



PROCUREMENT NOTICE

Assignment Name: Local Legal expert in Macedonia for legal analysis of the special administrative procedures and public services derived from them

Reference Number: 16037/M

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*¹ is a beneficiary. 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).

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.

1.2 ReSPA now seeks to engage a **Local Legal expert in Macedonia for legal analysis of the special administrative procedures and public services derived from them.**

1.3 Expected deliverables of the assignment are: as per *Terms of Reference*.

1.4 Tentative timeframe: the assignment is expected to be performed during period January - April 2018.

¹ 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

1.5 **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 applicant 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 working experience in the field of public services and public administration;
- Length of working experience with different state bodies on administrative procedures and administrative services.

2.3 The required qualifications, experience and skills: as per *Terms of Reference*

Section 3. Submission of CVs and supporting documentation

3.1 The interested candidates are invited to submit a proposal consisting of the following documentation:

- **Proposal:**
 - Explaining their experience related to the assignment and how they intend to respond to 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 may 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: procurement@respaweb.eu by 10 January 2018 before 24h00. Late submissions will not be considered for evaluation. The application should contain in the e-mail title the following reference number 16037/M.

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, experience, skills 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.

Terms of Reference

Local Legal expert in Macedonia for legal analysis of the special administrative procedures and public services derived from them

Purpose

Following consultations and expressed interest by the Ministry of Information Society and Administration of Macedonian (hereinafter MISA), it has been decided that ReSPA would engage an expert to carry out the analysis of the special administrative procedures and public services derived from them, and their simplification. In order to implement its Programme of Work, and to fulfil expectations of MISA, ReSPA will commission and support preparation of a legal analysis of 20 laws on special administrative procedures and public services derived from them, preparation of a report for the level of harmonization of analyzed laws with the new Law on General Administrative Procedure (Official Gazette of the Republic of Macedonia, no 124/15) (hereinafter: LGAP), recommendations for further simplifications of the administrative procedures and entering data according to the defined datasets in the service base ie. in the Public Services Catalogue. The aim of this activities is to contribute towards improvement of public administrations' Service Delivery in the Macedonia.

Background

One of the main priorities of the Government of the Republic of Macedonia is the increase of the quality of administrative services. Pursuant to the new LGAP (Official Gazette of the Republic of Macedonia, no Journal 124/15) improving provision of public services through fully coordinated and integrated public administration activities became imperative. The activities of the public administration are complex processes that involve the exchange of evidence and data between institutions ex officio. The key prerequisite for consistent implementation of the new LGAP in the relation of collecting and exchanging data and evidence ex officio, which should provide efficient and economical administrative procedures and one-stop access to citizens and legal entities, in the provision of public services, is the establishment of a unified Catalogue of Public Services which arise from the legal competences of public institutions.

The catalogue should be based on the legal acts regulating these services. It should cover the public services, data and evidence required for the provision of these public services, as well as the registers that

manage all public documents issued by public institutions, which are used to prove the fulfilment of the legal requirements for the performance of a certain public service, legal deadlines/time limits for the provision of services, the distinction of data and documents that will be obtained ex officio and those that citizens and legal entities will have to provide with a request, which are of a personal nature and are not found in the records of public authorities.

MISA has already established a technical solution for the Catalogue of Public Services, developed by IT experts. This electronic Catalogue of Public Services should contain the data and evidence necessary for the performance of public services, especially

Data on the Responsible Authority for the public service

- Allowed ways of submitting requests for services;
- Legal deadlines for the provision of services;
- Fees and administrative fees for services;
- Distinction between data and documents that will be obtained ex officio and those which the citizens and legal entities will have to apply to the requests, which are of personal character and are not in the records of the public authorities;
- Legal remedies and responsible authorities for this remedies;
- and other.

So far, only 26 Material Laws have been subject of a legal analysis of the special administrative procedures and public services derived from them. The list of laws covers 26 laws in 5 areas: education, transport and communications, health, justice, social protection and internal affairs. Having in mind that 169 special laws were subject of harmonization with the new LGAP, this means that 143 special laws should be analysed and the data entered into the Catalogue of Services.

In order to asses this situation, and to support Macedonia in its efforts for increasing the quality of administrative services, ReSPA will engage a legal expert to prepare a legal analysis of 20 laws on special administrative procedures and public services derived from them, preparation of a report for the level of harmonization of analysed laws with the new LGAP, recommendations for further simplifications of the administrative procedures and entering data according to the defined datasets in the service base ie. in the Public Services Catalogue.

Description of the Assignment

Therefore, ReSPA seeks to engage one Legal Expert. The Legal Expert will be responsible for preparation of a legal analysis of 20 laws on special administrative procedures and public services derived from them, preparation of a report for the level of harmonization of analyzed laws with the new LGAP, recommendations for further simplifications of the administrative procedures and entering data according to the defined datasets in the service base ie. in the Public Services Catalogue. The list of 20 laws and related by-laws will be defined by MISA after the selection of the Legal Expert.

The Legal Expert is supposed to perform the following tasks within the assignment:

1. To conduct a legal analysis of the special administrative procedures and public services derived from them. The legal analysis should cover 20 special laws and all the bylaws derived from this laws. The list of 20 laws subject of analysis will be defined by MISA;
2. To prepare and submit report for the level of harmonization of this laws with the new LGAP;
3. To prepare recommendations for further simplifications of the administrative procedures;
4. To enter data according to the defined datasets in the service base ie. in the Public Services Catalogue in close coordination with MISA;
5. To liaise with MISA and ReSPA during the performance of the assignment and to accept all relevant instructions.

With this document, ReSPA is seeking for one Legal Expert in LGAP and Administrative Procedures who would prepare the above mentioned documents, and who will enter the data in the Public Services Catalogue.

Distribution of working expert days per tasks

The Legal Expert is expected to perform the following tasks:

1) To prepare a legal analysis of the special administrative procedures and public services derived from them from 20 laws and all the bylaws derived from them, selected by MISA.

Number of expert days for 1): 23 working days

2) To prepare a report on the level of harmonization of the related 20 laws with the new LGAP

Number of expert days for 2): 3 working days

3) To prepare recommendations for the further simplification of the analyzed administrative procedures

Number of expert days for 3): 4 working days

4) To enter the data from the analyzed laws in the Public Services Catalogue

Number of expert days for 4): 8 working days

Total number of days is up to 38 working days

Deliverables

The Legal Expert shall submit the following deliverables:

1. legal analysis should be up to 30 pages;
2. report on the level of harmonization of the related 20 laws up to 10 pages;
3. recommendations for further simplifications of the administrative procedures up to 10 pages. The language of the documents shall be in Macedonian and English.

Necessary Qualifications, Experience and Skills

The expert shall possess the following qualifications:

Qualifications:

- At least BSc degree in Law;

General professional experience:

- Minimum 10 years of working experience in in the field of public services and public administration.

Specific professional experience:

- Minimum of 5 year of experience working with different state bodies on administrative procedures and administrative services;
- General knowledge of the administrative set-up of Macedonia;
- Experience in analysis and researches in the field of administrative procedure and administrative services.

Skills:

- Team work;
- Excellent written and oral communication skills in Macedonian;
- Excellent written and oral communication skills in English;
- Analytical skills;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

Timing and Location

The assignment is to be completed between January 2018 and April 2018. The Level of Effort (LoE) is estimated up to 38 (thirty-eight) expert days within the following timeline:

		Location	January	February	March	April
1.	legal analysis of the special administrative procedures and public services from 20 laws	home based				
2.	report for the level of harmonization of this 20 laws with the new LGAP	home based				
3.	recommendations for the further simplification of the analysed administrative procedures	home based				
4.	Entering the data in the Catalogue of Services	MISA				

Remunerations

The expert will be remunerated on the basis of daily fee. The actual daily fee shall be determined based on the expert's experience within maximum rate allocated for this activity and following the profiling performed in accordance with ReSPA rules.

The pre-condition for payment is approval of deliverables by MISA. The payment will be done in one instalment, following the submission of the final report and necessary documents (cf. Reporting and Final Documentation).

Reporting and Final Documentation

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

- Final version of deliverables;
- Final report describing tasks performed;
- Timesheets (original and signed);
- Invoices (original and signed);

The above-mentioned documentation shall be delivered to the following contact person and address:

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