



PROCUREMENT NOTICE

Assignment Name: Analysis of legal framework related to prevention of corruption and conflict of interest of civil servants in the Republic of Serbia – National Expert

Reference Number: 16037/2

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 a national expert for preparation of an *Analysis of legal framework related to the prevention of corruption and conflict of interest of civil servants in the Republic of Serbia*.

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 April - May 2017.

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

1.5 **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 professional experience in preparation of legal analysis,
- Length of professional experience in providing expert's assistance in the area of anti-corruption.

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 submitted in electronic format by e-mail to the following address: procurement@respaweb.eu by 21 April 2017 before Midnight. Late submissions will not be considered for evaluation. The application should contain in the e-mail title the following reference number 16037/2.

Public servants of 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 done 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 ReSPA can 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. Duško Glodić, Programme Manager (Legal) via e-mail: d.glodic@respaweb.eu .

Any request for clarification must be sent by standard electronic communication to the above e-mail address.

Terms of Reference

Request for Services – National Expert for preparation of an Analysis of legal framework related to prevention of corruption and conflict of interest of civil servants in the Republic of Serbia

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'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). This Terms of Reference (ToR) refers to the request submitted to ReSPA by the Ministry of Public Administration and Local Self-Government of Serbia, requiring the **experts' assistance in development of the analysis of the existing legal framework that regulates conflict of interest of civil servants with specific recommendations on the areas of enhancement of legal framework and proposal of the efficient monitoring mechanism.**

Description of Assignment

In the Republic of Serbia, there is a solid legal framework that regulates the issue of prevention of conflicts of interest of civil servants. However, the relevant analysis concerning the current implementation of the legal framework that regulates this area have not been made yet. The Action Plan for the implementation of Negotiating Chapter 23 foresees preparation of such an analysis/feasibility study. This analysis should provide the answer whether the existing legal framework is in line with the current EU standards and the negotiating platform for Chapter 23, as well as with the recognized international standards governing this area. The analysis should as well provide the answer in which area it is necessary to improve the legal framework regulating the prevention of conflict of interest of civil servants, how to improve the monitoring process and whether there are any legal gaps. This analysis will serve as a basis for a possible amendment of the above mentioned legislative framework.

The Action Plan for the implementation of Negotiating Chapter 23, 2.2. PREVENTION OF CORRUPTION, 2.2.3.4, Conduct a feasibility study on regulation of the legal framework on prevention of conflicts of interest regarding civil servants. Also, the clause 2.2.3.5 foresees activity to normatively regulate the prevention of conflict of interest of civil servants based on the results from the analysis/feasibility study. Moreover, the Action plan for the Implementation of the National Anti-corruption Strategy in the Republic of Serbia for the period 2013-2018 clause 4.10.1 foresees adoption of the regulation on the prevention of the conflict of interest base on the results of analysis/feasibility study.

Therefore, ReSPA seeks to engage a team of two experts, consisting of one international and one national expert, to work jointly and prepare the above mentioned analysis for the needs of the Ministry of Public Administration and Local Self-Government of Serbia.

Tasks and Responsibilities

ReSPA seeks a national expert to conduct the following tasks:

- Briefing meetings with representatives of the Ministry of Public Administration and Local Self – Government;
- Preparation/ readying/analysis;

- Consultation with relevant stakeholders;
- Draft analysis/development;
- Consultations on draft/ comments;
- Presentation of draft analysis feasibility study to the Ministry;
- Finalization of analysis and fine tuning;
- Delivering of analysis, preparation of the final report for ReSPA and Ministry;
- Cooperate with the international expert engaged for this assignment and agree with the international expert on concrete tasks to be performed within the assignment;
- Provision of insight into national anti-corruption systems and practices in Serbia;
- Liaise with responsible ReSPA staff, as well as the representatives of the Ministry of Public Administration and Local Self – Government in regard to the assignment. The assignment shall be performed by a team of two experts.

The **deliverables** of the assignment is the analysis of legal framework related to the prevention of corruption and conflict of interest of civil servants in Serbia. The analysis has to contain specific recommendations on areas of enhancement of legal framework and a proposal on efficient monitoring mechanism.

Upon completion of the assignment, the experts shall submit the final report that will be subject of approval by ReSPA before the payment of honoraria is executed.

Necessary Qualifications, Experience and Skills

The Expert shall possess the following qualifications, experience and skills:

Qualifications:

- University degree in Law, Political sciences, Social sciences or other relevant field,

General professional experience:

- At least 10 years of professional experience within public administration or international organisations,

Specific professional experience:

- At least 3 years of experience in the field of fight against corruption,
- Knowledge and experience in Serbia in relation to the fight against corruption,
- Experience in preparation of analysis of legal acts and/or legal drafting,
- Provision of expert's assistance in relation to the EU integration process.

Skills:

- Team work;
- Analytical skills;
- Excellent written and oral communication skills in English;
- Ability to work with people of different nationalities, religions and cultural backgrounds

Timing and Location

The assignment foresees work from home and on the site – the Ministry of Public Administration and Local Self-government of Serbia, Belgrade, Serbia. The assignment will be performed during April - May 2017. The analysis should be delivered by the end of May 2017, if not otherwise agreed between the experts and ReSPA.

Remunerations

The expert will be compensated on the basis of daily fee. The assignment foresees up to 10 expert days for one expert.

The actual daily fee shall be determined based on the expert's experience within maximum rate allocated for this activity and following the profiling performed in accordance with ReSPA rules. The payment will be done in one instalment, following the submission of required outputs and the approval of final report by ReSPA. If the assignments requires experts to travel to Belgrade, Serbia, from their place of residence, ReSPA will cover international round travel and provide per diems for days on mission.

Reporting and Final Documentation

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

Deliverables

- Analysis of the existing legal framework that regulates conflict of interest of civil servants in the Republic of Serbia;
- Specific recommendations on the areas of enhancement of the legal framework;
- Proposals of efficient monitoring mechanism.

Documents required for payment

- Final report on the performed assignment;
- Invoices (original and signed);
- *Timesheets* (original and signed)
- *Invoices* (original and signed)
- *Boarding passes, if applicable* (original)

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

Mrs. Vanja Ivanović
Programme Assistant
Regional School of Public Administration - ReSPA
Branelovica, 81410 Danilovgrad, Montenegro
v.ivanovic@respaweb.eu