



Open Call for Consultancy Services

Reference Number: 008-017

Terms of Reference: **Expert on Public Consultations on Draft Legislation and Public Policy Documents**

Contracting Authority: **Regional Cooperation Council Secretariat**

Starting Date: 1 April 2017

Reporting to: RCC Secretariat/Expert on Governance for Growth

Duration: **1 April 2017 – 30 November 2017 (24 working days)**

Application Deadline: 28 March 2017

BACKGROUND

Purpose

The purpose of the assignment is to support the implementation of the South East Europe 2020 Strategy (hereinafter SEE2020) in the area of Effective Public Services, by supporting the work of the Regional Cooperation Council (RCC) Secretariat on Upgrading Policy and Regulatory Capacities of the relevant national authorities from Albania, Bosnia and Herzegovina, The Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro and Serbia.

The RCC Secretariat, in partnership with the Regional School of Public Administration (ReSPA), aims at codifying the best practices in the field of public consultations on draft legislation and public policy documents in order to encourage and assist governments to design policies and

* This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence.

legislation in an inclusive manner, enabling an active participation of society (including non-governmental organisations, private sector and advisory bodies).

The main objective of the assignment is to produce Western Balkans Recommendations, which would clearly lay down the processes, methods and tools that are recommendable to use in order to enable a genuine dialogue with those likely to be affected by the policy changes. The document will serve as both a practical guide on how to efficiently organise public consultations and a solid source for governments in Western Balkans when upgrading their public consultations legal procedures.

Background information

The principles of good governance involve compliance with transparency in the development and adoption of regulatory acts, which is why the SEE2020 foresees upgrading policy and regulatory capacities as a key measure to ensure governance for growth. Along the same lines, the active participation of society in designing policies and regulations is included in the list of principles that define what good governance entails, developed by SIGMA/OECD*, making it a requirement to be followed by governments during the EU integration process.

Even if the legislation in the region has the necessary legal and institutional preconditions for ensuring the transparent and participative nature of decision making, it is still selectively applied and results show a weak public trust in state institutions. Governments often push laws under an urgent procedure, often skipping or drastically reducing public consultation, under the guise of EU accession needs. These conclusions were presented in the ReSPA Baseline Analyses on Better Regulation in Western Balkans, but can also be found in other reviews. Furthermore, according to a regional survey[†], the SEE private sector would like to be much more involved in the process of drafting new laws and regulations relevant for business as they are mostly not satisfied with the current situation. Importance of better regulations for competitiveness and job creation, sustainable development and overall good governance was recognised by ministers of economies of the Western Balkans at the Ministerial Conference organised in Becici on 9 December 2015.

* <http://www.sigmaweb.org/publications/principles-public-administration.htm>

† Balkan Barometer 2016, Business Opinion Survey, RCC, page 60

In order to address this situation, the RCC, in partnership with ReSPA, will support development of the Regional Recommendations to serve three goals: identify and present the best practices in the field of public consultations; guide the responsible authorities on how to set up an efficient process of public consultations; present modalities to attract the interest of business associations and civil society to be involved in decision-making. The draft document will be consulted in two rounds with the relevant professionals/senior public servants from Western Balkans, adopted/endorsed by the ReSPA Annual Conference in autumn of 2017, and serve as basis for peer review missions to be conducted in 2018 – 2019.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

The purpose of the assignment is to assist the RCC Secretariat in implementing activities related to upgrading policy and regulatory capacities, as a key measure of the SEE2020 in the field of Effective Public Services, by developing the Western Balkans Recommendations on conducting public consultations on draft legislation and public policy documents.

The outline of the document, reviewed by the RCC Secretariat, will be consulted within two workshops organised by RCC/ReSPA/SIGMA in June 2017 with targeted public servants at national level from the Western Balkan economies, where more inputs for the draft Recommendations will be collected. The draft Recommendations will be consulted within the ReSPA regional Working Group on Better Regulations, to be organised in September 2017. The final document will be proposed for adoption/endorsement at the Annual Conference of ReSPA to be held in autumn of 2017.

The Western Balkan Recommendations on Conducting Public Consultations on Draft Legislation and Public Policy Documents has to outline, through the best practices, the following:

- 1) Purposes of public consultations, with an emphasis on benefits of public consultations;
- 2) Alignment of public consultations with regulatory impact assessment;
- 3) Scope and coverage of the foreseen procedures in terms of both objectives (regulations to be consulted) and subjects (who will be consulted) of public consultations;

- 4) Tools and procedures to make the public consultations as attractive as possible, engaging in a genuine dialogue with the interested stakeholders;
- 5) Tools and procedures to make public consultations effective and efficient, bearing in mind opportunities for commenting, involvement and timeframes;
- 6) Advantages of legislation implementation monitoring for public consultations;
- 7) Oversight by the government, but also by the public at large, of the public consultations policies enforcement by the regulatory bodies.

Tasks

- Conduct a desk research to better understand the public consultations regulations in place in Western Balkans economies (Albania, Bosnia and Herzegovina, The Former Yugoslav Republic of Macedonia, Montenegro, Kosovo*, Serbia) as well as existing deficiencies, using available information from ReSPA studies, SIGMA assessments and other sources.
- Conduct RCC facilitated consultations with ReSPA's focal points in the listed governments, USAID Mission in the respective economies (where a relevant national project exists), as well as SIGMA representatives.
- Produce the outline of the Recommendations and, in consultations with the RCC Secretariat, prepare it for discussions during the RCC/ReSPA/SIGMA events in June 2017.
- Present the outline to participants of the RCC/ReSPA/SIGMA events in June with the purpose of collecting feedback.
- Develop the document as per comments which will be received after RCC/ReSPA/SIGMA events in June and, in consultations with the RCC Secretariat, prepare the draft Recommendations for deliberation during the Meeting of ReSPA Working Group on Better Regulations to be organised in September 2017.
- Address the comments received after the Meeting of ReSPA regional Working Group on Better Regulations and, in consultations with the RCC Secretariat, prepare the final draft for adoption/endorsement by the Annual Conference of ReSPA in autumn of 2017.

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- Assist the RCC Secretariat in preparing the programmatic aspect of the session dedicated to public consultations of the Annual Conference of ReSPA, participate at the session, and adjust the final document in case other interventions to the final document are needed.
- Finalise the Recommendations so as to have them in a publishable quality in English language.

The envisioned level of effort is set at a maximum of 24 days of expert’s input with four trips within the region.

The Expert will report to the Expert on Governance for Growth at the Regional Cooperation Council.

Deliverables

- Outline of the Recommendations delivered to the RCC Secretariat by 15 May 2017 for approval;
- Presentation of the outline at two events in June 2017;
- Draft Recommendations, with collected inputs incorporated, delivered to the RCC Secretariat by 16 July 2017 for approval;
- Presentation of the draft Recommendations at the Meeting of ReSPA regional Working Group on Better Regulations in September 2017 in Sarajevo;
- Final draft Recommendations delivered to the RCC Secretariat for approval, with the collected inputs incorporated, in ten days after the Meeting of ReSPA Working Group on Better Regulations;
- Presentation at the ReSPA Annual Conference in the autumn of 2017.

Timeframe

The total duration of the engagement will be nine months, starting on 1 April 2017 and finishing by 30 November 2017.

DELIVERABLE	DEADLINE
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• Outline of the Recommendations	27 May 2017
• Draft Recommendations	30 July 2017
• Final Recommendations	30 November 2017

III COMPETENCIES

RCC is looking for an Expert with strong background in transparency in decision-making process, experience and understanding of national and EU regulation on public consultations on draft policies and legislation. The Expert, or a Team of Experts, needs to demonstrate knowledge of best practices and EU standards on the matter, as well as experience in Western Balkans in relation to Better Regulation.

Qualifications

Education:	<ul style="list-style-type: none"> ▪ Advanced degree in a closely related field of expertise
Experience:	<p>Qualifications required</p> <ul style="list-style-type: none"> ▪ Minimum of 7 years of relevant experience; ▪ Proven record of knowledge and expertise in the area of public consultations on policies and regulations; ▪ Experience in similar tasks; ▪ Proven experience in working for regional/international organisations/projects in Western Balkans; ▪ Demonstrable drafting skills for theoretical publications and practical tools/guides or legal instruments; ▪ Proven analytical skills and ability to conceptualise and write concisely and clearly;

	<ul style="list-style-type: none"> ▪ Proven communication and presentation skills and ability to work in an environment requiring liaison and collaboration with multiple actors including government representatives, international organisations, 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"> ▪ Advanced computer literacy, familiarity 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 documents 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 draft Recommendations 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, with the exception of the compliance with the RCC rules and practices on naming. 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 expert outputs shall undergo two external reviews. The first and second drafts shall be reviewed in parallel by all relevant stakeholders, including the representatives of the Dimension Coordinator(s) and the Regional Cooperation Council.

The final draft shall be reviewed by the Regional Cooperation Council taking account of the comments made by the different stakeholders and how the expert has 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. Therefore, the final report should be of a publishable quality.

V APPLICATION RULES

Qualified candidates are invited to send an application via e-mail to ProcurementforRCC@rcc.int no later than: **28 March 2017, at 17.00** Central European Time.

The consultancy 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.

Only short listed candidates will be contacted.

The application needs to contain the following:

- Letter of interest for the assignment;
- CV(s) including information on relevant knowledge and experience, as well as a list of publications if applicable;
- Reference list including contact details (e-mail addresses) of referees;
- An outline work programme of a maximum of 3 pages describing the main issues, a possible structure of the document, sources of information to be used, research tools to be employed by the expert;
- Application Submission Form, Annex 1;
- Financial offer.

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

- The proposed budget should include daily fee rate for consulting services; the fee rates should be broadly consistent with the EU framework rates for these types of professional services.

ANNEX I:**APPLICATION SUBMISSION FORM****REF: 008-017 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 008-017.

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: 008-017

No	Cost categories	Daily fee rate	Total Cost
2	TOTAL COSTS		
3	VAT (if applicable):		
	GRAND TOTAL (2+3):		

NOTE:

Proposed daily fee rate for consulting services should be broadly consistent with the EU framework rates for these types of professional services.