



## **OPEN CALL FOR CONSULTING SERVICES**

<b>Terms of Reference:</b>	<b>International Lawyer</b>
<b>Contracting Authority:</b>	Regional Cooperation Council Secretariat
<b>Starting Date:</b>	7 November 2018
<b>Reporting to:</b>	RCC Secretariat / Senior Expert on Smart Growth
<b>Duration:</b>	7 November 2018 – 7 July 2019 (60 working days)
<b>Application Deadline:</b>	2 November 2018
<b>Eligible:</b>	Individual consultant
<b>Reference Number:</b>	048-018

### **I BACKGROUND**

#### **Purpose**

The purpose of the assignment is to support the implementation of the Multi-annual Action Plan on the Regional Economic Area (hereinafter: MAP) endorsed at the Leader's Summit in July 2017 in Trieste, Italy, as well as the implementation of the South East Europe 2020 Strategy (hereinafter: SEE 2020), by providing legal services during the negotiation process on the Agreement on Mutual Recognition of Professional Qualifications of Doctors of Medicine, Dentists, Architects and Civil Engineers (hereinafter: MRA).

The specific purpose of the assignment is the following: (1) prepare rules of procedure for negotiation process; (2) provide legal assistance for re-drafting the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers based on the negotiation process; (3) provide legal advice, guidance and

clarifications to the members of the negotiation teams and the RCC Secretariat on MRA at negotiation meetings and throughout the negotiations process.

### **Background information**

The leaders of the Western Balkans Six have recognised the importance of removing obstacles to recognition of professional qualifications under the Mobility pillar of the Multi-annual Action Plan on the Regional Economic Area (hereinafter: MAP). The actions on the recognition of professional qualifications outlined in the MAP build on the priorities outlined in the South East Europe 2020 Strategy and the work carried out by the joint CEFFTA, ERI SEE and RCC Working Group on Mutual Recognition of Professional Qualifications (hereinafter: JWG MRPQ).

At the last meeting of the JWG MRPQ held on 7<sup>th</sup> May 2018 the participants confirmed the text of the Recommendation on opening of negotiations on mutual recognition agreement of professional qualifications for doctors of medicine, dentists, architects and civil engineers. The Recommendation specifies the framework of the negotiations based on which the respective governments have already undertaken internal governmental procedure to adopt the negotiation platform and appoint the negotiation teams. Most of the governments completed their internal governmental procedures and appointed negotiating teams. Following the information on the appointment of the negotiating teams the RCC convened the first meeting of the lead negotiators on 8<sup>th</sup> October 2018 where agreement was reached on the negotiation dynamics plan by which subsequent meetings will be arranged.

## **II DESCRIPTION OF RESPONSIBILITIES**

### **Objectives and scope of the assignment**

The main objectives of the assignment are:

- (1) prepare rules of procedure for the negotiations process adopted by the members of the negotiation teams;
- (2) attend and provide legal advice, guidance and clarifications during the negotiation meetings on the draft MRA to the members of the negotiation teams in close cooperation with the RCC Secretariat;

- (3) re-drafting and finalisation of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers based on the emerged and agreed provisions from the negotiation process.

The objectives will be developed in several stages.

The first stage will involve preparation of the rules of procedure **by 12<sup>th</sup> November 2018**, which will be put forward for adoption by the members of the negotiation teams at their next meeting.

The second stage involves legal assistance which will be given for the re-drafting of the Draft Mutual Recognition Agreement of 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 negotiation teams and aligned with the recognition of professional qualifications model outlined in the EU Directive on Recognition of Professional Qualifications. In this case the Lawyer will attend all negotiation meetings **between November 2018 and June 2019** (exact dates to be confirmed) to provide advice, guidance and clarifications on the MRA to the members of the negotiation teams.

In addition, throughout the assignment legal advice will be provided to the negotiating teams in writing or verbally at their request and at the meetings of the negotiation teams, as well as to the RCC Secretariat.

### **Tasks**

- Prepare rules of procedure for negotiations in close cooperation with RCC Secretariat and in agreement with the negotiation teams by **12<sup>th</sup> November 2018**;
- Attend all required negotiation meetings from **November 2018 to June 2019** (dates to be confirmed) to provide legal advice, guidance and clarifications;
- Re-draft the legal text of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers based on the inputs from the negotiation meetings within 5 working days of each meeting and in close consultation with RCC Secretariat between November 2018 and June 2019;
- Provide legal advice to the negotiating teams and RCC Secretariat in writing or verbally at their request and at the meetings of the negotiation teams within 5 working

days of the request, as well as to the RCC Secretariat between November 2018 and June 2019.

The envisioned level of effort is set at a maximum of 60 days of expert/s input.

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

### **Deliverables**

- Preparation and finalisation of the rules of procedure for negotiations in close cooperation with RCC Secretariat and in agreement with the negotiation teams by **12<sup>th</sup> November 2018**;
- Participation in scheduled negotiation meetings from **November 2018** to **June 2019** (dates to be confirmed) to provide legal advice, guidance and clarifications after which re-drafting of the legal text of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will be prepared in close consultation with RCC Secretariat during the negotiations process;
- Re-draft of the legal text of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers based on the inputs from the negotiation meetings within 5 working days of each meeting and in close consultation with RCC Secretariat between November 2018 and June 2019;
- Provision of legal advice to the negotiating teams and RCC Secretariat in writing or verbally at their request and at the meetings of the negotiation teams within 5 working days of the request, as well as to the RCC Secretariat between November 2018 and June 2019.

### **Timeframe**

The total duration of the engagement will be seven months, starting on 7 November 2018 and finishing by 7 July 2019.

<b>DELIVERABLE</b>	<b>DEADLINE</b>
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<ul style="list-style-type: none"> <li>Preparation and finalisation of the rules of procedure for negotiation process</li> </ul>	<b>12 November 2018</b>
<ul style="list-style-type: none"> <li>Attendance in scheduled negotiation meetings on the MRPQ during which re-drafting of the legal text of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers will ensue based on inputs from negotiation teams</li> </ul>	<b>November 2018 - June 2019</b>
<ul style="list-style-type: none"> <li>Re-draft of the legal text of the Mutual Recognition Agreement of Professional Qualifications for Doctors of Medicine, Dentists, Architects and Civil Engineers based on the inputs from the negotiation meetings within 5 working days of each meeting and in close consultation with RCC Secretariat between November 2018 and June 2019</li> </ul>	<b>Within 5 days from the meeting from November 2018 to June 2019</b>
<ul style="list-style-type: none"> <li>Provision of legal advice to the negotiating teams and RCC Secretariat in writing or verbally at their request and at the meetings of the negotiation teams within 5 working days of the request, as well as to the RCC Secretariat between November 2018 and June 2019</li> </ul>	<b>Within 5 days from the request from November 2018 to June 2019</b>

### **III COMPETENCIES**

RCC is looking for a Lawyer with an advance qualification in Law, with a preference given to those with specialisation or working experience in International Law, with an in depth understanding of international, inter-governmental legal agreements and preferably experience in drafting legal texts of international agreements between governments. Experience of working with and in the Western Balkan economies will be considered an advantage.

## Qualifications

<b>Education:</b>	<ul style="list-style-type: none"> <li>University degree in Law, with a preference given to specialisation in International Law.</li> </ul>
<b>Experience:</b>	<p>Qualifications required</p> <ul style="list-style-type: none"> <li>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;</li> <li>Experience of working in more than one country in SEE will be considered an asset;</li> <li>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.</li> </ul>
<b>Language requirements:</b>	<ul style="list-style-type: none"> <li>Fluency in English, as the official language of the RCC;</li> <li>Knowledge of other RCC languages is an advantage.</li> </ul>
<b>Other:</b>	<ul style="list-style-type: none"> <li>Familiar with MS Office applications.</li> </ul>

### **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.

### **Quality control by the Regional Cooperation Council**

The consultant outputs shall be reviewed by the Regional Cooperation Council taking account of the comments made by the relevant stakeholders, including members of negotiation teams.

## **V APPLICATION RULES**

**The application needs to contain the following:**

- Letter of interest;
- CV(s) including relevant knowledge and experience;
- Brief concept note describing the main issues, information, data sources, and tools to be employed by the expert as well as approach to the work to be undertaken;
- Reference list including contact details (e-mail addresses) of referees;
- Application Submission Form (Annex 1);
- Financial offer, as per Budget Breakdown (Annex II).

When preparing the financial offer, the applicant should take into account that 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 for international and national consultants.

**Applications need to be submitted by 2 November 2018, by 17:00 Central European Time to the following address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int)**

### **I. EVALUATION RULES**

The consultancy will be awarded to the highest qualified bidder based on the relevance of skills and expertise to this assignment.

The applications are evaluated following these criteria:

<b>EVALUATION GRID</b>	<b>Maximum Score</b>
<b>A. Technical Offer (A.1+A.2+A.3)</b>	<b>100</b>
<b>A.1. Work experience, references list:</b> Relevant work experience; evidence of other contracts of the nature comparable to that of the Call; experience with clients comparable to the Contracting Authority.	<b>35</b>
<b>A.2. Quality and professional capacity of the consultant:</b> CV satisfies the criteria set forth in the Terms of Reference,	<b>35</b>



education and experience demonstrates professional capacity and experience required.	
<b>A.3 Quality of the concept note:</b> Concept note describing the main issues, information, data sources, and tools to be employed by the expert as well as approach to the work to be undertaken.	<b>30</b>
<b>B. Financial Proposal/ lowest price has maximum score</b>	<b>100</b>

Score for offer X =

A: [Total quality score (out of 100) of offer X / 100] \* 80

B: [Lowest price / price of offer X] \* 20

**In addition to the results of the technical and financial evaluation, competency-based interview will be held with the selected bidder.**

### **Information on selection of the most favourable bidder**

The RCC Secretariat shall inform candidates and bidders of decisions reached concerning the award of the contract as soon as possible, including the grounds for any decision not to award a contract for which there has been competitive tendering or to recommence the procedure.

Standard letter of thanks for participation to unsuccessful bidders shall be sent within 15 days after the contract is signed with the awarded bidder.

The candidates and bidders wishing to receive a feedback may send a request within 15 days after receipt of the standard letter of thanks.

The request may be sent to the e-mail address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int) or to the address of the RCC Secretariat:

Regional Cooperation Council Secretariat  
Attention to: Administration Department  
Building of the Friendship between Greece and Bosnia and Herzegovina  
Trg Bosne i Hercegovine 1/V  
71000 Sarajevo  
Bosnia and Herzegovina

### **Appeals procedure**

Bidders believing that they have been harmed by an error or irregularity during the award process may petition the RCC Secretariat directly. The RCC Secretariat must reply within 15 days of receipt of the complaint.

The appeal request may be sent to the e-mail address [ProcurementforRcc@rcc.int](mailto:ProcurementforRcc@rcc.int) or to the address of the RCC Secretariat:

Regional Cooperation Council Secretariat  
Attention to: Administration Department  
Building of the Friendship between Greece and Bosnia and Herzegovina  
Trg Bosne i Hercegovine 1/V  
71000 Sarajevo  
Bosnia and Herzegovina

**ANNEX I:****SUBMISSION FORM****Open Call for Consultancy Services: International Lawyer****REF: 048-018**

**One signed scanned copy** of this Call for Consultancy Submission Form must be supplied.

1 SUBMITTED by:

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

2 CONTACT PERSON

Name	
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.

<b>Name</b>	
<b>Signature</b>	
<b>Date</b>	

## **ANNEX II: BUDGET BREAKDOWN**

**REF: 048 -018**

<b>No</b>	<b>Cost Categories</b>	<b>Number of Units</b>	<b>Unit Cost</b>	<b>Total cost</b>
1.	Daily fee			
<b>2.</b>	<b>TOTAL COSTS</b>			
<b>3.</b>	<b>Taxes (if applicable)</b>			
<b>GRAND TOTAL (2+3)</b>				

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.