

Open Call for Consulting Services

Subject:	Gap analysis of the legal framework in each of the Western Balkans economies relevant to adequate implementation of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’
Title:	Technical assistance to prepare a gap analysis of the legal framework in each of the Western Balkans economies relevant to adequate implementation of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’ ¹
RCC Department:	Political Department
Reporting to:	RCC Secretariat
Duration:	20 December 2022 – 1 March 2023
Eligible:	Respective consulting companies, individual consultants, consortia of individual consultants
Reference Number:	090-022

Terms of Reference:

I. PURPOSE

The overall objective of the consultancy is to prepare a gap analysis of the legal framework in each of the Western Balkans (WB) economies relevant to adequate implementation of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’ (hereinafter referred to as: Agreement).

To this end, a consultant will be engaged to assist Regional Cooperation Council (RCC) to provide recommendations on legal, administrative or procedural measures which need to be introduced by each of the WB economies to enable adequate implementation of the Agreement on the ground.

¹ The preparation of the Agreement on freedom of movement of third party citizens within the Western Balkans is currently ongoing. An advanced technical draft of the agreement has been finalized by the Working Group and it will constitute the basis for this assignment.

II. BACKGROUND

Leaders of the Western Balkans Six agreed at Sofia Summit in November 2020 to enhance economic cooperation in the region by developing a Common Regional Market (CRM), based on the EU rules and standards, with the aim to increase the attractiveness and competitiveness of the region and bring it closer to the EU markets. The Common Regional Market aims to closely align the rules and regulations with the core principles governing the EU Internal Market based on the four freedoms approach through mutual recognition arrangements, removing obstacles, and cutting costs and time needed for goods, services, capital and people to move freely across the region.

Removing the remaining barriers to the free movement of people across the region represents one of the key aspects of four freedoms and an important milestone of the Common Regional Market. As CRM envisages aligning rules and regulations with the four freedoms approach, further and sustainable progress in this process requires putting an end to the limitations that affect the dynamic of free movement. In this context, since 2021 the Regional Cooperation Council (RCC) has been facilitating the work of the Working Group aimed at negotiating the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’. This Agreement aims to stipulate the conditions for entry, movement, short stay and exit of third party citizens who require visa to enter Western Balkans economies.

This Agreement aims to strengthen people-to-people contacts, enhance business opportunities and cultural exchanges within the Western Balkans. It also has the potential to foster a harmonious economic growth, strengthen closer people-to-people relations and lead towards continuous and balanced expansion of CRM. In order to assist the economies of the region to mitigate the effects of COVID-19 pandemics, especially the economies which are heavily dependent on tourism, the activities are aimed at adoption of common regional rules during tourism season to enable greater mobility of tourists within the region and remove barriers which hamper greater intra-regional benefits during tourism season.

The Working Group (WG) composed of representatives of the Ministry of Foreign Affairs and Ministry of Interior from all WB economies has prepared an advanced draft of the Agreement. However, due to technical complexity of the Agreement the WG concluded that for the Agreement to be implemented the implementation modalities (e.g. data exchange, readmission procedures, list of third parties subject to the same visa regime, etc.) should be defined and included in the annexes to the Agreement. Therefore, an external consultant, with a strong EU visa policy background, will be commissioned to analyse the legal framework in each WB economy, existing visa policy towards third countries and prepare a report with recommendations on legal, administrative or procedural measures which need to be introduced to enable implementation of the Agreement on the ground.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

The document to be produced should include an analysis of the legal framework in each of the WB economies relevant to adequate implementation of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’, namely:

- provide recommendations on legal, administrative or procedural measures which need to be introduced by each of the WB economies to enable implementation of the Agreement on the ground;
- recommend concrete steps which need to be taken by WB economies to align their visa policies vis-à-vis third parties, the ultimate goal being their full alignment, including full alignment with the European Union’s visa policy.

Tasks expected to be carried out

The tasks specified herewith are:

- In each WB economy map the legal framework relevant to the application of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’;
- Prepare comprehensive analysis of the legal gaps and identify legal, administrative or procedural measures which need to be introduced by each of the WB economies to enable implementation of the Agreement on the ground;
- Recommend concrete steps which need to be taken by WB economies to align their visa policies vis-à-vis third parties, the ultimate goal being their full alignment, including full alignment with the European Union’s visa policy.

Lines of Communication

The experts will report to the RCC Secretariat throughout the 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 20 December 2022 to 1 March 2023.

	Deliverables	Due date
1	Complete interviews/questionnaires with the members of the Working Group that have drafted the Agreement and other relevant stakeholders	10 January 2022
2	<u>Comprehensive research so as to:</u> <ul style="list-style-type: none"> • Map the legal framework relevant to the application of the ‘Agreement on freedom of movement of third party citizens within the Western Balkans’ 	30 December 2022
3	<ul style="list-style-type: none"> • Prepare comprehensive analysis of the legal gaps and identify legal, administrative or procedural measures which need to be introduced by each of the WB economies to enable implementation of the Agreement on the ground; 	20 February 2022

	<ul style="list-style-type: none"> Recommend concrete steps which need to be taken by WB economies to align their visa policies vis-à-vis third parties, the ultimate goal being their full alignment, including full alignment with the European Union's visa policy. 	
5	Consult with RCC regarding the consolidated first draft of the report	25 February 2023
6	Present the final document with all comments and suggestions from RCC and stakeholders duly reflected	1 March 2023

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, EU integration and regional cooperation; Good knowledge of the EU visa policy, Western Balkans region, Berlin Process, EU integration, and relevant 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 parliaments and governments, 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 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 assignment;
- 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).

For individual consultants:

- Letter of interest;
- CV including relevant knowledge and experience, as well as reference list including contact details (e-mail addresses) of referees;
- Concept note outlining the proposal of the methodology, timeline and analytical tools to be used in carrying out the assignment;
- Application Submission Form, Annex I.

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.

NOTE:

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;
- Maximum budget should not exceed EUR 28,500;
- The fee rates should be broadly consistent with those applicable in the region.

Submission of applications:

Applications need to be submitted by 10 December 2022, 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 to 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) satisfies the criteria set forth in the Terms of Reference, education and experience demonstrate professional capacity and experience required.	35
A.3 Quality of the concept note: 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, a 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: 090-022 Open Call for Consultancy Services**

Subject: Gap analysis of the legal framework in each of the Western Balkans economies relevant to adequate implementation of the 'Agreement on freedom of movement of third party citizens within 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	

