

## Procurement Notice

*Assignment name:* **Expert to develop the content of the “Executive learning programme on Better Regulation” and to be engaged as Lead instructor during the programme**

*Reference Number:* **#22071**

### 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. 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 for the membership of the European Union.

ReSPA establishes close co-operation with ministers, senior public servants and heads of function in Member countries. ReSPA also works in partnership with the European Union, specifically Directorate General for Neighborhood and Enlargement Negotiations (DG NEAR), other regional players such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as agencies and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavor in Public Administration Reform, has contributed to capacity-building and networking activities through in-country support mechanisms, peering and the production of regional research material. The European Commission (EC) provides directly managed funds for the support of the ReSPA activities (research, training and networking programmes) in line with the EU accession process. So far, three EC Grant Contracts (GCs) have been implemented by ReSPA during the period 2010-2018. The current EC grant supports the implementation of the activities required for contribution to the achievement of the three strategic objectives during the period 2019-2021.

ReSPA works primarily through regional networks which operate at three levels: Ministerial, Senior Officials, and networks/working groups of experts and senior practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, Public Financial Management (PFM) and government policy planning and the European Integration (EI) co-ordination process and five Working groups: (1) Centre-of-Government Institutions; 2) Better Regulation; 3) Human Resource Management and Development; 4) E-Governance; and 5) Quality Management.

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.

\*This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

1.2 ReSPA now seeks to engage one expert to provide support in the area of better regulation process.

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 the period November – December 2022.

1.5 **NOTE: Please, clearly indicate in the Methodology that you shall submit, the entity with whom the contract would be concluded (in case your application will result successful), i.e. whether the contract would be concluded with:**

- the expert as a physical person;
- a company on behalf of the expert (the name of the company should be also provided).

This cannot be changed in the procedure to follow.

In addition, you are kindly requested to fill and submit the following documents:

- Legal Entity File (for individual expert) - [https://ec.europa.eu/info/sites/default/files/about\\_the\\_european\\_commission/eu\\_budget/legent\\_indiv\\_en.pdf](https://ec.europa.eu/info/sites/default/files/about_the_european_commission/eu_budget/legent_indiv_en.pdf)
- Legal Entity File (for private company) - [https://ec.europa.eu/info/sites/default/files/about\\_the\\_european\\_commission/eu\\_budget/legent\\_privcomp\\_en.pdf](https://ec.europa.eu/info/sites/default/files/about_the_european_commission/eu_budget/legent_privcomp_en.pdf)

Please, also submit any supporting document required in these templates.

## **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 general and specific professional experience, in line with ToR;
- Professional experience in the role of lecturer / presenter.

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 analysis subject 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](mailto:procurement@respaweb.eu) by **06 November 2022** before Midnight. Late submissions will not be considered for evaluation. **The application should contain in the e-mail title the following reference: Activity No 22071.**

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

### **Selection 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 can ReSPA 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. Gentian Xhaxhiu, Programme Manager (Legal) via e-mail: [g.xhaxhiu@respaweb.eu](mailto:g.xhaxhiu@respaweb.eu), by **03 November 2022** (midnight), the latest. ReSPA will post the response, including an explanation of the query without identifying the source of inquiry, at its website

## Terms of Reference Request for Services

[Expert to develop the content of the “Executive learning programme on Better Regulation” and to be engaged as Lead instructor during the programme](#)

### 1. Introduction and background

The Regional School of Public Administration (ReSPA) is an 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, Montenegro, North Macedonia, and Serbia, while Kosovo\* is a beneficiary. ReSPA's purpose is to help governments in the region to develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare for the membership of the European Union.

ReSPA establishes close co-operation with Ministers, senior public servants and heads of units in Member countries. ReSPA also works in partnership with the European Union, specifically Directorate General for Neighborhood and Enlargement Negotiations (DG NEAR), other regional actors such as OECD/SIGMA and Regional Cooperation Council (RCC). Since its inception, ReSPA, as an international organization and a key regional endeavor in Public Administration Reform, has contributed to capacity-building and networking activities through in-country support mechanisms, peering and the production of regional research materials.

The European Commission (EC) provides directly managed funds for the support of the ReSPA activities (research, training and networking programmes) in line with the EU accession process.

ReSPA works primarily through regional networks which operate at three levels: Ministerial, Senior Officials, and networks/working groups of experts and senior practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, Public Financial Management (PFM) and government policy planning and the European Integration (EI) co-ordination process and five Working groups: (1) Centre-of-Government Institutions; 2) Better Regulation; 3) Human Resource Management and Development; 4) E-Governance; and 5) Quality Management.

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Within Better Regulation thematic area, ReSPA aim to align actions in the Western Balkans with the European Union Better Regulation agenda. Since when ReSPA developed a comprehensive Study on Better Regulation (2018), ReSPA has been supporting its member states, particularly in strengthening Regulatory Impact Assessment (RIA) functions as well as strengthening public consultation processes and improving monitoring of the implementation of the consultation requirements. In addition, ReSPA has supported the development of a policy framework for ex-ante reviewing of regulations by applying RIA methodology, through the “Practical RIA package” (2021) and has formalized the [Ministerial Document entitled “Western Balkans Recommendations on Public Participation”](#) which was endorsed in November 2017 by Ministers in charge for public administration from the Western Balkans. ReSPA has also provided tailor-made support to its members through organizing various capacity building actions and training of trainers.

As part of the ReSPA Programme of Work (PoW), an extended 3-days executive learning programme on Better Regulation (BR) aspects is planned to be organized. for an experienced expert to develop the content of the “Executive learning programme on Better Regulation” and to be engaged as Lead instructor during the programme.

## 2. Purpose

The purpose of these Terms of reference is to identify an experienced expert **to develop the content of the “Executive learning programme on Better Regulation” and to be engaged as Lead instructor during the programme, which is envisaged to be organized on 22, 23, 24 November in Belgrade, Serbia.** The programme shall, indicatively, tackle the key concepts of Better Regulation (BR) and how they are applied across the policymaking and regulatory cycle, how administrations in the region implement regulatory impact assessments and stakeholder consultations and gain insight into the challenges and drawbacks of different modalities, which are some of the main innovative practices in EU MS as regards impact assessments, how the BR tools are used in practice in the European Commission (EC), etc. The Programme should combine interactive presentations, showcasing practical examples, quick polls to consolidate concepts and group exercises.

## 3. Problem statement and description of the assignment

**The European Union (EU) better regulation agenda**, as a synonym for regulatory reform, is about finding the most efficient ways of delivering policy objectives without creating unnecessary burdens for citizens, businesses and the public administration. Better regulation covers the entire policy cycle, including policy design and preparation, adoption, implementation, application (including enforcement), evaluation and revision. For each phase of the policy cycle, there are respective better regulation principles, objectives, tools and procedures to ensure that countries have the best regulation possible. These relate to planning, impact assessment, stakeholder consultation and engagement, implementation, and evaluation. The agenda also stresses the importance of regulation, as well as the need for high-level and cross-governmental political support and appropriate resources.

**Better regulation principles** can help both to improve the inherited stock of regulation and to ensure that new legislation, including laws originating from the European Union as part of transposition of the EU *acquis*, is evidence-based and appropriate. Further improvement and embedding of RIA would be an important step for promoting greater integration with EU practice and performance. It could help reduce the risks related to implementation and enforcement of many new regulations of the WB region that originate from transposing the *acquis*.

**The European Commission has a comprehensive approach for better regulation** that is underpinned by detailed guidelines, procedures and a toolbox. The aim is to make better EU policies and laws that achieve policy objectives at minimal cost. This is achieved by making sure that political decisions are prepared in an open, transparent manner, informed by the best available evidence and backed by strong and regular engagement with stakeholders. Any proposal to revise existing legislation must consider whether there is potential to simplify and reduce regulatory costs without undermining the aims or benefits of the legislation.

The EU impact assessments (IA) are tools for achieving better regulation objectives. They collect evidence to assess whether the proposed initiatives are justified and how they can best be designed to achieve desired policy objectives. In the EU system, an IA must identify and describe the problem to be tackled, establish objectives, formulate policy options, assess the impacts of these options and describe how the expected results will be monitored and evaluated. IA for substantial proposals is carried out during the early preparatory phase, as part of the development of policy and (non)legislative initiatives and when drafting implementing and delegated acts.

**The EU accession process of the Western Balkans** not only significantly accelerated activities in the area of legislative reforms but contributed to a more systemic and comprehensive approach to the adoption and implementation of the Regulatory Impact Assessment system as well. Not only does the European Commission constantly monitor the reform and approximation progress, but the assessment of existing IA systems forms part of all reports of all monitored countries as well. The improvement of the legal and regulatory environment in the WB region is characterized by some degree of variability among administrations. This diversity in the adoption and implementation of the better regulation agenda in the region points to the necessity of regional cooperation that will result in exchange of experiences and use of best regional practices and the Western Balkans' progress in better regulation.

**Substantial obstacles** need to be overcome if better regulation agenda, especially the RIA framework, are to be properly embedded in the Western Balkans administrations policy making processes. The key obstacles include:

- lack of technical skills and adequate capacity within the government and the stakeholder community;
- lack of participatory culture, preventing adequate input from and scrutiny of RIA by external stakeholders;
- lack of continuous high-level support for better regulation agenda.

**Insufficient institutional support** and **lack of staff** to oversee and conduct RIA remains a major challenge. There are no substantial differences regarding guiding and training in BR activities

among the WBs administrations. Lack of advanced training on better regulation principles, RIA and public consultation and lack of background studies and support units have prevented administrations from overcoming their current limitations. Most of WBs administrations have managed to maintain capacity development efforts as an essential component of their efficient RIA frameworks. However, training must be provided over the long term to account for the officials and civil servants' turnover and the increasing standards of BR over time.

Several administrations (some of them also supported by ReSPA) increased the number of **BR capacity building programmes**, however, in some administrations, these programmes are not systematically embedded in the regular civil service training system. Trainings should, on the one hand, try to accommodate specific demands and, if possible, include pilot RIAs or tailored case studies. Longer programs are more useful, but most often have irregular attendance.

In this regard, ReSPA is further contributing to the efforts undertaken by the administrations of the region in developing a 3-days “**Executive learning programme on Better Regulation**”, which is intended mainly for mid-level professionals from ReSPA Members who are practitioners of RIA units in line Ministries and/or RIA Oversight Units, preferably with a range of experience on better regulation, RIA and public consultation aspects from 1 to 5 years.

#### 4. Tasks and responsibilities

The main tasks of the engaged expert will be the followings, indicatively:

- 1) Develop the content of the Programme (topics and sessions of the Programme) – **1 working day**;
- 2) Preparation of the presentations and relevant other materials for the session(s) that he/she intends to cover/deliver during the Programme – **3 working days**;
- 3) Identification of additional potential experts/lecturers to deliver other sessions of the programme – **1 working day**;
- 4) Participation in the programme and delivering the modules under the responsibility of the expert – **3 working days**;
- 5) Preparation of the Final Report on the implementation/performance and finalization of the assignment indicating key challenges, lessons learnt and relevant recommendations for future work of ReSPA in this area – **0,5 working day**;

The abovementioned tasks and responsibilities represent the milestones of the assignment, but the expert, may propose slight changes/adaptations, upon agreement with the ReSPA Programme Manager in charge.

#### 5. Necessary Qualifications of the expert/s

The expert needs to have **a diverse but compatible experience in Better regulation, RIA, PIA** and, preferably, RIA / PIA capacity building, including preparation and delivery of comprehensive capacity building and training programs, design of training curriculum, design of training plan,

preparation of the training materials, organization, coordination, delivery and evaluation of the trainings. More specifically, the expert shall possess the following profile:

Qualifications:

- MA or graduate degree in Public Management/Policy and Administration, Law, Economics, Finance, Political Sciences and related/similar fields.
- PhD shall be considered an asset.

General professional experience:

- At least 10 (ten) years of experience working in / with public administration and / or related matters.

Specific professional experience:

- At least 5 years of experience in positions and/or assignments related to Better Regulation and RIA, including experience in organizing and delivering RIA capacity building programmes;
- Experience in delivering trainings, workshops, conferences as well as previous engagements in preparation of Guidelines, methodologies, policy papers, analysis, etc.;
- Familiarity with the Western Balkans framework / state of play on Better Regulation.
- Previous engagements in assignments in the Western Balkans shall be considered an asset.

Skills:

- Excellent written and oral communication skills in English;
- Ability to write clear and coherent guidance documents;
- Excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Ability to work in team;
- Training and moderation skills;
- Proficient in Microsoft Office package;
- Ability to prepare and deliver well-structures Power point presentations;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

Note: The expert/s shall not be civil/public servant in any of the Western Balkans administrations in the moment he/she applies.

## **6. Timing and Location**

The assignment foresees work from home/office and on the site (Belgrade, Serbia). The assignment will be performed, tentatively, during November – December 2022.

## **7. Remunerations**

The assignment foresees up to **8,5 (eight and a half) working days** for the expert.



The payment will be done in two instalments upon completion each of the phases of the assignment. The final products will be subject to approval from ReSPA before the execution of the payment.

Note: No other costs will be covered apart from the expert cost per day. The expert cost per day comprises of expert's fee per day and (if needed) a lump sum for covering related costs which include, travel, accommodation, local transport, meals and other incidentals. ReSPA and the expert shall agree before the signature of the Service Contract on the rate of the daily fee.

## **8. Reporting and Final Documentation**

The expert will be requested to deliver the following documents before the payment is conducted (in line with the two different phases described above):

### ***Outputs:***

- Agenda of the Programme developed by the expert;
- Presentations that the expert prepared and then hold during the programme days (PPT, curricula, exercises);

### ***Documents required for payment:***

- Invoice (original and signed);
- Timesheets (original and signed);
- Final report in English, no later than 15 days after the completion of the Assignment. The report will be subject of approval by ReSPA as contracting authority<sup>2</sup>;

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<sup>2</sup> The Final Report will be required for the execution of the second/final payment.