

Procurement Notice

Assignment name:

Expert/s for preparation of a “Practical RIA package” for improving implementation of Regulatory Impact Assessment (RIA) in Western Balkans

Reference Number: #21009

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 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

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

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.

1.2 ReSPA now seeks to engage one expert to provide support in the area of RIA.

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 May – September 2021.

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

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 / Methodology: 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 by **20 May 2021 before midnight**. Late submissions will not be considered for evaluation. **The application should contain in the e-mail title the following reference: “21009 Expert/s for preparation of a “Practical RIA package”.**

Public / civil 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 two installments, following the submission and approval of the deliverables (please see the ToR).

5.2 The following document is attached to this Procurement Notice: Terms of Reference (ToR).

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, by **15 May 2021** (midnight), the latest. ReSPA will post the response, including an explanation of the query without identifying the source of inquiry, at its website (www.respaweb.eu) by **16 May 2021**. Any request for clarification must be sent by standard electronic communication to the above e-mail address.



Terms of Reference

Request for Services

Expert/s for preparation of a “Practical RIA package” for improving implementation of Regulatory Impact Assessment (RIA) in Western Balkans

1. Introduction and background

The Regional School of Public Administration (ReSPA) is an inter-governmental organization which aims to enhance regional cooperation, promote shared learning and support 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), 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 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. So far, three EC Grant Contracts 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 2019-2022.

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.

The Regional School of Public Administration has continuously supported its members and Kosovo* in the **domain of Better Regulation and Regulatory Reform**. One of the objectives of the ReSPA Strategy² is to improve the implementation of PAR and PFM Strategies in the Western Balkans through, among others, alignment of policy making and legal drafting with the EU Better Regulation agenda. In that regard, in 2018 ReSPA developed a Regional [Study on Better Regulation](#) and has formalized the [Ministerial Document entitled “Western Balkans Recommendations on Public Participation”](#) which was endorsed by Ministers in charge for public administration from Western Balkan in November 2017. The Working Group on Better Regulation meets periodically and continues to offer programmatic streamlining of ReSPA's activities within these intervention areas and enables peer exchange among the member countries.

Following consultations and expressed interest of the ReSPA Members, and based on the findings and recommendations of various available analysis and papers in the domain of Better Regulation in the Region, ReSPA has decided to prepare a so-called “*Practical RIA package*”, which will serve to the public administrations in the Region to improve their competences and capacities in the domain of Regulatory Impact Assessment (RIA). The package will be composed of a set of updated, improved and standardized templates for RIA, Standard cost model (SCM) and other analytical tools/methods for conduction of RIA, such as cost benefit analysis, cost effectiveness analysis and multi-criteria analysis (including brief explanations and practical tips on filling the templates). The administrations from the WBs may rely on these documents and embed all or some of them, into their internal RIA frameworks, in line with their respective needs.

2. Purpose

The purpose of this assignment is to prepare a “Practical RIA package”, which will include standardized RIA template, Standard Cost Model template and other analytical tools/methods for conduction of RIA in the Western Balkans’ as well as brief explanations (practical tips) on how to fill them. This Terms of Reference, aim to make a thorough description of the assignment, the problem statement, profile of the required expert/s, tasks and responsibilities and other necessary elements in order to achieve the abovementioned purpose.

3. Problem statement and description of the assignment

The need for improving cost effectiveness and quality of regulation remains critical in most of the Western Balkans (WB) administrations. The process of legislative reforms in the WB first focused on deregulation and simplification in order to eliminate the legislation inherited from the former period. This created the prerequisites for more systemic reforms, which was further boosted with the initiation of the process of EU accession of the WB countries. Growing awareness in the countries of the region that efficiency and quality of regulations affect economic performance led

² ReSPA Strategy 2019-2024 can be downloaded in the following link: <https://www.respaweb.eu/download/doc/ReSPA+Strategy+2019-2024.pdf/908ddcdb6c6044021e83fb2b54b233eb.pdf>

to their more strategic approach to regulatory reform. All the countries in the WB region have adopted regulatory and/or public administration reform strategies, with the aim of simplifying and making their business environments more competitive. The EU accession process 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 (RIA) system as well.

The improvement of the legal and regulatory environment in the WB region is characterized by a great degree of variability among the six 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. For the RIA framework to be effective, it has to meet several conditions. First, the administration has to develop adequate analytical capacity. Second, the administration has to enable stakeholder input before preparing regulations. Third, RIA has to be constantly (and consistently) applied in order to become a standard regulatory management tool. Fourth, the necessary tools, methodologies, guidance and templates need to be in place and regularly updated/refreshed. Finally, RIA requires strong political support if it is to overcome bureaucratic and political inertia.

As stated by *SIGMA Paper No. 61 "RIA and EU Law transposition in the WBs"*, all WB administrations have developed methodologies and guidance documents to support RIA implementation. These documents clarify and supplement the main regulations enabling RIA, by establishing additional procedural steps and requirements, and providing guidance to help conduct RIA analysis. The comprehensiveness and clarity of these guidance documents and their content vary widely, partly because the systems and type of RIA applied in the region differ. Guidance documents in almost all WB administrations do not have enough practical advice showing how data collection, analysis and consultation should be organized and applied in practice in the RIA process. For example, the Albanian methodology on RIA acknowledges the need to use public consultations to collect additional information and feedback. However, it is not clear how this is to be accomplished. Some of the guidance documents, like those used in North Macedonia and Serbia, have been in use for seven to ten years or more. While it is good to ensure consistency in the methodological approach, the practical knowledge, insights and good examples since gathered in the administration are likely to enhance materials that have been in use for several years. RIA guidance of BiH State, FBiH and BiH BD, which is provided through the main regulation enabling RIA, appears to be insufficient and is not clear. As a result, civil servants may have difficulty understanding and applying the methodology in practice. The BiH RS guidance document on RIA is more comprehensive but appears to be out of date. The Albanian RIA methodology has not been formally approved.

Most administrations have introduced a **standard template for RIA**, but only a few require a summary of key findings at the beginning of the document, presented in a clear and concise manner. Without such summaries, it is much harder to communicate the key findings and conclusions of the analysis, especially to senior political leaders and decision makers. In many administrations, because the RIA report lacks clarity and simplicity, it is harder for decision makers

and stakeholders to grasp the findings and make informed decisions. This can reduce the value of the RIA process, leading the anticipated key users to question the value of the exercise.

Many different tools and techniques are used for options appraisal. Those most widely used in RIA systems are: **cost-benefit analysis (CBA)**; **cost-effectiveness analysis (CEA)** and **multi-criteria analysis (MCA)**. While CBA is often considered the standard appraisal technique, since it can produce the best results, it is not easy to apply fully and effectively. It is also challenging to provide full monetization of impacts. Monetization of benefits, in particular, can be very challenging. This is particularly an issue for administrations with limited analytical capacity and data. Administrative burdens are generally expected to be assessed as part of the RIA, but only a few administrations work with detailed, practical guidance that explains how measurements through the **Standard Cost Model (SCM)**, a methodology used to measure such tasks, should be conducted. Except for BiH BD, RIA methodologies in all the administrations contain guidance on the use of at least some of at least one or more of the three main analytical techniques: cost-benefit analysis (CBA), cost-effectiveness analysis (CEA) and multi-criteria analysis (MCA).

In this regard, in order to have a standardized and unified approach throughout the administrations in the Region, it would be beneficial to equip all of them with a set of standardized documents, templates and tools (the so-called “RIA package”) for the implementation of the Regulatory Reform and RIA exercise.

4. Tasks and responsibilities

In order to lead and coordinate the whole process of preparing the required deliverables, the expert shall perform the following tasks and has the following responsibilities:

- 1) **Acquaintance with the state of play of Regulatory Reform and implementation of RIA in the Western Balkans.** A comprehensive desk research shall be conducted on the state of play of the Regulatory Reform and implementation of RIA in the 6 administrations of the Western Balkans. To that aim, the expert shall consult, among others, the ReSPA study on Better Regulation (2018), SIGMA Paper No. 61 “RIA and EU Law Transposition in the WBs”, and if relevant, national RIA frameworks (methodologies, guidelines, templates).
- 2) **Conduct at least one interview per administration**, mainly with relevant public official/s in the RIA Oversight Bodies (or similar), in order to better assess the situation in the given administration and have a deeper understanding on the needs;
- 3) Prepare a standardized, updated and all-inclusive **RIA Template**, including brief explanations (practical tips) on how to fill it;
- 4) **Prepare a standardized, updated and all-inclusive Standard Cost Model (SCM) template**, including brief explanations (practical tips) on how to fill it;
- 5) **Prepare standardized, updated and all-inclusive templates for cost-benefit analysis (CBA); cost-effectiveness analysis (CEA) and multi-criteria analysis (MCA)**, including brief explanations (practical tips) on how to fill them;
- 6) After preparation the draft of the above-mentioned documents (points 3, 4, 5 and 6) the expert shall **present them at a regional thematic workshop** devoted to the discussion of these

- templates (and the Practical Guide), which will be organized by ReSPA with the participation of public servants responsible for Regulatory reform and implementation in RIA in the WBs;
- 7) Based on the feedback of the relevant stakeholders from the Region, **the final version of the deliverables** shall be prepared;
 - 8) **Prepare a final report to ReSPA** on the implementation/performance of the assignment, indicating key challenges, lessons learnt and relevant recommendations for future work of ReSPA in this area.

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

The expert shall possess the following profile:

Qualifications:

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

General professional experience:

- At least 7 (seven) 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 regulatory reform and implementation of RIA;
- Experience in preparation of Guidelines, methodologies, policy papers, analysis and experience in delivering trainings, workshops, conferences;
- Familiarity with the state of play and legal framework related to implementation of RIA in various administrations of the Western Balkans.

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.

In addition, 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;
- Demonstrates integrity and fairness by modelling ReSPA values and ethical standards;

Note: potential experts interested to be engaged under this assignment may apply individually, or as a team of experts (up to two experts), provided that they both fulfil the criteria described above, make a joint application, provide a joint methodology and make a clear division of tasks in the application phase.

6. Timing and Location

The assignment foresees mainly work from office/home and limited work on the site (if the expert believes that the this is important). Meetings in person (if any) should be organized in small groups respecting all restriction measures imposed by Covid-19 pandemic.

The assignment will be performed, tentatively, from May to September 2021.

7. Remunerations

The assignment foresees up to **25 (twenty-five) working days** for the expert/s and shall be (tentatively) organised in two phases:

No.	Activity	Maximum No. of working days
PHASE 1		
1	Acquaintance with the state of play of Regulatory Reform and implementation of RIA in the Western Balkans	3
2	Conduct the interviews with the administrations in the WB	4
3	Prepare a standardized, updated and all-inclusive RIA Template, including brief explanations (practical tips) on how to fill it	3
4	Prepare a standardized, updated and all-inclusive Standard Cost Model (SCM) template, including brief explanations (practical tips) on how to fill it	3
PHASE 2		
5	Prepare standardized, updated and all-inclusive templates for cost-benefit analysis (CBA); cost-effectiveness analysis (CEA) and	7

	multi-criteria analysis (MCA), including brief explanations (practical tips) on how to fill them	
6	Presentation of the draft deliverables at a regional thematic workshop devoted to the discussion of these templates and relevant tips/recommendations	1
7	Preparation of the final version of the deliverables	3
8	Reporting to ReSPA on the assignment	1
	TOTAL:	25

Due to the complexity of the assignment and the number of deliverables, the relocation of working days is possible, only if the selected expert/s agrees so with ReSPA. Nevertheless, the total maximum days for this assignment cannot be increased.

The payment will be done in two instalments upon completion of each phase of the assignment. The deliverables (described under Section 4 of these ToR) will be subject to approval from ReSPA before the execution of the payments.

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.

8. Reporting and Final Documentation

The expert will be requested to deliver the following documents before the payment is conducted (as per each phase of the assignment):

Outputs

- One report describing brief conclusions of the interviews with the national administrations;
- One standardized, updated and all-inclusive RIA Template, including brief explanations (practical tips) on how to fill it;
- One standardized, updated and all-inclusive Standard Cost Model (SCM) template, including brief explanations (practical tips) on how to fill it;
- Standardized, updated and all-inclusive templates for cost-benefit analysis (CBA); cost-effectiveness analysis (CEA) and multi-criteria analysis (MCA), including brief explanations (practical tips) on how to fill them;
- One PPT presentation to present the above deliverables at a regional thematic workshop devoted to the discussion of these templates (and the Practical Guide), including attendance in the workshop;
- One final report to ReSPA on the implementation/performance of the assignment, indicating key challenges, lessons learnt and relevant recommendations for future work of ReSPA in this area.

Documents required for payment:

- Invoice (original and signed);
- Timesheets (original and signed);
- Final report in English, no later than seven days after the completion of the Assignment.
The report will be subject of approval by ReSPA as contracting authority³;

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

Mr. Vladimir Nikolic, Programme Assistant
Regional School of Public Administration - ReSPA
PO BOX 31, 81410 Danilovgrad, Montenegro
v.nikolic@respaweb.eu

³ The Final Report will be required for the execution of the second/final payment.