



Terms of Reference

Request for Services

Legal expert for the development of the Roadmap on Good Governance and Public Administration 2030 for Albania

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*¹ 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 Neighbourhood and Enlargement Negotiations (DG NEAR), other regional actors such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as associations and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavour in Public Administration Reform (PAR), 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. 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 public servants, experts and practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, Public Financial Management (PFM) and the European integration (EI) process and five regional working groups: (1) Centre-of-Government Institutions; 2) Better Regulation; 3) Human Resource Management and Development; 4) E-Governance; and 5) Quality Management.

One of the tools that ReSPA uses to deliver its assistance is the **“in-country support**

¹ 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.

mechanism”, which provides direct tailor-made support to each of the administrations (Members of ReSPA) based on concrete needs that have been identified by the administration itself. In this regard, the Department for Good Governance (within the Office of the Prime Minister of Albania) has required to develop a Roadmap on Good Governance and Public administration with a 2030 vision.

2. Purpose

The purpose of this assignment is to support the Department for Good Governance (DGG) in drafting the national Roadmap on Good Governance and Public Administration Reform with a 2030 vision for Albania (hereinafter “the Roadmap”), in coordination with line ministries and other relevant bodies and organisations. The expected results from the preparation of the Roadmap on Good Governance and Public Administration Reform include:

- Input to the finalization of the Pillar on Good Governance and Public Administration Reform of the National Strategy for Development and Integration - NSDI (the visioning);
- Finalized Roadmap on Good Governance and Public Administration Reform 2030, including the passport of indicators and Action Plan, consulted with all institutions and relevant stakeholders.
- Better coordinated development of the sectorial strategies under the umbrella of the Roadmap, covering PAR, PFM, Decentralization, Anti-Corruption, Digital Agenda and Public Services.

Upon completion of the technical expertise, the Department for Good Governance is expected to finalise a coherent and consistent draft of the national Roadmap on Good Governance and Public Administration Reform for the country in line with Government’s vision and priorities, as well as the European integration priorities of the country and the new methodology for the EU Integration process, as part of the requirement for the 1st cluster on Good Governance and Public Administration Reform.

This Terms of Reference (ToR), aim to make a description of the assignment, the problem statement, profile of the required **legal expert**, tasks and responsibilities and other necessary elements in order to achieve the abovementioned purpose.

3. Problem statement and description of the assignment

Albania is developing a framework of planning documents for leading its good governance and public administration reform agenda until 2030. The framework is – similarly to the previous period – planned to comprise of the National Strategy for Development and Integration at the highest level and for the long-term (until 2030) as well as five sectorial strategies at the subordinate levels (Anti-Corruption Strategy, Decentralisation Strategy, Digital Agenda, Public Administration Reform Strategy, Public Finance Management Strategy) for the medium-term until 2026. While during the previous period the PAR planning documents were comprehensive in scope and of good quality, some room for improvement has emerged as well. Namely, according to 2021 SIGMA Monitoring Report, the areas such as coherence of different PAR planning documents,

the prioritisation of PAR in key Government planning documents as well as co-ordination of reforms at political level could be further enhanced.

Strategic framework of Good Governance and PAR ensures continuity of reforms. Albania has extended the validity periods of all five strategies included in its PAR strategic framework, providing clarity, direction and continuity of reforms in all key areas until 2023. However, the process of extension of the relevant action plans was not used to review, and potentially revise, the levels of ambition and targets of the reform objectives to achieve better and stronger results. Furthermore, the **weaknesses and gaps** in the monitoring and coordination mechanisms of the selected strategies **have negatively affected the overall coordination and pace of reforms**. A monitoring and coordination mechanism for Good Governance and PAR exists formally, but **it is somewhat fragmented and does not function effectively for all strategies**. It also lacks adequate political-level leadership and does not ensure systematic involvement of external stakeholders in monitoring the reform implementation.

As consequence, **the Roadmap on Good Governance and Public Administration Reform 2030 is intended as a mechanism for coordinating the development of the PAR planning documents and their implementation** in order to address prior challenges and to ensure higher fulfilment of strategic objectives in PAR. It will be the main Government strategic document for addressing priorities for EU integration and national development in six main areas: strategic framework, policy development and coordination, human resources management, accountability, service delivery and public finance management at the central and local levels.

The key purpose of the Roadmap on Good Governance and Public Administration Reform 2030 is to:

- Specify common and crosscutting Government **policy goals** and **specific objectives** on good governance and public administration reform, based on the **vision and strategic goals stemming from the National Strategy for Development and Integration (NSDI) 2022-2030**;
- Ensure **synergy, complementarity and coherence** between the sectorial strategies, incl. Anti-Corruption Strategy, Decentralization Strategy, Digital Agenda, Public Administration Reform Strategy, Public Finance Management Strategy;
- **Strengthen political and administrative level co-ordination** of reforms through the IPMG on Good Governance and Public Administration and the subordinate thematic groups.

The NSDI will provide the vision for the pillar of Good Governance and Public Administration as well as outline the strategic goals under it. NSDI can also indicate certain priority measures that were identified during the drafting of the NSDI², The Roadmap will be an umbrella cross-sector strategy that specifies the crosscutting policy goals and specific objectives for good governance and PAR, adding relevant outcome level indicators for measuring their achievement as well as targets until 2030. In addition, the Roadmap will specify the priority measures from NSDI (as

² NSDI content described in PM Order no.157, date 30.12.2021 "Development of the National Strategy for Development and Integration 2021-2030".

needed) and indicate crosscutting measures for achieving the strategic and policy goals under good governance and PAR. The co-ordination structures used for the development of the Roadmap will ensure the coherence and complementarity between the sectorial strategies. The latter will specify the policy goals and specific objectives in the medium-term, e.g. until 2026, they will also include the indicators and targets for monitoring the attainment of objectives as well as sector specific measures for implementing the reforms (in action plans adopted for 2-3 years).

The policy goals, specific objectives as well as the measures of the Roadmap and of the sectorial strategies **will not overlap**, because the Roadmap will focus **only on crosscutting themes**. In addition, **the duration of the Roadmap will be until 2030**, while the sectorial strategies cover the period until 2026. According to the IPSIS methodology/typology³, **the Roadmap will be a cross-sectorial strategy** above the five sectorial strategies.

The Roadmap is suggested to contain the following elements/chapters (indicatively):

- **Chapter 1:** Framework and situation analysis on the area of Good Governance and PAR;
- **Chapter 2:** Crosscutting policy goals as well as specific objectives based on the strategic goals as identified in the NSDI, accompanied by indicators for measuring them and targets;
- **Chapter 3:** Crosscutting priority measures to be implemented for achieving the goals until 2030;
- **Chapter 4:** Accountability & Performance and coordination (chapter 4 relates on finalization of the Passport of the Benchmarks on Good Governance and Public Administration Reform)
- **Chapter 5:** Action Plan & financial consideration of the Roadmap.

Through the development of the Roadmap on Good Governance and Public Administration Reform 2030, Albanian administration will cover the six main areas of EU Principles of Public Administration such as: (i) Strategic Framework for Public Administration Reform in centre and local governance; (ii) Policy Development and Coordination (iii) Service delivery (iv) Human Resource Management and Public Services (v) Accountability and (vi) Public Financial Management (PFM). The Roadmap will be accompanied with EU conditioned benchmarks and will be measures through the performance approach.

In this regard, the Roadmap on Good Governance and Public Administration 2030, will pave us the way for building the capabilities for the whole-of-the-government-approach and successful negotiation process.

4. Tasks and responsibilities

The process for developing the Roadmap shall be organized in following *indicative phases*:

- Analysis for the development of the Roadmap;

³ Council of Ministers Decision DCoM Nr. 290, dated 11.4.2020 "On the creation of the state data basis of the informed information planning system (SIPI/IPSIS)" the Integrated Planning System Information System (IPSIS), point 3.

- Development of the architecture of the Roadmap related to each policy goal, specific objectives, priority measures, etc;
- Development of the Passport of the benchmarks, indicators of the Roadmap;
- Costing tool of the Roadmap related to each policy goals, specific objectives, priority measures, outputs, etc;
- Consultation of the Roadmap with the relevant stakeholders.

The legal expert shall cooperate and coordinate his/her input with the Key expert and 2 (two) local experts and jointly design and produce the outputs of the assignment. The tasks of the other three experts (key expert, policy expert, costing expert) are in synergy and shared with the tasks of the legal expert and are developed in separate Terms of Reference, available in ReSPA website.

The main tasks of the legal expert:

- Meet, interview and provide legal advice to DGG in drafting and finalisation of the Roadmap on Good Governance and Public Administration Reform 2030, as well as meet and consult with all relevant institutions and stakeholders for the purpose of the assignment, related to the sections of the roadmap that the legal expert will draft – **2 days**;
- Support the preparation of the library of existing relevant legal framework, reports and analytical documents that can be used for identifying current challenges as well as vision and strategic goals for the NSDI and for the Roadmap on Good Governance and PAR 2030 – **3 days**;
- Support the DGG to prepare the framework analysis on Good Governance and PAR. Present some options for the overall outline of the document, ensuring consistency with Government priority and strategic frame standards, and EU strategic documents – **5 days**;
- Support the DGG to identify the EU conditioned benchmarks which will be measures through the performance approach which will accompany the Roadmap – **4 days**;
- Support the DGG in drafting those chapters segments of the Roadmap related to accountability, performance and coordination, i.e preparation and designing the Passport of benchmarks as well as passport of indicators of the Roadmap, clearly identifying the impact indicators, outcome indicators and output indicators as well as targets – **5,5 days**;
- Support the DGG, in coordination with the team of experts, in organising several Thematic Roundtables on 6 main areas of the EU Good Governance Principles for Public Administration for the consultation of the Roadmap on Good Governance and Public Administration Reform 2030 – supporting the preparation of the input relevant to the areas supported by the expert – **2 days**;
- Support the DGG in preparing the Report on consultation process of the Roadmap on Good Governance and Public Administration Reform 2030 for the areas covered by the expert – **2 days**;

- Contribute to the preparation of the overall report of the assignment to be submitted to ReSPA and to the short digest on the content of the Roadmap (reader-friendly and concise). These two tasks are main responsibility of the Key expert, but the legal expert shall contribute to these tasks with his/her input – **0,5 day**.

The expert, in coordination with other members of the team of experts should make sure to engage with all ministries and public administration entities involved in the development process and strongly involve in the Roadmap's development process all relevant stakeholders and institutions such as Department of Public Administration, Ministry of Finance and Economy, SASPAC, Ministry of Justice, etc.

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 and the beneficiary institution (DGG, PMO-Albania).

The expert shall closely cooperate with the responsible officials of the Department of Good Governance during the implementation of the assignment. The DGG will provide the expert with the necessary information and logistic support. The engaged expert shall also liaise with the ReSPA Programme Manager in charge of the assignment and will take into consideration the instructions received beforehand. Facilities and/or necessary logistics for organizing the meetings/interviews will be ensured by DGG.

5. Necessary qualifications of the expert

The expert needs to have a diverse but compatible experience related to design and implementation of regulatory and law-making policies, implementation and development of good governance principles and shall be familiar with PAR and broader reform agenda in Albania. More specifically, the expert shall comply with the following profile:

Qualifications:

- MA or MSc degree in Public Law, EU law or related/similar fields.
- PhD shall be considered an asset.

General professional experience:

- At least 10 (ten) years of demonstrated experience in Fundamental Good Governance and Democratic Principles and/or law-making environment.

Specific professional experience:

- At least 5 (five) years of direct demonstrated experience in legislating, policy-making and/or monitoring in the good governance and democratic principles;
- Knowledge of results-based management concepts, of the roles and responsibilities of public policy monitoring structures and ability to design benchmarks/ indicators for the various result-levels required for national policy documents;

- Previous engagements/experience in preparation of policy papers, reports, roadmaps; methodologies, etc., especially related to the subject of this assignment or similar;
- Experience in delivering workshops and conferences;
- Familiarity with the Albanian framework / state of play of Good Governance and PAR as well as legal system;
- Previous engagements in expert assignments in Albania shall be considered an asset.

Skills:

- Excellent written and oral communication skills in English;
- Ability to write clear and coherent guidance documents;
- Excellent communication and drafting skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences/readers;
- Ability to work in team;
- Training and moderation skills;
- Proficient in Microsoft Office package;
- Ability to prepare and deliver well-structures Power point presentations;
- Knowledge of Albanian language shall be considered an important asset.

Note: The expert 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 (Tirana, Albania). Meetings in person should be organized in small/medium groups respecting all restriction measures imposed by Covid-19 pandemic by the Albanian health authorities. However, meetings between the expert(s) and the DGG staff might be held online if the pandemic worsens.

The assignment will be performed, tentatively, from **September to December 2022** (at the latest).

7. Remunerations

The assignment foresees up to **24 (twenty-four) working days** for the expert and shall be tentatively organised as described under Section 4 of these Terms of reference (please see above).

Organization of meetings with various public servants of DGG and other public institutions as well as completion of various outputs shall be fulfilled within the day limits listed at Section 4. Potential re-organization of distribution of working days may be proposed by the expert, during the application phase (in the methodology to be submitted) but also later, in agreement with the beneficiary institution, ReSPA Manager in charge as well as the Key Expert.

The payment will be done in one instalment upon completion of the assignment. The final product(s) 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/s 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:

Outputs:

- The draft roadmap, highlighting the sections which the legal expert developed and reviewed.
- A short digest of the content of the roadmap (joint output of the team of experts);
- List of participants in the meetings/interviews/consultations organised/facilitated by the expert(s) – if any;
- Any other output deriving from the assignment.

Documents required for payment:

- Invoice (original and signed);
- Timesheets (original and signed);
- Final report (to be submitted by the Key expert, with the input of all other local experts), no later than seven working days after the completion of the Assignment. The report will be subject of approval by ReSPA as contracting authority⁴;

⁴ The Final Report will be required for the execution of the final payment.