

Open Call for Consulting Services

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| Subject: | Support to the RCC Secretariat in mapping the state of play of digitalisation of justice in the Western Balkans |
| Title: | Technical assistance for Mapping Exercise - State of Play of Digitalisation of Justice in the Western Balkans. |
| RCC Department: | Political Department |
| Starting Date: | 30 October 2021 |
| Reporting to: | RCC Secretariat |
| Duration: | 30 October 2021 – 30 December 2021 |
| Eligible: | Respective consulting companies, individual consultants |
| Application Deadline: | 22 October 2021 |
| Reference Number: | 096-021 |
| Terms of Reference: | |

I. PURPOSE

The overall objective of the consultancy is to finalise a mapping exercise that would take stock of the state of play of digitalisation of justice in the Western Balkans (WB). This exercise will be modelled, to the extent possible, after the 2020 Mapping the State of Play of Digitalisation of Justice aiming to assess the level of digitalisation of the justice sector in the European Union.

To this end, a consultant will be engaged to assist Regional Cooperation Council (RCC) to identify and assess the digital solutions and the availability of digital options in place in each of the Western Balkans jurisdictions. The mapping exercise will also include identification of potential options for a regionally harmonised exchange of electronic data and documents among national judicial systems of the Western Balkans.

II. BACKGROUND

The Regional Cooperation Council (RCC) is working with the WB Ministries of Justice, bringing together different stakeholders in justice and rule of law area through the RCC-led Western Balkans Working Group on Justice (WB WGJ). The main focus of this network is to provide a platform to present legal framework and the reforms undertaken, as well as to exchange professional experiences, especially in the process of improving efficiency, access to and independency of justice system.

In this framework, the 14th meeting of the WB WGJ that took place in Skopje on 16 July 2021 thoroughly discussed the importance of digitalisation and modernisation of the judiciary in the WB and the necessary steps to speed up such a process. Digitalisation of justice in the Western Balkans has enormous potential for further modernisation of the justice system and facilitation and improvement of access to justice. Reform of the judiciary, consolidation of the rule of law, and the change of judicial culture are at the core of what the citizens of the region demand from their governments. Balkan Barometer data persistently show that judiciary is considered among least trusted institutions in WB (BB2021). A worrying trend is that citizens find judiciaries more accessible yet too costly. Although accessibility is rated well (46% versus 42% in favour of positive rating), the length and cost of proceedings are rated negatively by 56% and 55% of respondents, respectively, while execution of judgments and transparency are viewed negatively by 53% and 52%, respectively.

Digitalisation of justice can be used as a very powerful tool to enhance efficiency, access, timeliness, transparency and accountability, thus helping the judiciaries to provide adequate services. Justice systems in the Western Balkans need to keep the pace with societal developments, including the process of digital transformation. Covid-19 pandemic further accelerated the need towards transition to digital justice. In this context, the need to put a particular focus on the digitalisation of justice is evident, including its relevance for modernisation of justice systems in our region. Based on this identified need, RCC will initiate a mapping exercise to take stock of the state of play of digitalisation of justice in the Western Balkans. This exercise will be modelled, to the extent possible, after the 2020 Mapping the State of Play of Digitalisation of Justice that assesses the level of digitalisation of the justice sector in the European Union.

II DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

Use of technology has the potential to enhance efficiency, access, timeliness, transparency and accountability, thus helping the judiciaries to provide timely and adequate services to the citizens. Judiciary in the Western Balkans, as other vitals sector, needs to keep the pace with societal and digital transformation. Despite several good steps undertaken by the WB economies, significant work is yet to be done to fully grasp the benefits of digital technologies. Bringing justice into the new digital era through better use of technologies in judicial proceedings, including aspects related to cross-border judicial cooperation, will be to the direct benefit of the citizens and contribute to upholding the rule of law standards in WB.

Western Balkan economies are continuously showing strong commitment to further strengthen the regional cooperation, and at the same time to follow good European practices that help implementing EU standards in the field of justice. Judiciaries in the WB strive to improve their efficiency, transparency and accessibility in service provision, and the enforcement of citizen rights and business contracts.

At present judicial proceedings in the WB take place mostly on paper and are based on traditional transmission channels, not providing a modern access to justice in an environment where people access information and work online every day. Digitalisation can play a fundamental role in court efficiency, transparency and accessibility, but also in increasing judicial productivity. Unfortunately, the justice system has not kept up the pace with technological change of our societies. COVID-19 pandemic made it clear that the use of digital technologies is fundamental to improve the performance of judiciary by investing in smart technology and related infrastructure.

The main objective for this assignment is to map justice digitalisation, digital solutions and availability of digital options in place in each of the Western Balkan jurisdictions. The mapping should also include identification of potential options for a regionally harmonized exchange of electronic data and documents among national judicial systems in the Western Balkans. The existing best practices and lessons learned regarding institutional transformation and digitalisation of justice and its relevance to other economies in the region will also be identified.

Specific Tasks

The tasks specified herewith are:

1. Conduct a comprehensive desk research on:
 - The use of information and communication technologies (ICT) in the judiciary of the WB6 jurisdictions;
 - Assessment of the current legal framework and ICT infrastructure of the judiciary in the WB6 jurisdictions and identification of best practices;
 - Explore options for a regionally harmonised exchange of electronic data and documents among judicial systems of Western Balkans.
2. Complete interviews/questionnaires with representatives of the judiciary and other relevant stakeholders;
3. Prepare a specific set of recommendations for actions needed at the regional level to support the digitalisation of the judiciary.

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

Lines of Communication

The experts 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 October 2021 to 30 December 2021.

| | Deliverables | Due date |
|---|---|------------------|
| 1 | Conduct a comprehensive desk research on: <ul style="list-style-type: none">• The use of information and communication technologies (ICT) in the judiciary of the WB6 jurisdictions;• Assessment of the current legal framework and ICT infrastructure of the judiciary in the WB6 jurisdictions and identification of best practices;• Explore options for a regionally harmonised exchange of electronic data and documents among national judicial systems of Western Balkans. | 30 November 2021 |
| 2 | Complete interviews ¹ /questionnaires with representatives of the judiciary and other relevant stakeholders. | 30 November 2021 |
| 3 | Consult with RCC regarding the consolidated first draft of the report | 10 December 2021 |
| 4 | Prepare the final report including a specific set of recommendations for actions needed at the regional level to support digitalisation of the judiciary. | 30 December 2021 |

III COMPETENCIES

Expert Qualifications:

Criteria related to the experts delivering the service

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| Education: | <ul style="list-style-type: none">▪ University or advanced degree in law or an area directly related to the subject of work. |
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¹ It is preferred that the consultant(s) travel in all WB6 jurisdictions and personally meet the stakeholders, however, due to possible COVID-related travel restrictions, instead of interviews, questionnaires may be prepared and shared online with respective stakeholders.

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| Experience: | <ul style="list-style-type: none"> ▪ Minimum of 7 years of relevant experience in law, digitalisation of justice, and judicial cooperation; ▪ Good knowledge of the Western Balkan region, regional and judicial cooperation instruments, relevant regional and bilateral agreements, documents, initiatives and strategies relevant to digitalisation of justice; ▪ 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 mediators, representatives of governments, judiciary, business, 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:

- Company profile including a brief description (up to 2 pages) of the company;
- Copy of Company's Registration Certificate (in case of consulting companies);
- 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).

For individual consultants:

- Letter of Interest
- CV of the consultant outlining relevant knowledge and experience as described in the Terms of References;
- List of references for relevant activities implemented over the past years demonstrating relevant experience in the subject matter;
- 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;
- 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.

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 22 October 2021, 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 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: 096-021 Open Call for Consultancy Services**

Subject:

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

1 SUBMITTED by:

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| | 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.

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| Name and Surname | |
| Signature | |
| Date | |

