



Open Call for Consultancy Services

Reference Number: 033-018

Terms of Reference:	Expert on Public Participation
Contracting Authority:	Regional Cooperation Council Secretariat
Starting Date:	1 August 2018
Reporting to:	RCC Secretariat / Expert on Governance for Growth
Duration:	1 August 2018 – 31 December 2018 (25 working days)
Application Deadline:	9 July 2018
Eligible:	Individual consultant

I. 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, Kosovo*, Montenegro, Serbia and The Former Yugoslav Republic of Macedonia.

The RCC Secretariat, in partnership with the Regional School of Public Administration (ReSPA), developed the Western Balkans Recommendation on Public Participation (the Recommendation) (<https://www.rcc.int/docs/402/western-balkans-recommendations-on-public-participation>), which set up the regional standards by codifying the best practices in the field of

* 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.

public participation on draft legislation and public policy documents. Its purpose is to streamline the efforts of governments to design policies and legislation in an inclusive manner, enabling an active participation of society (including non-governmental organisations, private sector and advisory bodies) at an early stage of decision-making process. To sustain the Recommendation's implementation on the ground, the RCC in partnership with ReSPA will follow up with organisation of peer missions, at the same time putting an effort to raise awareness of both public and civil servants on importance of getting citizens involved.

The main objective of the assignment is to assist practitioners participating in peer missions to advance public participation practices in accordance with the RCC Methodology for Peer Missions on Public Participation.

Background information

The principles of good governance involve compliance with transparency in the development and adoption of regulatory acts. Decisions prepared and adopted in a transparent and participative manner enjoy the support of the society and are more likely to serve public interest. For this reason, the SEE2020 foresees upgrading policy and regulatory capacities as a key measure to ensure governance for growth. Through its Governance for Growth Pillar, the SEE 2020 Strategy aims at strengthening the role of public opinion and civil society. Priorities within the Effective Public Services Dimension therefore include the need to gear policies towards citizens first and to professionalise the civil service by institutionalising transparency and access to information. 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. Public consultations on proposals are often conducted formalistically and too late in the process, not enabling all interested parties to provide timely and qualitative input. Governments often push laws under an urgent procedure, often skipping or drastically reducing public consultation, under the guise of EU accession needs. In some economies, the quality and effectiveness of public consultations has

not yet become an integral part of the policy development process. These conclusions are drawn by SIGMA and also by ReSPA in the Baseline Analyses on Better Regulation in Western Balkans.

In order to address this situation, the RCC, in partnership with ReSPA, developed the Western Balkans Recommendation on Public Participation. The Recommendation lays down the key rules for effective public participation, providing guidance for organising public participation in each stage of the policy-making cycle. The document was developed with broad inclusion of national authorities and international actors, getting its final endorsement by the ministers in charge of public participation at the ReSPA Governing Board at ministerial level on 6 November 2017.

Furthermore, the RCC developed the Methodology on Peer Missions on Public Participation to sustain efforts to adequately address the Western Balkans Recommendation on Public Participation. In accordance with the Methodology, peer missions are set as a mutual learning process about approaches to public participation. They shall focus on the exchange of experiences, identification of best practices and analysis of a certain aspects in need of improvement. Thus, they primarily aim at addressing acknowledged challenges and, through in-depth discussions, searching for solutions and measures that may further strengthen and foster public participation processes in a given jurisdiction. Secondly, the peer missions are directed to accommodate identified best practices as inputs for strengthening public participation across the region. Finally, the missions would focus on practically addressing the challenges that the jurisdictions face when implementing consultation processes.

II. Description of Responsibilities

Objectives and scope of the assignment

The purpose of the assignment is to assist the RCC Secretariat in pursuing the implementation of the Western Balkans Recommendation on Public Participation through addressing public participation approaches in need of improvement, as foreseen in the Methodology on Peer Missions on Public Participation. The expert will have a prominent role in carrying out peer missions with the scope of enhancing implementation of the regional standards by relevant national institutions. The missions will be facilitated by the RCC and ReSPA, and will include practitioners coming from competent authorities of Western Balkans economies. The

expert will also have the leading role in enabling tailored peer learning about approaches to public participation, by compiling the list of potential aspects of public participation, as incorporated in the Recommendation, which can be of administration's interest to improve. He/she will also be responsible for finalisation of the final report on the peer mission. To complete these objectives, the following tasks will be assigned.

Tasks

- Prior to a peer mission, conduct a desk research with the purpose to compile a list of potential aspects, as incorporated in the Recommendation on Public Participation, which can be of administration's interest to improve;
- Participate in the preparatory work, including in identifying the best practices matching the aspect in need of improvement, drafting the agenda of the mission and proposing the roadmap for the mission;
- Substantially contribute to the discussions, sharing best practices, identifying solutions and providing concrete support and advice regarding the public participation approach selected as the topic(s) of the mission;
- Prepare the report on the on-site visit, requesting inputs from all participants of peer mission.

The envisioned level of effort is set at a maximum of 25 days of expert's input with 2 trips within the region.

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

Deliverables

- 2 lists of aspects in need of improvement as incorporated in the Western Balkans Recommendation on Public Participation;
- 2 mission reports compiling description of each of the missions, discussions, main findings and recommendations delivered.

Timeframe

The total duration of the engagement will be 5 months, starting on 1st August 2018 and finishing by 31st December 2018.

DELIVERABLE	DEADLINE
First list of potential aspects on public participation to be addressed during the first mission and the mission report	31 October 2018
Second list of potential aspects on public participation to be addressed during the second mission and the mission report	31 December 2018

III COMPETENCIES

RCC is looking for an Expert with strong background in public participation, experience and understanding of national and EU regulations and practices on public participation in decision-making. The Expert, or Team of Experts, needs to demonstrate knowledge of best practices and EU standards on the matter, as well as understanding of Western Balkans challenges on public participation.

Qualifications

Education:	<ul style="list-style-type: none">▪ Advanced degree in a closely related field of expertise
Experience:	Qualifications required <ul style="list-style-type: none">▪ Minimum of 7 years of relevant experience;▪ Proven record of knowledge and expertise in the area of public participation;▪ Experience in similar tasks conducted at regional level;▪ Proven experience in working for regional/international

	<p>organisations/projects in Western Balkans;</p> <ul style="list-style-type: none"> ▪ Knowledge of and experience with EU standards and practices on public participation; ▪ 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; ▪ 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, being 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. 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 mission reports will be those of the mission team 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 external review. The produced drafts shall be reviewed by the Regional Cooperation Council taking into account comments made by the different stakeholders and how the expert has handled those comments. The reports 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 **9 July 2018, by 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 programme of a maximum of 2 pages of a peer mission, and a possible structure of the mission report, indicating sources of information to be used and 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.
- Travel costs will be treated separately, paid or reimbursed by the RCC Secretariat based on actual costs.

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. Brief Concept Note
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	30
Experience (Qualifications and Skills Required)	30
An Outline Programme	30
Language Skills	10
TOTAL SCORE	100

In addition to the results of the application, a competency-based interview will be held with the selected candidate.

Financial Evaluation

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

Annex I

APPLICATION SUBMISSION FORM

Open Call for Consultancy Services:

Reference Number: 033/018

Title: Expert on Public Participation

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

1 SUBMITTED by:

Name(s) and address(es) of Individual Consultant submitting this Application	
Full Name of Individual Consultant/ Contractor	

2 CONTRACT INFORMATION

Name and Surname	
Address	
Telephone	
Fax	
e-mail	

3 STATEMENT

[Name of the Individual Consultant] _____ hereby declares that we have examined and accepted without reserve or restriction the entire contents of the Open Call for Experts, Grounds for Exclusions and Conflict of Interest as such:

Grounds for exclusion

Candidates or bidders will be excluded from participation in a procurement procedure if it is known that:

- (a) They are 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) They have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- (c) They have been guilty of grave professional misconduct proven by any means which the Contracting Officer can justify;
- (d) They 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 Officer or those of the country where the contract is to be performed;
- (e) They 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.

Contracts may not be awarded to candidates or bidders who, during the procurement procedure, are:

- (a) Subject to a conflict of interest;
- (b) Guilty of misrepresentation in supplying the information required by the Contracting Officer as a condition of participation in the contract procedure or fail to supply this information.

Conflict of Interest

- a) The Contractor shall take all necessary measures to prevent or end any situation that could compromise the impartial and objective performance of the contract. Such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest. Any conflict of interests which could arise during performance of the contract must be notified in writing to the Contracting Authority without delay.
- b) The Contracting Authority reserves the right to verify that such measures are adequate and may require additional measures to be taken if necessary. The Consultant shall ensure that its staff, including its management, is not placed in a situation which could give rise to conflict of interests. The Consultant shall replace, immediately and without compensation from the Contracting Authority, any member of its staff exposed to such a situation.

- c) The Contractor shall refrain from any contact which would compromise its independence or that of its personnel. If the Contractor fails to maintain such independence, the Contracting Authority may, without prejudice to compensation for any damage which it may have suffered on this account, terminate the contract forthwith.
- d) The Contractor shall, after the conclusion or termination of the contract, limit its role in connection with the project to the provision of the services. Except with the written permission of the Contracting Authority, the Contractor and any other contractor or supplier with whom the Contractor is associated or affiliated shall be disqualified from the execution of works, supplies or other services for the project in any capacity, including tendering for any part of the project.
- e) Civil servants and other agents of the public administration of the RCC Participants, regardless of their administrative situation, shall not be recruited as experts in contracts financed by the RCC Secretariat.
- f) The Contractor and anyone working under its authority or control in the performance of the contract or on any other activity shall be excluded from access to RCC Secretariat financing available under the same project unless they can prove to the Contracting Authority that the involvement in previous stages of the project does not constitute unfair competition.

We offer to provide the services requested in the Terms of Reference on the basis of supplied documentation subject to this Open Call for Consultancy Services, which comprise our technical offer, and our financial offer.

This Open Call for Consultancy Services is subject to acceptance within the validity period stipulated in the Terms of Reference.

Name	
Signature	
Date	

ANNEX II: BUDGET BREAKDOWN

REF: 033-018

No Cost categories	Daily fee rate	Total Cost
2 TOTAL COSTS		

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