

Procurement Notice

Assignment name:

One Expert for Drafting the Law on State Administration in Montenegro

Reference Number: 17070/MNE

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 one expert to provide support in drafting the Law on State Administration in Montenegro.

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

1.3 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 – May 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:

- Minimum 10 years of professional experience in the field of public administration reform;
- Minimum 6 years of professional at leading / managerial positions with responsibility for developing and implementing reforms.

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 by **13 March 2018** before Midnight. Late submissions will not be considered for evaluation. **The application should contain in the e-mail title the reference number 17070/MNE.**

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, by **07 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) by **09 March 2018**. Any request for clarification must be sent by standard electronic communication to the above e-mail address.

Terms of Reference

One Expert for Drafting the Law on State Administration in Montenegro

Reference number: 17070/MNE

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*² 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.

Government of Montenegro asked ReSPA to provide support in drafting new Law on State Administration, and therefore ReSPA developed this ToR.

² * 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

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 the national legislation referred to as “state administration”). Important integral part of this process is the development of new Law on state administration. New Law is already drafted, but based on comments from relevant stakeholders this draft should be significantly improved.

The Action Plan 2018-2020 for the implementation of the Strategy of Public Administration Reform in Montenegro 2016-2020, envisages the preparation and enactment of a new Law on State Administration. The purpose of the Law shall be to establish transparent principles and criteria of organization of public administration at central level (so-called “typology” of administrative bodies or “architecture of public administration”) in line with best European practices, based on lessons learned by other governments and based also on the fact that the size and the political setup of the country creates an opportunity to keep public administration in reasonable size and simple architecture.

The Law shall address the challenge of streamlining and simplifying the system of public administration, reducing the number of administrative bodies, clearly establish ministerial responsibility for the functioning of administrative body, and particularly eliminating excessive autonomy / independence of administrative bodies when there is no justified reason.

The proposal of the Law is envisaged for QII/2018. This law should be reviewed and redrafted and the process of public consultation on drafted Law should be organized. Therefore ReSPA seeks to engage one international expert to provide this kind of support to Ministry of Public Administration.

Tasks and Responsibilities

The assignment will include the following:

- Review of the draft Law on State Administration and provide written opinion, recommendations for improvements (in the form of amendments);
- Review of European Commission and OECD/SIGMA comments to the draft Law and provide written opinion, recommendations for improvements (in the form of amendments);
- Review of the comments received in the processes of public consultation and inter-ministerial consultation and provide written opinion, recommendations for improvements (in the form of amendments);
- Provide written Inputs for Regulatory Impact Assessment (RIA) of the Law on State Administration.

Necessary Qualifications

The expert shall possess the following qualifications:

- Ph.D. or at least Master degree or equivalent in the field of public administration, public policy, economy or law;
- Minimum 10 years of professional experience in the field of public administration reform
- Minimum 6 years of professional at leading / managerial positions with responsibility for developing and implementing reforms;
- Proficiency in English and Montenegrin (or Serbian or Croatian) language.
- Advanced computer literacy;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

Timing and Location

The assignment is envisaged to be performed at the expert's place of residence and in Podgorica, Montenegro. The tentative timeframe for delivery is during March-May 2018.

Remunerations

The assignment foresees engagement of 15 man days structured in the following way:

- 3 days for Review of the draft Law on State Administration and provide a written opinion, recommendations for improvements (in the form of amendments)
- 2 days for Review of European Commission and OECD/SIGMA comments to the draft Law and provide a written opinion, recommendations for improvements (in the form of amendments)
- 6 days for Review of the comments received in the processes of public consultation and inter-ministerial consultation and provide a written opinion, and
- 4 days for providing inputs for RIA.

The exact expert fee rate will be evaluated based on assessed and evaluated expert capacities, in line with ReSPA expert selection procedure adopted by the ReSPA Governing Board. The payment will be made in one instalment, following the submission of the final report and its annexes.

In addition to the expert's fee, ReSPA will organize and cover the international round travel for the expert to and from Podgorica. The expert will be provided with per diems during his/her mission 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 Expert will be requested to deliver the following documents:

- *Finalized draft Law on State administration*
- *Final report*, which will include conclusions and follow-up activities, should be submitted in English, *word and pdf format*, no later than 25 of May 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

m.orovic@respaweb.eu