

Open Call for Consultancy Services

Reference Number: 036-017

Terms of Reference: Technical assistance on the legal framework of Vocational Training Centres (VTC) in Kosovo*

Title:	Legal expert
Contracting Authority:	Regional Cooperation Council (RCC) Secretariat
Starting Date:	4 December 2017
Reporting to:	RCC Secretariat and Employment Agency of Kosovo*
Duration:	4 December 2017 – 31 January 2018 (20 days, with the possibility of extension)
Application Deadline:	28 November 2017

I BACKGROUND

Purpose

Under the overall supervision of the RCC and the Employment Agency of Kosovo* (EAK), the legal expert will support the EAK in mapping existing legislation in the sector of vocational training. Additionally, the expert will advise on the legal basis in Kosovo* for concluding service contracts and propose possible options for Public Private Partnership (PPP) arrangements related to services of the Vocational Training Centres.

Background Information

The “*Employment and Social Affairs Platform*” (ESAP), is a regional project financed by the European Commission and jointly implemented by RCC and ILO in Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, Serbia and The Former Yugoslav Republic of Macedonia. The project, which began its implementation in 2016 and lasts for 3 years, aims to strengthen regional cooperation and institutional capacities of national administrations, employers’ and

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

workers' organizations, enabling them to develop and effectively implement labour market and social policy reforms in their EU enlargement process.

Within this overall objective, the ESAP project provides technical assistance to support national processes related to the preparation, monitoring and follow up of national employment, labour market and social affairs strategies, action plans and/or measures. Ministries of Labour and Public Employment Services are the main beneficiaries of this assistance.

Current Situation in Kosovo*

While the legal structure in the field of labour and education sectors in Kosovo* has changed dramatically for the better in recent years, primarily due to serious efforts since 2008 by the government to streamline and promulgate laws as necessary, there is agreement among stakeholders that the present fragmented, and at times, equivocal state of the legislation on these sectors should be addressed. The existing legal framework may be overregulated on the one hand, without following a specific pattern also due to a donor driven approach from different legal traditions. On the other hand, discrepancies exist, in the sense that legislation is either missing or existing provisions are not sufficiently regulating fundamental legal entities.

There is also acknowledgment that the present state of legislation is hindering the economic present and future of Kosovo* as it seeks transformation into a market economy. One of the ways to achieve this is through ensuring better deliverables of the education sector including also through vocational training education.

At present, there is no regular assessment of labour market demand in Kosovo*. Currently, the VTCs, on a non-regular basis and for internal needs, conduct studies on market demand for professions in their regions. In the absence of data, there is no accurate evidence whether the current content of the VET training meets the labour market needs. Moreover, there is a lack of data on the professions that the labour market requires and which are not provided by the VTCs. Therefore, it is imperative that the Ministry of Labour and Social Welfare (MLSW) and EAK establish an efficient system for continuous monitoring of changes in the labour market. It is also important to carry out a detailed analysis of each VTC to study the demand for the offered professions and to make an analysis of costs and benefits for each profession. Findings from this analysis would inform MLSW/EAK about providing training in new professions, profiling existing professions, identifying training that would be more economical to offer in cooperation with enterprises (combined VTC and company training) and would also indicate what training would be more economical to be outsourced.

All VTCs are accredited, while only 7 out of 30 professions are validated by the National Qualifications Authority. In addition to the lack of accreditation of professions, in some professions, the quality of training may be limited also due to the lack of work equipment and tools and the lack of continuous training of training service officers.

At the same time, there is a need to design new training programmes in line with the labour market needs and to build VTC capacity to implement these programmes. A critical issue in this regard will be the need for additional training capacity in the VTC-s due to limitations imposed by the government on new hiring. One way to overcome this obstacle may be to use service contracts/outsourcing or Public Private Partnership arrangements that could be a flexible solution to help VTCs adapt to the evolving needs of the labour market for new skills and competencies.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and Scope of the Assignment

The overall objective of the consultancy is to analyse the current legal framework and the documents related to VTCs, propose a concept for possible service contracts or Public Private Partnership arrangements that could be a flexible solution to help VTC-s adapt to the evolving needs of the labour market for new skills and competencies.

The specific objective

The main specific objectives of the assignment are:

- Study relevant documentation and information provided by EAK;
- Analyse the legal framework related to the vocational training centres in Kosovo*;
- Meet with different central and local government entities, local partners, representatives and of the international donor community;
- Hold a planning workshop with EAK staff and other relevant stakeholders in order to present the initial recommendations of the assignment and to seek participants' feedback;
- Propose concepts on how to purchase services/service contracts and PPP arrangements related to the functioning of vocational training centres based on best practice from the region or EU countries.

The scope of services under this assignment includes the following key activities:

- a. Analyse the existing documents related to Vocational Education Centres under the mandate of the Ministry of Labour and Social Welfare and EAK;
- b. Analyse the legislation and regulations related to the purchasing the services/outsourcing and PPP arrangements for the VTCs;
- c. Propose a roadmap for the implementation of PPP in the VTC;
- d. Organize a workshop with the relevant staff of MLSW and EAK in order to get the feedback about the findings and solutions;
- e. Present the final document to the management of MLSW and EAK;
- f. Prepare the final work report.

Methodology

The expert/s is/are expected to come up with the best approaches for undertaking this task. However, the following guiding principles should be taken into consideration:

- i. Desk review of primary and secondary information.
- ii. Interviews with relevant government ministries and other stakeholders.
- iii. Any other methods applicable.

The expert will report to the General Director of the EAK and RCC;

Lines of Communication

- The expert will report to the General Director of the EAK and RCC. After each activity, a detailed report will be prepared and sent to the Director of the EAK and RCC for review and approval of deliverables.
- The expert will work closely with the officials of EAK and ESAP project team from whom they will seek guidelines to efficiently conduct the work.
- EAK will offer a work space and computer to enable the work of the expert on all envisaged activities;
- EAK will cover additional travel expenses related to international or regional events, if necessary;

Timeframe

The engagement is expected to start on 30 November 2017 and end on 31 January 2018.

Deliverables	Due date (from mobilisation)
<ul style="list-style-type: none"> • Detailed Methodology and Work Plan 	2 weeks
<ul style="list-style-type: none"> • Deliverables as per each undertaken activity 	Ongoing
<ul style="list-style-type: none"> • Final report on the work done to be submitted to RCC 	31 January 2018

Timeframe

The Expert is expected to use up to 20 days for this assignment, starting in November 2017 and ending in January 2018. Upon a clearly identified need, mutual agreement among RCC and EAK and availability of funds, the possibility of contract extension exists.

III PROFILE AND COMPETENCIES OF THE EXPERT

Qualifications:

Education:	<ul style="list-style-type: none"> ▪ A bachelor's or equivalent degree in Law. A Master degree is considered an advantage
Experience:	<p>Qualifications and Skills Required</p> <ul style="list-style-type: none"> ▪ A minimum of 7 years, of professional experience as legal expert, including previous experience in training/education legislation and knowledge of acquis in the field of public procurement, state aid and any specific rules applicable to PPPs in the EU ▪ Excellent drafting skills in English, Albanian and Serbian; ▪ Working experience in Kosovo* preferred; ▪ Capacity building for legal professionals in Kosovo* preferred; ▪ Experience in working at least one donor funded project or as staff in an International Organisation dealing with Labour law or related issues; such experience gained in Kosovo* is considered an advantage.
Language requirements:	<ul style="list-style-type: none"> • The working language is Albanian. • Fluency in English, as the official language of the RCC

Core Values

- Demonstrates integrity and fairness by modelling RCC values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Core Competencies

- Demonstrates professional competence to meet responsibilities and post requirements and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Result-oriented; plans and produces quality results to meet the set goals, generates innovative and practical solutions to challenging situations;
- Communication: Excellent communication skills, including the ability to convey complex concepts and recommendations clearly;
- Team work: Ability to interact, establish and maintain effective working relations in a culturally diverse team;
- Ability to establish and maintain productive partnerships with regional and national partners and stakeholders.

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 draft reports 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 report 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. 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 reviews by relevant stakeholders, including the representatives of the ESAP project team, and the Regional Cooperation Council.

APPLICATION RULES

- Qualified candidates are invited to send an application via e-mail to ProcurementforRCC@rcc.int no later than 28 November 2017 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;
- The best value for money is established by weighing technical quality against price on a 80/20 basis;
- Only shortlisted candidates will be contacted for the competency based interview.

The application needs to contain the following:

- Letter of interest;
- CV(s) including relevant knowledge and experience;
- Reference list including contact details (e-mail addresses) of referees;
- Concept note describing the main issues, information, data sources, research and analytical tools to be employed by the author, as well as the timeline and financial offer;
- 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: 036-017 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 036-017.

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	