

Procurement Notice and Terms of Reference

*Assignment title: **Expert to conduct an analysis on the current state of art of the Secretariat for Legislation of North Macedonia, including data and analysis of the activities performed, training needs assessment and identification of main challenges***

Reference Number: # 65/2023

Section 1. Introductory Information

1.1 Background information on the Regional School of Public Administration (ReSPA)

The Regional School of Public Administration (ReSPA) is an 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, Montenegro, North Macedonia, and Serbia, while Kosovo*¹ is a beneficiary. ReSPA's purpose is to help regional governments in developing better public administration, public services, and overall governance systems for their citizens and businesses and prepare for membership in the European Union.

ReSPA establishes close cooperation with ministers, senior public servants, and heads of function in Member countries. ReSPA also works in partnership with the European Union, Directorate General for Neighborhood and Enlargement Negotiations (DG NEAR), other regional players such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as agencies and civil society organizations. Since its inception, ReSPA, as an international organization and a key regional endeavor in Public Administration Reform, has contributed to capacity-building and networking through on-demand support mechanisms, peering, and the development of regional research material.

The European Commission (EC) provides directly managed funds to support the ReSPA activities (research, training, and networking programs) in line with the EU accession process. So far, four EC Grant Contracts (GCs) have been implemented by ReSPA during 2010-2022. The current EC grant supports the implementation of the activities required to achieve the ReSPA's strategic objectives during 2023-2025.

ReSPA works primarily through regional networks, which operate at three levels: Ministerial, Senior Officials, and networks/thematic groups of experts and senior practitioners. There is one network – Programme Committee composed of the representatives of institutions in charge of PAR, policy planning, and the European Integration coordination process and four regional thematic groups: Policy planning, better regulation and coordination of Centre of Government; European integration and accession negotiations (with specific reference to PAR and governance aspects); Human Resources Management and Development; and Service Delivery (digitalization and quality management).

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

1.2 ReSPA now seeks to engage one expert to conduct an analysis on the current state of art of the Secretariat for Legislation of North Macedonia, including data and analysis of the activities performed, training needs assessment and identification of main challenges.

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 the period July to October 2023.

1.5 **NOTE: Please, clearly indicate in the Methodology that you shall submit, the entity with whom the contract would be concluded (in case your application will result successful), i.e. whether the contract would be concluded with:**

- the expert as a physical person;
- a company on behalf of the expert (the name of the company should be also provided).

This cannot be changed in the procedure to follow.

In addition, you are kindly requested to fill and submit the following documents:

- **Legal Entity File (for individual expert) – attached to this document**
- **Legal Entity File (for private company) - attached to this document**

Please, also submit any supporting document required in these templates.

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 general and specific professional experience, in line with ToR;
- Professional experience in the role of lecturer / presenter.

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:

- Written methodology: 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).
- Financial offer (which shall specify a total sum amount in euros as well as max. number of working days proposed) in a separate document.

3.2 The required documentation should be submitted in electronic format by e-mail to the following address: procurement@respaweb.eu by **14 July 2023** before Midnight. Late submissions will not be considered for evaluation. **The application should contain in the e-mail title the following reference: Application for activity No 65.1/2023.**

Public servants from ReSPA Members and Kosovo are not eligible to apply.

Selection 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 negotiate the contract and the fee proposed by ReSPA. 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 can ReSPA 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. Gentian Xhaxhiu, Programme Coordinator via e-mail: g.xhaxhiu@respaweb.eu, by **07 July 2023** (midnight), the latest. ReSPA will post the response, including an explanation of the query without identifying the source of inquiry, at its website (www.respaweb.eu) by **11 July 2023**. Any request for clarification must be sent by standard electronic communication to the above e-mail address.

Terms of Reference

Request for Services

Expert to conduct an analysis on the current state of art of the Secretariat for Legislation of North Macedonia, including data and analysis of the activities performed, training needs assessment and identification of main challenges

1. Background

The Regional School of Public Administration (ReSPA) is a regional organization established in 2010 as a joint initiative financed by European Commission and Western Balkans (WB) administrations. It is managed and governed by five ReSPA Members: Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia, while Kosovo* is beneficiary. ReSPA's purpose is to assist governments in the region to develop better public administration, public services and overall governance systems for their citizens and businesses and prepare for the European Union membership.

Since its inception, ReSPA, as an international organization and a key regional endeavour in Public Administration Reform, has contributed to capacity-building and networking through regional training, workshops, conferences, seasonal schools, and on-demand support mechanisms, peering and the development of regional research materials. ReSPA establishes close cooperation with Ministers, senior public servants and heads of units in its Members. ReSPA also works in partnership with the European Union, specifically Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR), other regional actors such as OECD/SIGMA and Regional Cooperation Council (RCC), as well as agencies and civil society organizations.

The European Commission (EC) provides directly managed funds to support ReSPA activities in line with the EU accession process. Currently, ReSPA is implementing the fifth EC Grant Contract "Support to the Regional School of Public Administration for implementing PAR Agenda and facilitating EU accession process in the WBs" which is active as of January 2023.

ReSPA works primarily through regional networks which operate at three levels: Ministerial, Senior Officials, and thematic groups of experts and senior practitioners. More specifically, the Programme Committee is composed of the senior civil servants representing ministries responsible for the Public Administration reform, and institutions in charge of the European Integration process, and four regional thematic groups: (1) Policy planning, better regulation and coordination of Centre of Government, (2) European integration and accession negotiations; (3)

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Human Resources Management and Professional Development; (4) Service Delivery (digitalization and quality management).

ReSPA also provides direct targeted support to its member administrations. One of the direct support instruments is the [“on-demand support mechanism”](#) – in this regard the [Secretariat for Legislation](#) of the Government of the Republic of North Macedonia has submitted an application to conduct an **analysis on the current state of art of the Secretariat for Legislation of North Macedonia, including data and analysis of the activities performed, training needs assessment and identification of main challenges**. Through these Terms of reference, ReSPA seeks to identify an expert to assume the tasks and responsibilities envisaged under this assignment.

2. Problem statement and description of the assignment

The Secretariat for Legislation of the Government of the Republic of North Macedonia (the Secretariat) with its extensive and responsible function as important link in the chain of state institutions has an enormous role in the legal system and carries an enormous responsibility for legislative implementations in the system. In order to have successful accession negotiations with the European Union, the Secretariat is obliged to give its opinion on the full alignment of the acts. According to the Law of the Government of the Republic of Macedonia, the Secretariat performs the tasks related to **ensuring the consistency of the legal system and providing expert opinions** for alignment of the draft laws and other regulations with the Constitution of the Republic of Macedonia, with the laws and regulations of the European Union and with the international agreements ratified in accordance with the Constitution of the Republic of Macedonia.

In the process of alignment of the national legislation with the legislation of the European Union, as one of the criteria for membership of the Republic of North Macedonia in the European Union, the Secretariat for Legislation has an important role in **assessing of the compliance of regulations** prepared by state administration bodies with the legislation of the European Union. By performing this function, the Secretariat of Legislation is the only competent body that reviews and aligns the draft laws and by-laws with the legislation of the European Union, which gives opinions on the extent of compliance of the national regulation with the legal principles and acts of the European Union, alignment of the regulations of the European Union and the Correspondent tables, analyzes the relevant regulations, directives, decisions and other regulations of the European Union, and gives opinions on the necessary changes or amendments to the laws or the adoption of new, appropriate aligned laws. The opinion of the Secretariat for Legislation is an integral part of the draft law, which, together with other accompanying materials, is submitted to the Assembly of the Republic of North Macedonia. The Secretariat for Legislation **has a horizontal position in relation to the cooperation with all the ministries** and other state administration bodies in the process of drafting laws and other regulations and acts, through the instruments for exercising its competence - giving opinions, verbal alignment, issuing permissions for publication of by-laws and acts adopted by the ministers and directors of the independent state administration bodies, that ensures the inclusion of all participants in the Legislative process as

well as in the process of alignment of the national legislation with the legislation of the European Union, thus ensuring efficient, coherent, superior and harmonized national legislation.

According to the Public Administration Reform Strategy 2018-2022, **the capacities for alignment of the national legislation with the EU legislation are limited**. Due to the limited institutional capacities, as well as the large number of materials submitted for opinions, alignment and the large scope of activities that the operation itself entails, in order to align the European legislation with the national legislation, creates the need to establish unique positions in that process in the Secretariat for legislation *that imposes establishment of an electronic database*, development of an internal software system for electronic database in which all relevant materials, information, acts, opinions given by the Secretariat of Legislation, indications given for verbal alignment and directions will be entered, and in that way an institutional memory will be created, memory that will be available to all employees in the institution and will be a basis and a great help in the process of managing the affairs under the competence of the Secretariat of Legislation for both, the employees of the Secretariat of Legislation and other institutions, as a cache of all the activities done in the process of transposition of national legislation with the legislation of the European Union.

The goal of establishing an electronic database in the Secretariat of Legislation is to preserve the institutional memory, as to bridge to the gap between the changes that occur at the institutional and personnel level, so that every employee of the Secretariat of Legislation will have an equal access and disposal of the developed consolidated database that will be a huge professional support in the function of the institution. Currently, the Secretariat for Legislation now faces two challenges: i) preservation of the knowledge gained and ii) its use.

- Preservation: what should be preserved and how to preserve it?
- Use: after the knowledge is stored, how to use it, and how to apply it in the working process, how to search through it effectively.

In this regard, another expert is engaged to develop the concept for the upcoming electronic database system for laws and by-laws subject of alignment with the EU Law, therefore this task is not subject of these ToR. However, close cooperation with the other expert shall be foreseen under this assignment – some of the meetings with the Secretariat shall be organized with both experts present.

Under these ToR, the external expert shall **develop an analysis on the current state of art of the Secretariat, including data and analysis of the activities performed by the Secretariat, conduct a training needs assessment, identify main challenges that the Secretariat faces, etc. This will include a 2-days meeting/screening workshop of the expert with the staff of the Secretariat to discuss current situation, needs for capacity building (not just related to the electronic database, but even broader), collect data and discuss the potential concept of the database, its functionalities, its sections, etc.**

3. Tasks and responsibilities

The Expert shall, indicatively, perform the following tasks:

- Get familiar with the specificities, mandate, portfolio of activities as well as with current state of art the Secretariat for Legislation of North Macedonia (0,5 day);
- Organize a kick off meeting with the designated focal point(s) of the Secretariat to discuss the assignment, its milestones, and agree on the content of the analysis and next steps (0,5 day);
- Explore how other Secretariats for legislation (or similar institutions in the Centre of Government), are organized and work – 1 good practice/example from the region and 1 from an EU member state, similar to North Macedonia system. Prepare a brief report where the main advantages and disadvantages of these examples are highlighted (1 day);
- Organize and contribute to a 2 days workshop with the Staff of the Secretariat for Legislation to discuss current situation of the Secretariat, potentials for improvement, needs for capacity building, collect data and discuss the potential concept of the database, its functionalities, its sections, etc². (2 day);
- Develop the analysis on the current state of art of the Secretariat, including data and analysis of the activities performed by the Secretariat, conduct a training needs assessment, identify main challenges that the Secretariat faces, etc. (5 days);
- Review the analysis, based on the comments/input received by staff of the Secretariat (1 day);

The abovementioned tasks and responsibilities represent the milestones of the assignment, but the expert may propose slight changes/adaptations upon agreement with the focal point of the Secretariat for Legislation and ReSPA Programme Manager in charge.

4. Necessary qualifications of the required expert

The expert needs to have **diverse but compatible experience in working for or with the public sector**, preferably, with law / legislation background and experience so that he/she would be able to survey and understand the process of legislation flow and laws and other regulations in the Secretariat. More specifically, the expert shall possess the following profile:

Qualifications and skills:

- At least MA degree in Law, Public Administration, or related fields;
- PhD will be considered an asset.

² The expert in charge of developing the concept of the database shall also attend and contribute to the workshop.

General professional experience:

- At least 7 years of experience working in or with the public sector and related assignments/positions.

Specific professional experience:

- At least 3 (three) years of relevant professional experience in positions and/or assignment requiring law / legislation background and good understanding of the process of legislation flow;
- Experience in developing similar institutional analysis in the past will be considered a substantial advantage;

Skills:

- Excellent written and oral communication skills in English;
- Ability to write clear and coherent guidance documents;
- Ability to prepare and deliver well-structured presentations;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

5. Timing and Location

The assignment foresees work from the home, office, online meetings and up to 2 face to face meetings in Skopje, North Macedonia. The assignment is expected to be performed tentatively from **July–October 2023**.

6. Remunerations

The assignment foresees engagement of up to **10 (ten) expert days in the amount of up to 5.000 EUR**.

The payment will be done in one instalment upon completion of the assignment. The final outputs will be subject to approval from the Secretariat and ReSPA before the execution of the payment.

Note: No other costs will be covered apart from the expert cost per day. The expert cost per day comprises of expert's fee per day and (if needed) a lump sum for covering related costs which include, travel, accommodation, local transport, meals and other incidentals. ReSPA and the expert shall agree before the signature of the Service Contract on the rate of the daily fee.

7. Reporting and Final Documentation

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

Outputs

- One report on how other Secretariats for legislation (or similar institutions in the Centre of Government), are organized and work – 1 good practice/example from the region and 1 from an EU member state, similar to North Macedonia system;
- One final analysis on the current state of art of the Secretariat, including data and analysis of the activities performed by the Secretariat, conduct a training needs assessment, identify main challenges that the Secretariat faces, etc.

Documents required for payment

- Invoice (signed original);
- Timesheets (signed original);
- Final brief report on the conducted assignment, milestones and challenges.