

## Procurement Notice

### **Assignment name: Legal Expert for Support the Preparation of Plan for Optimization of State Administration in Montenegro**

*Reference Numbers:*

**17070: Legal expert to support the preparation of National Plan for Optimization**

#### **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\*<sup>1</sup> 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 Legal expert for support the preparation of plan for optimization of state administration in Montenegro.

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<sup>1</sup> 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 Expected deliverables of the assignment are: as per Terms of Reference.

1.4 Tentative timeframe: the assignment is expected to be performed during period March – 15 June 2018.

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:

### **Legal Expert should demonstrate the following qualifications:**

- PhD or at least Master degree or equivalent in the field of law;
- Minimum 5 years of experience in legal consulting and preparation of legal reports.

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 provided in electronic format by e-mail to the following address: [procurement@respaweb.eu](mailto:procurement@respaweb.eu) by **23 March 2018** before Midnight. Late submissions will not be considered for evaluation. **The application should contain in the e-mail title the reference number in accordance with your area of interest:**

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Public servants from 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 made 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. Dragan Djuric, Programme Manager via e-mail: [d.djuric@respaweb.eu](mailto:d.djuric@respaweb.eu), by **20 March 2018** (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](http://www.respaweb.eu)) by **21 March 2018**. Any request for clarification must be sent by standard electronic communication to the above e-mail address.

# TERMS OF REFERENCE

## One Legal experts for support the preparation of Plan for Optimization of state administration in Montenegro

Activity number: 17070

### 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\*<sup>2</sup> 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). 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 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 Public Administration Reform (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 supports institutions of its Members and beneficiaries through the In-country support and Government of Montenegro asked ReSPA to provide support to development of Optimization plan. Namely, the Ministry of Public Administration and its Inter-ministerial Working Group for optimization and Operational teams work on the preparation of Optimization plan, with focus on central level and need additional expert support by ReSPA.

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<sup>2</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

Therefore ReSPA developed this ToR seeking on one Legal expert for support the development of Plan for Optimization of state administration in Montenegro.

## **Description of the Assignment**

Based on the Strategy of Public Administration Reform for Montenegro 2016-2020 and on OECD/SIGMA recommendation, the Government of Montenegro is launching a process of reorganization of public administration at central level (in national legislation referred to as “state administration”). This implies implementation of a Methodology for optimization of the number of employees (prepared by SIGMA and adopted by an Inter-ministerial Working Group for optimization) and preparation, adoption and implementation of the Optimization Plan by redistribution and/or reduction of human resources according to the needs of the administration, including meeting the challenges of European integration. This process will go in parallel with better resource planning and with improving the skills of the administration in order to create the conditions for a more efficient public administration. The reduction of the number of employees, if required, will be done in the most reasonable manner – by making sure that the cuts are targeted to areas where there are redundancies or where they will have the smallest negative impact.

The Action Plan 2018-2020 for the implementation of the Strategy of Public Administration Reform in Montenegro 2016-2020, envisages the preparation of Optimization Plan by the end of second quarter of 2018. The aim of this activity is to support the establishment of an administration, which better responds to citizens, and business’ needs while placing a smaller burden on the state and municipal budgets.

The Ministry of Public Administration has established an Inter-ministerial Working Group, which coordinates the optimization process and involves all ministries, HRMA, Union of Municipalities and NGO representative. Furthermore, two operational teams at the central and local level have been established for the purpose of developing Optimization Plan. The Optimization Plan will cover impact assessment of optimization measures and the definition of sectorial indicators and mitigation measures to address negative economic and social impacts of staff reduction, both on central and local level.

Therefore, ReSPA seeks to engage one Legal expert to provide support to the Ministry of Public Administration and its relevant Working Groups in charge for the optimization exercise (Inter-ministerial Working Group for optimization and Operational teams) on preparation of Optimization plan, with focus on central level.

The requested expertise implies the Legal expert to support the preparation of National Plan for Optimization.

## Tasks and Responsibilities

The assignment of Expert will include the following:

- Analysis of data collected in the process of development of Plan for Optimization – with focus on analysis of legal framework in relation with civil system, labour rights, pension and other relevant legislative;
- Conducting additional meetings (with EUD, SIGMA, etc.) or inquires and collecting additional necessary data, if required;
- Assessing impacts of the possible options for optimisation.

**Number of days: 10**

## Necessary Qualifications

**Expert should demonstrate the following qualifications:**

- PhD or at least Master degree or equivalent in the field of law;
- Experience in at least one project on development of financial and legal analysis;
- Minimum 5 years of experience in legal consulting and preparation of legal reports;
- Proficiency in English and Montenegrin language.

## Timing and Location

The assignment is envisaged to be in Podgorica, Montenegro. Tentative timeframe for delivery is during March – 15 June 2018.

## Remunerations

The assignment foresees engagement of 10 man days. The exact expert fee rates will be evaluated based on assessed and evaluated expert's capacities, in line with ReSPA expert selection procedure adopted by the ReSPA Governing Board. The payment of experts work will be made in one instalment, following the submission of their final reports with annexes.

In addition to the expert's fee, if needed, ReSPA will organize and cover the international round travel for the experts to and from Podgorica. The experts will be provided with per diems during their or his/her missions in Podgorica. ReSPA shall apply per diem's scale defined for EU external actions and per diem shall cover: accommodation, meals, local travel within the place of mission and sundry expenses.

## Reporting and Final Documentation

The Experts will be requested to deliver the following documents:

- *Finalised Plan for Optimization*
- *Final report*, which will include conclusions and follow-up activities, should be submitted in English, *word and pdf format*, no later than 15 June 2018
- *Timesheets* (signed originals)
- *Boarding Passes and*
- *Invoice, including round trip flight reimbursement* (signed originals).

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

**Ms. Marija Orovic**

ReSPA Programme Assistant

Regional School of Public Administration - ReSPA

Branelovica, P.O.Box 31

81410 Danilovgrad, Montenegro

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