to guarantee the respect of relevant legal standards and human rights;
- to propose, if applicable, changes of the drafted text and justify solutions that are proposed.

Within the above framework, the Expert is expected to liaise directly with the ReSPA Director and relevant staff on issues related to the assignment, and to take into consideration the instructions received before hand.

Necessary Qualifications

The Expert shall possess the following qualifications:

- University degree in Law, additional points will be accorded to those possessing Master's degree and PhD in Law,
- At least 7 years of professional experience in legal matters within an international organisation,
- The role of member of a Disciplinary board performed over minimum 5 years in disciplinary proceedings in the system of an international organisation,
- Proved experience in legal drafting,
- Excellent written and oral communication skills in English,
- Advanced computer literacy,
- Ability to work with people of different nationalities, religions and cultural backgrounds.

The Expert shall possess the following competencies and core values:

- Demonstrates professional competence to meet responsibilities and task requirements, and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Results orientation: plans and produces quality results to meet established goals, generates innovative and practical solutions to challenging situations;
- Communication: Excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Team work: Ability to interact, establish and maintain effective working relations with a culturally diverse team;
- Client orientation: Ability to establish and maintain productive partnerships with regional and national partners and stakeholders, and pro-activeness in identifying the needs of beneficiaries and partners, as well as matching them to appropriate solutions.
- Demonstrates integrity and fairness by modelling ReSPA values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Time-frame, Level of Effort, and Location

The main work should be performed during September 2016, if not otherwise agreed.

The Level of Effort is estimated at 3 (three) working days.

This is a home-based assignment and no travel is foreseen. The communication with the Secretariat of ReSPA, if needed, will be performed through available communication means (email, telephone, skype etc.).

Remuneration

The Independent recruitment expert will be remunerated for the assignment on the basis of daily fee. The concrete fee will be determined based on the applicant's experience and within the budgeted maximum in accordance with established scales and profiling system applicable at ReSPA.

The payment will be effectuated in one instalment after the completion of assignment to the satisfaction of ReSPA and following the approval by ReSPA of submitted report.

Deliverables

The following deliverables shall be produced and transferred to ReSPA during the course of the assignment:

- Revised and upgraded version of the Draft Rules on Disciplinary Procedure,
- Explanatory Note to the Draft Rules.

Reporting and Final Documentation

The expert will be requested to deliver the following documents before the payment is conducted:

- Deliverables;
- Fulfilled and signed original timesheets;
- Final report on the performed assignment;
- Invoice, original and signed.

The abovementioned documentation shall be delivered to the following contact person and address:

Mr. Duško GLODIĆ
Programme Manager (Legal)
Regional School of Public Administration - ReSPA
PO BOX 31, 81410 Danilovgrad, Montenegro
d.glodic@respaweb.eu