

Open Call for Consulting Services

Subject:	Support the RCC Secretariat to assess the role of strengthened regional judicial cooperation in supporting economic development in the Western Balkans
Title:	Technical assistance for a regional assessment on “Promoting judicial cooperation in support of economic development in the Western Balkans”
RCC Department:	Political Department
Starting Date:	10 October 2020
Reporting to:	RCC Secretariat
Duration:	10 October 2020 – 10 December 2020
Eligible:	Respective consulting companies, individual consultants, individual consultants within bidding consortia
Application Deadline:	30 September 2020
Reference Number:	081-020

Terms of Reference:

I. PURPOSE

The overall objective of the consultancy is to support establishing of closer judicial cooperation between Western Balkans (WB) authorities built on the principle of mutual recognition and mutual trust, and create the necessary legal setting to build bridges between different jurisdictions by overcoming the complexity of different systems in the region.

To this end, a consultant will be engaged to assist Regional Cooperation Council (RCC) to produce a legal assessment of inter-linkages between the rule of law, judicial cooperation and economic development in the Western Balkans. This assessment will focus on how strengthened regional judicial cooperation in the Western Balkans, including aspects of civil and criminal law, can support the overall economic development in the region.

II. BACKGROUND

Well-functioning judicial systems play a crucial role in defining economic performance by protecting and guaranteeing citizens' rights, enforcing contracts and encouraging investments. The Western Balkan economies are engaged in transformative reforms of their judicial systems with the primary aim of strengthening and consolidating the independence, impartiality and professionalism. However, not all judiciaries operate at the same level of efficiency. Therefore, closer judicial cooperation between Western Balkan authorities built on the principle of mutual recognition and based on mutual trust can help overcome the complexity of different systems in the region and build bridges between different jurisdictions.

The Regional Cooperation Council is working with the SEE Ministries of Justice and bringing together different stakeholders in justice and rule of law area to present respective legal frameworks and the reforms undertaken, discuss different issues related to the daily work, exchange experiences, lessons learned, challenges and good practices especially in the process of improving efficiency and independency of justice system.

To this end, in 2014 Regional Cooperation Council established the Western Balkans Working Group on Justice (WB WGJ) with the aim to assist, enable and develop the exchange of good practices and lessons learned, support institutional building as well as propose solutions of regional relevance to the challenges in the area of justice. Strengthening and facilitating cross-border judicial cooperation is also at the focus of the WGJ work as regional cooperation is considered an added value in this regard as well as for the progress of WB economies on their European path and alignment of the domestic legislation with the EU *acquis*.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

Streamlining and facilitating cross-border cooperation in civil, commercial and criminal matters between judiciaries is of particular importance and as such requires special focus so as to not only make procedures less complex and less lengthy but also to significantly reduce financial costs. To this end and to assess the inter-linkages between the rule of law, judicial cooperation and economic development in the Western Balkans, RCC will commission a technical assessment that will evaluate how strengthened regional judicial cooperation in the Western Balkans, including aspects of civil and criminal law, can support economic development and identification of current gaps.

This assessment will thoroughly analyse possible regional and national interventions that will further enhance regulations pertinent to better regional economic cooperation, i.e. whether the current set of criminal and civil legal frameworks is in accordance with the EU standards and whether it sufficiently allows for cross-border judicial cooperation important to safeguarding freedom of movement of goods, capital and people. The study will also analyse loopholes in

WB6 national anti-corruption legislation and will propose necessary regional activities aimed at supporting judicial institutions in fighting corruption at regional level. The overall aim of this study is to find out to what extent strengthened judicial cooperation can support MAP REA* implementation and the overall socio-economic progress of our region, and in this regard propose the relevant applicable instruments.

This assessment will seek to identify the current legal and procedural gaps in judicial cooperation and provide recommendations on standard-setting and technical cooperation which aim at strengthening judicial cooperation and establishing close cooperation amongst the WB jurisdictions in order to eliminate any obstacles deriving from incompatibilities between various legal and administrative systems. It will also provide recommendations on the best legal instruments that enable strengthened judicial cooperation, including harmonisation of administrative practices in relation to the relevant legislation existing in the Western Balkans jurisdictions.

Specific Tasks

The tasks specified herewith are:

- Prepare comprehensive information on the current legal and procedural framework in the Western Balkan economies on cross-border cooperation in civil, commercial and criminal matters;
- Prepare a comprehensive assessment of inter-linkages between the rule of law, judicial cooperation and economic development in the Western Balkans and of the extent to which strengthened judicial cooperation can support MAP REA implementation and the overall socio-economic progress of our region;
- Identify the current gaps in judicial cooperation and provide recommendations on standard-setting and technical cooperation which aim at strengthening the capacities of judicial cooperation and establishing close cooperation amongst the WB jurisdictions;
- Analyse and propose possible legal interventions (national or regional) that will further enhance regulations pertinent to better regional economic cooperation (i.e. whether the current set of criminal and civil laws is in accordance with the EU standards and whether it sufficiently allows for cross-border judicial cooperation important to safeguarding freedom of movement of goods, capital and people);
- Analyse and propose necessary regional activities aimed at supporting strengthened judicial cooperation in fighting corruption at regional level;

* MAP REA, endorsed by the Leaders of Western Balkans at the Trieste Summit held in 2017, puts forward a structured agenda for regional economic integration, namely: promoting further trade integration, introducing a dynamic regional investment space, facilitating regional mobility, and creating a digital integration agenda. The MAP stems from the commitments undertaken within the framework of the Central European Free Trade Agreement (CEFTA) and South East Europe 2020 Strategy (SEE2020) and is based on CEFTA and EU rules and principles as reflected in the Stabilisation and Association Agreements (SAAs).

- Draft a recommendation on increasing awareness of strengthened judicial cooperation in Western Balkans;
- Provide recommendations on the best legal instruments that enable closer judicial cooperation, including harmonisation of administrative practices in relation to the relevant legislation existing in the Western Balkans jurisdictions.

The applicant is expected to have knowledge of other relevant projects, activities and interventions in the area to avoid overlapping.

Lines of Communication

The expert will report to the RCC Secretariat during the entire duration of the contract. Comments and recommendations provided by the RCC should be duly incorporated in the final version of the deliverables.

Timeframe

The total duration of the engagement will be from 10 October to 10 December 2020.

	Deliverables	Due date
1	Conduct desk research on: <ul style="list-style-type: none"> • Current legal framework in the Western Balkan economies on cross-border cooperation in civil, commercial and criminal matters; • Identify the current gaps in judicial cooperation in the Western Balkans. 	30 October 2020
2	Prepare an assessment of inter-linkages between the rule of law, judicial cooperation and economic development in the Western Balkans and of the extent to which strengthened judicial cooperation can support MAP REA implementation and the overall socio-economic progress of our region.	15 November 2020
3	Consult with RCC regarding the consolidated first draft of the report	15 November 2020
4	Finalise a comprehensive set of recommendations on: <ul style="list-style-type: none"> • Analyse and propose possible legal interventions (national or regional) that will further enhance regulations pertinent to better regional economic cooperation (i.e. whether the current set of criminal and civil laws is in accordance with the EU standards and whether it sufficiently allows for cross-border judicial cooperation important to safeguarding freedom of movement of goods, capital and people); • Analyse and propose necessary regional activities aimed at supporting strengthened judicial cooperation in fighting 	30 November 2020

	<p>corruption at regional level;</p> <ul style="list-style-type: none"> • Draft a recommendation on increasing awareness of strengthened judicial cooperation in the Western Balkans; • Provide recommendations on the best legal instruments that enable closer judicial cooperation, including harmonisation of administrative practices in relation to the relevant legislation existing in the Western Balkans jurisdictions. 	
6	Present the final document with all comments and suggestions from RCC and stakeholders duly reflected	10 December 2020

III COMPETENCIES

Expert Qualifications:

Criteria related to the experts delivering the service:

Education:	<ul style="list-style-type: none"> ▪ University or advanced degree in law or an area directly related to the subject of work
Experience:	<ul style="list-style-type: none"> ▪ Minimum of 5 years of relevant experience in law, judicial cooperation and EU integration; ▪ Good knowledge of the Western Balkans region, regional and judicial cooperation, EU integration, and relevant regional and bilateral agreements, documents, initiatives and strategies; ▪ 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 representatives of governments, judiciary, public administration, and other stakeholders.
Language requirements:	<ul style="list-style-type: none"> ▪ Fluency in written and spoken English, as the official language of the RCC; ▪ Knowledge of other RCC languages is desirable.
Other:	<ul style="list-style-type: none"> ▪ N.A.

Core Values

- Demonstrates integrity and fairness by modelling RCC values and ethical standards;
- She/He is independent and free from conflicts of interest in the responsibilities defined by the Terms of Reference;
- 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 and deliverables 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 reports. 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, she/he should clearly explain the reasons for her/his final decision in a comments table.

V. APPLICATION RULES

The application needs to contain the following:

- Technical Offer;
- Financial Offer.

Technical Offer

For individual consultants:

- Letter of Interest (max one A4 page);
- CV(s) including relevant knowledge and experience;
- An outline work programme of a maximum of 5 pages describing the main issues, sources of information to be used, timeline and methodology. The work programme should include the initial outline of the content of the study;
- List of references for relevant activities implemented over the past years demonstrating relevant experience in the subject matter;
- Application Submission Form (Annex I);

For companies and consortia of individual consultants:

- Company profile including a brief description (up to 2 pages) of the company. In case of a bidding consortium, the team leader should submit the profile of the consortium;
- Copy of Company's Registration Certificate (in case of consulting companies);
- In case of bidding consortia of individual consultants participating in this Call, they must indicate the members and show how the work is divided between them. Specifically, all members must name the team leader and authorise this member to represent the consortium and receive payments on behalf of the other members. A corresponding written authorisation, power of attorney must be attached to the bid;
- Financial records - company's balance sheet and profit-and-loss statement for the past 2 years (only in case of a bidding of consulting companies);
- CV of an expert(s), outlining relevant knowledge and experience as described in the Terms of References, along with contact details of referees;
- An outline work programme of a maximum of 5 pages describing the main issues, sources of information to be used, timeline and methodology. The work programme should include the initial outline of the content of the study;
- List of references for relevant activities implemented over the past years demonstrating relevant experience in the subject matter;
- Application Submission Form (Annex I);
- Signed Statements of Availability (Annex II).

Financial Offer (Free format)

The financial offer should reflect the following:

- All figures should be expressed in EUR;
- VAT amount, if applicable, should be presented.

When preparing the financial offer, the applicant should take into account the following:

- Use a free format for the Budget providing the Global Price for the work to be provided.

NOTE:

When preparing the financial offer, the applicant should take into account the following:

- Maximum budget should not exceed EUR 15.000.
- When preparing the financial offer, the applicant should take into account that the fee rates should be broadly consistent with those applicable in the region.

Submission of applications:

Applications need to be submitted by 30 September 2020, by 17:00 Central European Time to the following address ProcurementforRcc@rcc.int

- Please make sure that the application is submitted in two separate folders one containing Technical Offer and the other Financial Offer. The documents should be submitted in a form of copies of the originals.

VI. 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:

EVALUATION GRID	Maximum score
A. Technical Offer (A.1+A.2+A.3)	100
A.1. Work experience, references list: Relevant work experience; evidence of other contracts of the size comparable with that of the tender; experience with clients comparable to the Contracting Authority.	35
A.2. Quality and professional capacity of the consultant(s): CV(s) satisfy the criteria set forth in the Terms of Reference, education and experience demonstrate professional capacity and experience required.	35

A.3 Quality of the work programme: An outline of work programme describing the main issues, information, data sources, research and analytical tools to be employed by the author, as well as the timeline.	30
B. Financial Offer/ lowest price has maximum score	100

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 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 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:**APPLICATION SUBMISSION FORM****REF: 081-020 Open Call for Consultancy Services**

Subject: Technical assistance for a regional assessment on “Promoting judicial cooperation in support of economic development in the Western Balkans”

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

1 SUBMITTED by:

	Name(s) and address(es) of the bidder submitting this tender
Full Company Name or Name of the legal entity/ individual consultant	

2 CONTACT PERSON (for this Call)

Name	
Surname	
Address	
Telephone	
Fax	
e-mail	

3 DECLARATION

[Company Name or 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 Consultancy.

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	

ANNEX II: STATEMENT OF AVAILABILITY

REF: 081-020-Technical assistance for a regional assessment on “Promoting judicial cooperation in support of economic development in the Western Balkans”

By representing the Entity_____ we agree to participate in the above-mentioned tender procedure. We further declare that we are able and willing to work for the period(s) foreseen for the position for which our CVs have been included in the event that this tender is successful, namely:

Full Name	Available from (Date)	Available until (Date)	Acceptance by signature