

Terms of Reference

Request for Services

Senior Legal Expert for developing section related to legal and regulatory aspect of the National Plan (2023-2025) for Quality Management in the Public Sector of North Macedonia

1. 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*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 Neighbourhood 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 organisation and a key regional endeavour 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 2010-2015. The current EC grant supports the implementation of the activities required for contribution to the achievement of the three strategic objectives during the period 2019-2024.-

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 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) coordination 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.

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

2. Description of the Assignment

The key requirement of the service delivery (SIGMA 5th Principle) is to create citizens-oriented administration with ensuring the quality and accessibility of public services. Hence, the improvement of public administration and public services through introducing instruments for **Quality Management (QM)** in the public administration institutions is perceived as one of key prerequisites for sustainability of public administration reforms and better performance of public administration. Usage of these quality instruments, i.e. models, tools and standards, in modern public administration is an indication of the governments' commitment to ultimately improve the customer satisfaction.

Quality management as a priority, for the first time, was included in the Public Administration Reform Strategy of Macedonia including PAR Action Plan 2010–2015 (revised in 2012), prescribing quality management under the Priority Area “Administrative Procedures and Services” where the defined measures were: (I) Introduction of a quality management system in state institutions and the ISO 9001 standard and (II) Introduction of the Common Assessment Framework – CAF.

The actual Strategy for Public Administration Reform 2018-2022 and its Action Plan also includes the Quality of Public Services as one of the priorities in the Priority Area “Public Service Delivery and ICT Support to Public Administration”, where the defined measures are: 4.2.2.1. Conducting Analysis on effect of the implementation of the Common Assessment Framework – CAF; 4.2.2. Adoption of National Framework for Quality Management in Public Institutions; 4.2.3. Implementation of the National Framework for Quality Management in Public Institutions; Development of training programs for standards and models for quality management and 4.2.4. Implementation of the training programs for standards and models for quality management.

The North Macedonian Parliament in 2013 adopted the Law on Establishment of Quality Management System and Common Assessment Framework and service provision of the civil service. The aim of the Law was to introduce international and Macedonian standards in order to improve service provision within the civil service. In 2021 the Law was amended and external review of the application of the common assessment framework was introduced.

The Ministry of Information Society and Administration (MISA) is the national contact point and resource centre on CAF and has several functions related to promotion and institutionalisation of quality management.

During 2018, National Plan (2018-2020) for Quality Management in the Public Sector in North Macedonia was enacted. The implementation of this National Plan, had a great positive impact on the overall public administration system and contributed to achieving a modern, efficient, and professional administration and provision of better services for citizens. Evaluation, of the National Plan for Quality Management in the Public Sector for the period 2018-2020 highlighted several achievements which are realized within the following priority areas:

- Ensuring top-level political commitment to the public sector quality management process

- Awareness raising and exchange of quality management information with public sector organizations
- Capacity building of public sector organizations in the application of models and tools for quality management
- Involvement of various stakeholders in the implementation and promotion of quality management in public administration
- Strengthening the capacity of MISA in introducing and promoting quality management tools in public administration
- Ensuring continuity and sustainability of the quality management processes.

Regardless of the strong legal position of QM in North Macedonia (The Law on Quality Management, 2013) and continuous efforts being invested into further strengthening of legal aspect alongside the efforts to increase the actual use of QM models and instruments, SIGMA OECD 2021 Monitoring report states that the use of quality management techniques has declined. It has been also stated that the recently launched Methodology for Assessing the Quality of Institutions has the potential to revitalise subject area, while short term recommendation foresees: "...MISA to reanimate its role as a leader in promoting quality management practices, prepare a new National Quality Management Plan in the public sector and conduct annual studies based on the Methodology for Assessing the Quality of Institutions."²

Based on the evaluation results of previous National Plan and with aim to strengthen the capacities of MISA to expand the implementation of Quality Management and to serve as a national centre for consultation of interested institutions in the implementation and application of the quality management models (CAF, ISO), MISA is determined and aims at developing **National Plan (2023-2025) for Quality Management in the Public Sector of North Macedonia (National Plan)**.

In the process of the development of National Plan, MISA will engage its own resources and has already ensured the commitments from other key actors in the public administration to take part in the process of developing the National Plan.

Co-creation and co-production of the new National Plan with MISA staff and other engaged stakeholders will be ensured and formalised by establishment of the Working group (WG) which will intensively work alongside external experts during the process of the new National Plan design. WG will also be engaged in the validation workshops that will be used for presenting findings and for upgrading of the draft of the document. MISA will also select representatives from other ministries who will be the main source of primary information and draft document validation.

The presentation to the Minister of the final Draft of the National Plan will be realized as well. The National Plan will also include the plan for managing, monitoring, and evaluation of the results of its implementation. This plan will identify mechanisms for collecting all necessary documents and data needed for monitoring and evaluation and will define the roles in the monitoring process.

As MISA needs additional expertise and technical assistance to develop section of the National Plan that relates to legal and regulatory aspect, ReSPA is seeking **Senior Legal Expert** to provide needed expertise and technical support to MISA.

² Monitoring Report 2021, North Macedonia, OECD/SIGMA
<https://www.sigmaweb.org/publications/Monitoring-Report-2021-Republic-of-North-Macedonia.pdf>

3. Tasks and responsibilities

Senior Legal Expert

The **Senior Legal Expert** will be responsible for the implementation of all the tasks related to the preparation and actual drafting of the input document related to legislative and regulatory aspects to the National Plan. One consolidated input document will be provided by Senior Legal Expert to the Senior Quality Management Expert upon the completion of the tasks related to this assignment.

More specifically, the Senior Legal Expert will:

1. Get familiar with Strategic documents of MISA,
2. Support the process of Methodology design by adding the legal and regulatory framework perspectives,
3. Conduct semi-structured interviews with representatives of the institutions or other entities as defined in the Methodology, who will be relevant interlocutors for the legal and regulatory aspect.
4. Prepare and conduct session (s) at the Introductory workshop, organized by the Ministry with targeted audience, which will cover exclusively legislative issues of the envisaged National Plan.
5. Prepare/draft the document which will be used as the input into the National Plan that refers exclusively to legal and regulatory aspects, with set of proposals for the revision and/or upgrade of the existing legal framework (if applicable and appropriate).
6. Prepare and conduct session (s) at the Validation workshop, organized by the Ministry with targeted audience, present the draft of the document prepared (under point 5.), collect the comments and incorporate them into the draft document to be used as the input into the National Plan related to legal and regulatory aspect only.
7. Provide to the Senior Quality Management Expert the final document which will be used as the input into the National Plan, which relates to legislative and regulatory aspects in the final consolidated National Plan.
8. Prepare the report for ReSPA with the recommendation.

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

The expert shall closely cooperate with the responsible officials of MISA. MISA will, through Working Group, provide the expert with all necessary information and logistic support when needed. 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.

4. Necessary Qualifications

Senior Legal Expert shall possess the following profile:

Qualifications and skills:

- At least BSc in Law or related;

General professional experience:

- Proven professional experience of 10 years in working with public administration authorities and international organizations in the Western Balkans in domain of Public Administration Reform;

Specific professional experience:

- Professional experience of at least 7 years in strategic documents development with the emphasis on legal and regulatory framework for international organizations, or non-profits;
- Professional experience of at least 5 years in facilitating training sessions, workshops or similar events;

Skills:

- Excellent computer skills (MS Word, Excel and PowerPoint);
- High proficiency in English;
- Excellent communication skills
- Highly developed drafting, editing and reporting skills;
- Demonstrated ability to write policy documents;
- Ability to analyze complex information and convey clear messages;
- Excellent presentation skills;;
- Excellent moderation skills
- Teamwork skills;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

5. Timing and Location

The assignment foresees work from home/office and on the site at two workshops in Skopje, North Macedonia, unless online modality of workshops are proposed by MISA. The assignment will be performed, tentatively, from **June to October 2022**.

6. Remunerations

The assignment foresees **up to 13 working days (13)** for preparations, support to the development of the Methodology, conducting of semi structured interviews, preparations of the session(s) for each of two workshop, incorporation of the comments after the Validation workshop, preparation of the final document related to legal and regulatory aspect of the National Plan, preparation of the report with recommendations for ReSPA.

The assignment shall be (tentatively) organised as following:

	Tasks	Deliverables/outputs	No. of days
1.	Get basic familiarity with Strategic documents of MISA with the emphasis on legal and regulatory framework	Familiarity with provided documents	0,5

2.	Support the process of Methodology design by adding of legal and regulatory framework perspectives.	Methodology for the analysis designed with the emphasis on legal and regulatory framework	1
3.	Online semi structured interviews with selected target audiences (instructions obtained from the Ministry) with the emphasis on legal and regulatory framework	Brief report (up to one pages) on needs assessment related to MISA with the emphasis on legal and regulatory framework	3
4.	Workshop(s) with selected target audiences (the audiences will be selected by MISA and MISA will decide whether to organize the events in person or online) prepared with the emphasis on legal and regulatory framework	At least two workshops prepared (introductory and validation workshop) with the emphasis on legal and regulatory framework	2
5.	Preparation of inputs referring to legal and regulatory aspects for the National Plan (2023-2025) for Quality Management in the public Sector of North Macedonia with set of proposals for the revision and upgrade of the existing legal framework (if applicable and appropriate).	Inputs referring to legal and regulatory aspects integrated in the Draft National Plan (2023-2025) for Quality Management in the public Sector of North Macedonia designed	2
6.	Upgrade of the document based on the inputs received during the validation workshop from the legal and regulatory point of view	Inputs referring to legal and regulatory aspects integrated in the final Draft of National Plan (2023-2025) for Quality Management in the public Sector of North Macedonia prepared	2,5
7.	Providing inputs related legislative and regulatory aspects for the Final report	Final report prepared	1
8.	Preparation of the report for ReSPA	Report for ReSPA prepared	1
	Total number of days		13

The payment will be done in one instalment upon completion of the assignment. The final product will be subject to approval from the MISA as the beneficiary institution and 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.

7. Reporting and Final Documentation

The expert will be requested to deliver the following documents before the payment is conducted:

Outputs:

- The final draft of the Document which will contain legal and regulatory aspect for the envisaged National Plan that have been given to and accepted by Senior QM Expert.
- Presence list of attendees at two workshops organized;
- One final report in English on the implementation of the assignment indicating key challenges, lessons learnt and relevant recommendations for future work of ReSPA and beneficiary institution in this area.

Documents required for payment:

- Invoice (original and signed);
- Timesheets (original and signed);
- Final report in English (see third bullet-point above), no later than 15 days after the completion of the Assignment. The report will be subject of approval by ReSPA as contracting authority.