

Open Call for Consultancy Services - International Lawyer

Reference Number: 023-017

Terms of Reference:	International Lawyer
Contracting Authority:	RCC Secretariat
Starting Date:	10 September 2017
Reporting to:	RCC Secretariat
Duration:	10 September – 20 December 2017 (30 working days)
Application Deadline:	3 September 2017
Reference Number:	023-017

I BACKGROUND

Purpose

The purpose of the assignment is to support the implementation of the South East Europe 2020 Strategy (hereinafter: SEE 2020) by supporting the work of the Joint Working Group on Mutual Recognition of Professional Qualifications (hereinafter: JWG MRPQ).

The purpose of the assignment is to (1) prepare a Draft International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers for discussion of the JWG MRPQ and (2) provide legal advice and guidance to the members of the JWG MRPQ at their next meeting on the prepared Draft International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers.

Background information

In accordance with the goals and priorities stipulated by the SEE 2020 Strategy (hereinafter: SEE 2020), and in light of the multi-dimensional approach required to achieve the recognition of professional qualifications and the facilitated movement of labour, three SEE 2020 Dimension Coordinators – Central European Free Trade Agreement Structures (CEFTA), Education Reform Initiative of South Eastern Europe (ERISEE) and the Social Agenda Working Group (SAWG) formed a Joint Working Group on Mutual Recognition of Professional Qualifications (JWGMRPQ) which operates under the auspices of the Regional Cooperation Council (RCC).

The JWGMRPQ adopted its terms of reference at the meeting held in Sarajevo on 25th September 2015.

The agreed overall objectives of the JWGMRPQ are to:

- Enhance the intraregional trade in services by reducing and eliminating the barriers to free movement of experts and professionals across the region. The non-recognised qualifications in a number of professions are seen as impediments to the free temporary movement of natural persons within the context of GATS on which rules CEFTA relies, thus having negative impact on boosting the trade amongst CEFTA Parties.
- Facilitate recognition of professional qualifications in CEFTA Parties in the priority sectors defined by the JWGMRPQ.
- Encourage overall labour mobility, as one of the priorities of the SEE 2020 Strategy and a contributor to job creation, better matching of skills with labour market needs and increased productivity.

To achieve these objectives the JWGMRPQ adopted a work programme for coordinated regional actions in the area of mutual recognition of professional qualifications, as one of the key enablers of facilitated movement of persons, for the period of two years (2015-2016).

Through its 6 meetings held between September 2015 and March 2017 the JWGMRPQ agreed on the scope and content of the Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers. Based on the agreed scope

and the content the next meeting of the JWG MRPQ should discuss a Draft legal text of the Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers to form a basis for government decision to open negotiations on the Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

The main objectives of the assignment are

- (1) to draft a legal text of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers (hereinafter: MRA) in line with the conclusions on the scope and content of the MRA as agreed by the JWG MRPQ and aligned with the recognition of professional qualifications model outlined in the EU Directive on Recognition of Professional Qualifications;
- (2) to provide advice, guidance and clarifications on the Draft MRA to the RCC Secretariat and the members of the JWG MRPQ.

The objectives will be developed in several stages.

The first stage will be to draft legal text of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers (hereinafter MRA) in line with the conclusions on the scope and content of the MRA as agreed by the JWG MRPQ and aligned with the recognition of professional qualifications model outlined in the EU Directive on Recognition of Professional Qualifications. To ensure that the drafting of the legal text is in line with the above mentioned requirements the engaged International Lawyer will meet with the RCC Secretariat for two working days in Sarajevo between **11th and 15th September 2017** for handover on the scope and content of the MRA.

Based on the agreed scope and content of the MRA, the draft legal text of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be prepared in close consultation with the RCC Secretariat by **25 September 2017**.

The International Lawyer will attend a one-day meeting of the JWG MRPQ on **17 October 2017** (date to be confirmed) to provide advice, guidance and clarifications on the Draft MRA to the members of the JWG MRPQ.

Based on the comments received from the members of the JWG MRPQ the second draft of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be finalised by **25 October 2017**.

Tasks

- 2-day working meeting with the RCC Secretariat between 11th and 15th September 2017 in Sarajevo.
- Draft legal text of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be prepared in close consultation with the RCC Secretariat by **25 September 2017**.
- Attend a one-day meeting of the JWG MRPQ on **17 October 2017** (date to be confirmed) to provide advice, guidance and clarifications on the Draft MRA to the members of the JWG MRPQ.
- Prepare the second draft of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers and finalise it by **25 October 2017** based on the comments received from the members of the JWG MRPQ;

The envisioned level of effort is set at a maximum of 30 days of expert/s input.

The International Lawyer will report to the Senior Expert on Smart Growth at the Regional Cooperation Council.

Deliverables

- First Draft of the legal text of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be prepared in close consultation with the RCC Secretariat by **25 September 2017**;
- Second Draft of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be finalised by **25 October 2017** based on the comments received from the members of the JWG MRPQ;
- Attendance of a preparatory 2-day meeting between 11th and 15th September 2017 in Sarajevo and meeting of the JWG MRPQ on **17 October 2017** (date to be confirmed) to provide advice, guidance and clarifications on the Draft MRA to the members of the JWG MRPQ.

Timeframe

The total duration of the engagement will be four months, starting on 10 September 2017 and finishing by 20 December 2017.

DELIVERABLE	DEADLINE
<ul style="list-style-type: none"> • Attendance of a 2-day preparatory 2 meeting with RCC Secretariat in Sarajevo 	Between 11th and 15th September 2017
<ul style="list-style-type: none"> • First Draft of the legal text of the International Mutual Recognition 	25 September 2017

Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers	
<ul style="list-style-type: none"> Attendance of a meeting of the JWG MRPQ 	17 October 2017
<ul style="list-style-type: none"> Second Draft of the International Mutual Recognition Agreement on Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers 	25 October 2017

III COMPETENCIES

RCC is looking for an International Lawyer with advance qualifications in International Law, in-depth understanding of international, inter-governmental legal agreements and experience in drafting legal texts of international agreements between governments. Experience in working with and in the Western Balkan economies will be considered an advantage.

Qualifications

Education:	<ul style="list-style-type: none"> University degree in International Law.
Experience:	<p>Qualifications required</p> <ul style="list-style-type: none"> Minimum of 7 years of experience in similar tasks, specifically in drafting legal texts of international agreements between governments and a proven in-depth understanding of all legal aspects of international, multilateral, inter-governmental legal agreements;

	<ul style="list-style-type: none"> ▪ Experience of working in more than one economy in SEE will be considered an asset; ▪ Proven communication and presentation skills and ability to work and provide clarifications, advice and guidance on legal aspects of international agreements in an environment requiring liaison and collaboration with multiple actors including government representatives, businesses, international organisations, civil society institutions and other stakeholders.
Language requirements:	<ul style="list-style-type: none"> ▪ Fluency in English, as the official language of the RCC; ▪ Knowledge of other RCC languages is an advantage.
Other:	<ul style="list-style-type: none"> ▪ Familiar with MS Office applications.

Core competencies

- Demonstrates professional competence to meet responsibilities and post requirements and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Results-orientation: Plans and produces quality results to meet established goals, generates innovative and practical solutions to challenging situations;
- Communication: Excellent communication skills, including the ability to convey complex concepts and recommendations in a clear and persuasive style tailored to match different audiences;
- Team work: Ability to interact, establish and maintain effective working relations with a culturally diverse team; and
- Client orientation: Ability to establish and maintain productive partnerships with regional and national partners and stakeholders and pro-activeness in identifying the needs of beneficiaries and partners, as well as matching them to appropriate solutions.

Core values

- Demonstrates integrity and fairness by modelling RCC values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

IV QUALITY CONTROL

The expert should ensure an internal quality control during the implementing and reporting phase of the assignment. The quality control should ensure that the draft reports comply with the above requirements and meet adequate quality standards before sending them to stakeholders for comments. The quality control should ensure consistency and coherence between findings, conclusions and recommendations. It should also ensure that findings reported are duly substantiated and that conclusions are supported by relevant judgment criteria.

The views expressed in the report will be those of the contractor and will not necessarily reflect those of the Regional Cooperation Council. Therefore, a standard disclaimer reflecting this will be included in the report. In this regard, the expert may or may not accept comments and/or proposals for changes received during the above consultation process. However, when comments/proposals for changes are not agreed by the expert, he/she should clearly explain the reasons for his/her final decision in a comments table.

Quality control by the Regional Cooperation Council

The consultant's outputs shall undergo two external reviews. The first draft shall be reviewed in parallel by all relevant stakeholders, including the representatives of the dimension coordinators and the Regional Cooperation Council.

The final (second) draft shall be reviewed by the Regional Cooperation Council taking account of the comments made by the different stakeholders and how the experts have handled these comments. The approved final report will be subject to a quality assessment by SEE 2020 Strategy Coordination Unit of the Regional Cooperation Council, upon whose endorsement the report would be distributed and made public.

APPLICATION RULES

- Qualified candidates are invited to send an application via e-mail to ProcurementforRCC@rcc.int no later than 3 September by 24:00 Central European Time;
- The assignment will be awarded to the highest qualified applicant based on the skills, expertise, and the quality of the concept note and the cost-effectiveness of the financial offer;
- The best value for money is established by weighing technical quality against price on a 80/20 basis;
- Only shortlisted candidates will be contacted for the competency based interview.

The application needs to contain the following:

- Letter of interest;
- CV(s) including relevant knowledge and experience;
- Reference list including contact details (e-mail addresses) of referees;
- An outline work programme of a maximum of 3 pages that the applicant is applying for that will describe the main issues, sources of information to be used, timeline and research tools to be employed by the consultant.
- Application Submission Form, Annex 1;
- Financial offer;

VI EVALUATION AND SELECTION

The application is evaluated on the basis of the profile and competencies of the candidate and the responsiveness to the Terms of Reference (ToR).

1. Profile and Competencies;
2. An outline program;
3. Financial evaluation based on Annex II;

The best value for money is established by weighing technical quality against price on a 80/20 basis.

Technical Evaluation

EVALUATION GRID	Maximum score
Education	25
Qualifications and Skills Required	25
Brief Concept Note	25
Language and computer skills	25
TOTAL SCORE	100

In addition to the results of the application, a competencies based interview will be held with the selected candidates.

Financial Evaluation

Financial Proposal/ cheapest price has maximum score	100
---	------------

ANNEX I: APPLICATION SUBMISSION FORM

REF: 023-017 Open Call for Consultancy Services

One signed copy of this Application Submission Form must be supplied.

1 SUBMITTED by:

Name	
Surname	
Address	
Telephone	
Fax	
e-mail	

3 **DECLARATION**

[Name] _____ hereby declares that we have examined and accepted without reserve or restriction the entire contents of the Open Call for Consultancy 023/017.

And we are not in one of the following situations:

- (a) Bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) Have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;

- (c) Have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- (d) Have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Contracting Authority or those of the country where the contract is to be performed;
- (e) Have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity.
- (f) Are civil servants or other agents of the public administration of the RCC Participants, regardless of the administrative situation, excluding us from being recruited as experts in contracts financed by the RCC Secretariat.

We offer to provide the services requested in the open call for consultancy on the basis of supplied documentation subject of this call, which comprise our technical offer and our financial offer.

Name and Surname	
Signature	
Date	

ANNEX II: BUDGET BREAKDOWN

REF: 023-017

No	Cost categories	Number of units	Unit Cost	Total Cost
	1. Daily fee			
	2. TOTAL COSTS			
	3. Taxes (if applicable)			
	GRAND TOTAL (2+3):			

NOTE:

When preparing the financial offer, the applicant should take into account the following:

- Include the number of proposed working days and daily fee rate for consulting services, the fee rates should be broadly consistent with the EU framework rates for these types of professional services.
- Travel costs are not subject of the financial offer and shall be treated separately.