



## **Terms of Reference Request for Services**

### ***Lead Expert for Preparation of Baseline Analysis with Recommendations for Increasing Transparency in Public Procurement***

#### **Background**

The Regional School of Public Administration (ReSPA) is the inter-governmental organisation 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, Macedonia, Montenegro and Serbia, while Kosovo\*<sup>1</sup> is a beneficiary. The ReSPA's purpose is to help governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare them for membership in the European Union (EU). Since its inception, ReSPA has contributed to the development of human resources and administrative capacities through training programmes and innovative cooperation mechanisms such as the exchange of good practices, peer reviews and development of know-how.

European Commission (EC) provides directly managed funds for support of ReSPA activities (research, training and networking programmes) in line with the EU accession process. So far, two EC Grant Contracts (GCs) have been implemented by ReSPA, during the period 2010-2015. The new EC grant will support the main objective of ReSPA Programme of Work 2016-2017: improving regional cooperation in the field of PAR and EU integration and strengthening administrative capacities in the beneficiaries.

This objective will be achieved through the following three pillars of ReSPA Programme of Work for 2016-2017:

- 1) European Integration Pillar: Increased capacity of public administration in the ReSPA Members necessary for successful conducting of the European Integration process;
- 2) Public Administration Reform Pillar: Facilitated and enhanced cooperation and exchange of experience in Public Administration Reform and European Integration activities in ReSPA Members;
- 3) Governance for Growth Pillar: Ensured effective coordination of the implementation of the Effective Public Services Dimension within Governance for Growth pillar of the SEE 2020 Strategy.

ReSPA established the Public Procurement Working Group (PPWG). It is composed of senior professionals, decision-makers and expert practitioners who are granted an opportunity to share lessons learned, establish lasting working relations among individuals and institutions, and generate ideas which would promote more effective solutions to strengthen PP in WB.

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<sup>1</sup> \* 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

One of the recommendations from the meeting of the Public Procurement Working group which was held in Helsinki (Finland) on 27 – 28 June 2017, was to increase transparency in public procurement. Increasing transparency in public procurement could contribute to fixing of a number of problems. The countries and organisations in the Western Balkans should concentrate on the processes that precede publishing contract notices i.e. procurement planning processes. These processes are only lightly regulated by the EU procurement directives. However, their importance is also recognised in article 40 of the directive 24/2014.

Contracting authorities in EU member states have assumed several ways for avoiding distortion to completion and violation to the principles of non-discrimination and transparency. In a number of OECD Sigma country reports the lack of organised planning has been identified as one of the underlying problems facing public procurement. However, these reports have given few concrete guidance on how to instrument planning in an organisation and what steps should be taken for the introduction.

## Objectives and Scope of the Assignment

The objective of the consultancy is to support the improvement of the transparency in public procurement in the WB region.

The main expected deliverable is the Baseline analysis with recommendations for increasing transparency in public procurement.

The Baseline analysis shall, among others, encompass:

- Explanation of the regulation of transparency by the EU Regulations and Directives;
- State of art regarding the transparency in ReSPA Members and Kosovo\*;
- Examples of good transparency regulation in at least two countries;
- Recommendations for regulation of transparency in PP (either through law or by-law);
- Transparency of tender preparation and involvement of tenderers in its preparation.

Production of the Baseline analysis will be supported by the Regional Expert. With this document, ReSPA is seeking for the Lead Expert who would, with support of the Regional Expert, conduct the below-stated activities.

## Tasks and responsibilities

The Lead Expert shall undertake the following tasks and responsibilities:

### 1. Online desk research (5 days)

- Exploring how transparency is regulated by the EU Regulations and Directives and preparation of the outline content of the Baseline analysis;
- Creating a methodology for transparency evaluation of public procurement information in the Western Balkans through analyzing the existing criteria for transparency evaluation and selecting the appropriate questions and criteria;
- Conducting amendments as per the comments obtained.
- Applying the methodology to information available online;

- Providing online methodology for self-evaluation of ReSPA member countries using the same criteria;
- Conducting gap analysis: where and why the answers differ;
- Preparation of the gap analysis report which will include the Expert's evaluation findings per country, self-evaluation by country and gap analysis;
- Reviewing the self-evaluation responses and gap-analysis report;
- Review of gap analysis, commenting and correcting.

## **2. Workshop (May 2018) (3 days)**

- Preparation of the presentation for the one day Workshop and planning of the group work;
- Preparation of the Discussion paper with Agenda for the Workshop;
- Participation in the Workshop and presenting the findings of the gap analysis. Discussing in detail what steps each ReSPA member and Kosovo\* could take to increase the transparency of public procurement information in each stage of the end-to-end public procurement process. Available systems where the information is stored would also be taken into account. The meeting would also include group work (to be specified based on the gap analysis results).
- Presentation of the state of the art systems from around the world.

## **3. Baseline analysis with recommendations for increasing transparency in public procurement (7 days)**

- Preparation of the Baseline analysis with step-by-step recommendations for increasing transparency of public procurement in the Western Balkans based on the discussion from the Workshop; The step by step recommendations should build on the gap analysis and they should provide for each ReSPA member and Kosovo\* information where to start and how to gather the missing information. The recommendations should focus on reusing the already existing data and, only if core information sources are missing, recommend establishing those. Recommendations would be categorised based on the easiness of implementation: do now, in 1-2 years, 2-3 years, and leave for later.
- Making amendments of the recommendations based on the comments received.

Throughout the duration of the assignment, the Lead Expert will collaborate closely with ReSPA and the Regional expert in the context of the assignment.

The Lead Expert shall take into considerations the comments and suggestions received from the Regional Expert and the ReSPA representative. The final inputs will be subject to approval from the ReSPA before the payment is executed.

## **Necessary Qualifications**

### Educational background:

- University degree, Social Sciences, Economy, Business Administration, Development studies, Public Administration, or related field;

#### General professional experience:

- At least 7 years of relevant professional experience in Public Procurement in an international/European context;
- Prior experience (Team Leader, Expert, Consultant or similar) in research and/or development and/or implementation in the field of procurement;

#### Specific professional experience:

- Experience in developing guidelines, preparing, designing strategic documents.

#### Skills:

- Team work;
- Project development skills;
- Training and moderation skills;
- Excellent written and oral communication skills in English;
- Ability to write clear and coherent guidance documents;
- Ability to work with people of different nationalities, religions and cultural backgrounds.

## **Timing and Location**

The assignment foresees (1) work from the home office of the Lead Expert and (2) one consultative meeting at ReSPA premises. The date for the completion of the Baseline analysis with recommendations is 1 August 2018.

## **Remunerations**

The assignment foresees engagement of 15 (fifteen) man days for the Lead Expert. The daily fee will be defined in accordance with the ReSPA expert selection procedure, based on assessed and evaluated expert's capacity. The payment will be made in one instalment, following the submission of the Regional Baseline Analysis and its approval by ReSPA.

*Note:* For the planned meeting held in ReSPA premises, ReSPA will organize or cover costs of the international travel (economy class). In addition, ReSPA will organise and cover the round trip transfers from Podgorica airport to Danilovgrad, and arrange and cover full accommodation on location, including all meals and refreshments.

## **Reporting and Final Documentation**

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

- Baseline analysis with recommendations for increasing transparency in public procurement;
- Report on the conducted assignment;
- Timesheets (original and signed);
- Invoice (original and signed);
- Boarding passes (original).