

Terms of Reference

Expert for development of the IT application for the effective governance of the issue of conflict of interest

Background

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 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.

European Commission (EC) provides directly managed funds for support of ReSPA activities (research, training and networking programmes) in line with the EU accession process. So far, two EC Grant Contracts (GCs) have been implemented by ReSPA, during the period 2010-2015. The new EC grant will support 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.

Following consultations and expressed interest of ReSPA Members and Kosovo*, it has been decided that ReSPA should implement the specific scheme for its stakeholders: the In-country support for limited needs. This Mechanism addresses specific needs of ReSPA Members, supporting public administration reforms in the areas covered by the ReSPA Programme of Work.

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

This Terms of Reference (ToR) refers to the request submitted to ReSPA by the Commission for Decision on Conflict of Interest of Bosnia and Herzegovina requiring the expert support in development of the initial IT solution (application) for the effective governance of the issue of conflict of interest.

Description of Assignment

Conflict of interest always precedes corruption, but does not necessarily result in corruption and therefore, it is necessary to formulate and implement clear and comprehensive rules in order to reduce to a minimum the number of cases of potential conflict of interest. In that sense, it is necessary to define the incompatibility between performing certain jobs, rules of exception from further decision making in case a conflict of interest emerges, rules for reporting property and gifts, checks and punishments for the violation of rules by managers and other officers who have an opportunity to ensure financial or other gain for themselves or for others as a result of the decisions they make. At the end of 2013, the Law on Amendments to the Law on Conflict of Interest in the government institutions in BiH was enacted. The communication of the European Commission to the European Parliament and Council for BiH Progress, regarding the fulfilment of the conditions and objectives set by the European Union, states that the amendments to the legislation on conflict of interest do not guarantee the impartiality and efficient prevention of conflicts of interest and that they are not in compliance with the international standards. Another issue is the lack of compliance of the FBiH and BD BiH legislation with that of the state level. Another objection states that the term conflict of interest should be extended to any economic interest, debt and property, relations with profit and non-profit organizations, political parties and professional organizations, reporting of assets (including any significant change) by executive officials but also other public officials. The reports of the Central Electoral Commission state a number of problems in the area of conflict of interest in the previous law, such as the various interpretations of the concept of gifts and failure to deliver declarations of assets.

Conflict of interest is entrusted to the Commission on Conflict of Interest in the institutions of BiH, which began operations in 2014. Among the priority measures to solve the problem, the provision of greater transparency of data from the declarations of assets should be included, removing obstacles related to the protection of personal data through their publication without identifying the identification numbers or the address of their property.

For the purpose of implementation of the Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina (hereinafter: the Law), the Commission for Decision on Conflict of Interest (hereinafter: the Commission) was established. The Office of the Commission is established within the Agency for Prevention of Corruption and Coordination of Combat against the Corruption of BiH (hereinafter: the Agency), for carrying out the expert, administrative and technical tasks. The Commission acts on the basis of the Law, best practices, political accountability and credibility of elected officials, executive officeholders and advisors.

The Commission should establish and maintain the Register needed for fulfilling their task. While this area was under the jurisdiction of the Central Election Commission, the base of conflicts of interest was conducted as part of a unified information system. Given that this is a unique system

that the Department was unable to separate database from the system and transfer it to the Agency, for the purpose of verifying the data from the financial statements and other data required for the implementation of the Law on Conflict of Interest in Government Institutions BiH.

While this area was under the jurisdiction of the Central Election Commission, the base of conflicts of interest was conducted as part of a unified information system. Given that this is a unique system that the Department was unable to separate database from the system and transfer it to the Agency, for the purpose of verifying the data from the financial statements and other data required for the implementation of the Law on Conflict of Interest in Government Institutions BiH.

Through this assignment the experts' support should be provided in development of the initial IT solution (application) for the effective governance of the issue of conflict of interest.

This project will result in improved human and institutional capacity of the Office of the Commission for Decision on Conflict of Interest and it will ensure development of professional civil service. Also, the system will ensure effective data checking/verification and audit when it comes to the financial reports of the target group. Establishment of the above mentioned system implies the standardization of policies of dealing on conflict of interest that are already in place in the SEE countries.

Through the implementation of the above mentioned Project the full compliance with the GRECO and EC Report recommendations will be ensured.

Therefore, the Commission for Decision on Conflict of Interest (CDCoI) requires an expert for the assignment stated below.

Tasks and Responsibilities

The expert should conduct the following tasks:

1. Preparation work - Familiarization with working procedures of the Office for Conflict of Interests, the data exchange, and analyses.

2. Creating application - The preliminary design should be developed in the direction of timely electronic submission and storage of financial statements (unified electronic forms-link on the official web site) that will be listed in the system under the unified number (opportunities advanced search) with the option to attach supporting documentation relating to each individual case. In addition, the said application should create real preconditions for search / check information in real time, establish open communication channels with other relevant institutions / agencies at all levels of authorities, as well as the establishment of "early warning system" (red flag system) that the financial statements noticed some "discrepancies" and drew attention to the need for timely treatment in accordance with the law.

3. Development of manuals (instructions), training and security protocol - This application will be accompanied with the development of manuals (instructions) for efficient use / maintenance system, structural training of IT staff to maintain the system as well as the security

protocols through which and adequate protection system would be ensured in the spirit of the Law on Personal Data Protection and the Law on the protection of classified information.

4. Definition of the user rights - The system, in addition to the above, should define user rights (access level), which would be reflected in the possibilities:

- Monitoring of all activities within the base
- Data processing and treatment
- Analytical processing and reporting systems in the context of the efficient work of the Commission.

5. Development of the Security protocols/initial testing of the application

6. Presentation of the Application to the Office for Col/PPT of the functions/delivery of the manual and instruction/basic training conducted.

Necessary Qualifications

The Expert shall possess the following qualifications:

Qualifications and skills:

- B.Sc. in Computer Sciences, Law, Economy, Social Sciences, Business Administration, Public Administration or Software developer (certificate in the area) with four years of professional experience that will be considered as an integral part of the certificate and cannot be counted towards the professional experience required below;
- Fluency in Bosnian/Croatian/Serbian Language as well as English Language.

General professional experience:

- At least five years of the active engagement as a Software developer;
- Engagement in Western Balkans countries on similar projects will be considered as an advantage.

Specific professional experience:

- IT development for Public Administration

Timing and Location

The assignment foresees work from home and on the site. The assignment will be performed during **January 2018**.

All of the activities foreseen to be implemented by the expert will be done with the close and continuous assistance of the CDCol staff. The Expert shall cooperate with the CDCol, as well as

ReSPA in regard to the assignment. The Expert shall take into consideration comments and suggestions received.

The final products will be subject of approval from both CDCol and ReSPA before the payment of honoraria is executed.

Remunerations

The assignment foresees **up to 12 working days** including one day for preparation of the report on the conducted assignment.

The payment will be done in 1 instalment on completion of the assignment and the approval of the outputs by both CDCol and ReSPA.

Note: No other costs will be paid for implementation of the assignment.

Reporting and Final Documentation

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

Outputs

- Initial version of the IT application
- Manual/instruction and training materials
- User rights defined/security protocols

Documents required for payment

- Invoice (original and signed);
- Timesheet (original and signed);
- Report on the conducted assignment with questionnaire;
- Outputs required by the assignment.