

Roma Integration Open call for Legal Expert

Reference number: 007-021

Terms of Reference:	Legal expertise and support for Working Group on Protection against Discrimination in Kosovo*
Contracting Authority:	Regional Cooperation Council Secretariat
RCC Department:	Roma Integration Action Team
Reporting to:	Roma Integration Action Team Leader
Timeframe:	15 th February – 15 th August 2021 (5 consultancy days per month)
Reference Number:	007-021
Eligible:	Legal entities and individual consultants or individual consultants within bidding consortia, civil society organisations
Number of consultants:	1 legal expert consultancy assignment: Kosovo*
Application Deadline:	5 February 2021

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

I. BACKGROUND

Purpose

The purpose of the Legal Expert service is to assist the Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination and the National Roma Contact Point (NRCP) to provide expertise and support the work of the Technical Working Group on Protection against Discrimination (TWGPD) established by the Government of Kosovo*. The establishment of the TWGPD is linked to one of the pledges of the Poznan Declaration and the new EU Roma Strategic Framework that place the fight against antigypsyism and non-discrimination as central pillars.

The Legal Expert will assist the NRCP in Kosovo* to:

- Develop Rules of Procedure for the Working Group
- Assist the Technical Working Group to identify cases of discrimination as well as areas of discrimination against Roma†
- Create accessible database for data on discrimination cases, including age, gender, type of discrimination, etc.
- Launch a reporting module
- Provide capacity building and training to carry out the planned activities based on the decision of the Government
- Propose a best practice coordination of the TWGPD and provide the necessary trainings /workshops as requested
- Propose and prepare awareness campaigns for the Office for Good Governance /NRCP to carry out in 2021
- Draft an annual report for the work of TWGPD
- Assist the NRCP in creating an adaptable working environment between the members of relevant ministries, implementing institutions, and international donor community organisations in Kosovo*.

The Legal Expert will provide guidelines for the overall function of the Working Group by creating rules of procedure, coordination, gathering information, analysing inputs, soliciting additional information as needed, preparing information for the report as required within the created format, and compiling the report and database on reported cases of discrimination.

Background Information

The Roma Integration 2020 action is implemented by the Regional Cooperation Council's (RCC) Roma Integration Action Team. It is funded by the European Union and the Open Society Foundations. The action is in line with the EU Framework for National Roma Integration Strategies and the EU enlargement process.

The overall objective of the Roma Integration Action Team is to contribute to reducing the socio-economic gap between the Roma and non-Roma population in the Western Balkans and Turkey in the areas of employment and housing, as well as education, health and civil registration. Specifically, the

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† The term "Roma" within the action is used in line with the EU terminology, as an umbrella term which includes groups of people who have more or less similar cultural characteristics, such as Roma, Ashkali, Egyptians, Dom, Lom, Sinti, Travellers, Kalé, Gens du voyage, etc., whether sedentary or not.

Action supports the governments in the region to increase the implementation rate and budgetary allocations for Roma integration policies, through:

- Direct support and technical assistance to the governments to advance existing institutional and policy framework and mechanisms for Roma integration, including promotion of proper budgeting, monitoring and reporting;
- Annual assistance to reporting and review of reports in line with the EU reporting;
- Direct support and technical assistance to the governments for mainstreaming Roma integration into relevant sectoral policies and reforms, and implementation of effective measures, particularly in employment and housing;
- National Platforms on Roma integration issues;
- Regional fact-finding analyses and informed regional discussions through conferences for exchange of knowledge and regional standard setting;
- Participation and input at EU level processes related to Roma issues;
- Mainstreaming Roma issues within the core work of RCC;
- Media dissemination activities challenging negative narratives on Roma integration, as well as action's visibility activities;
- Regular high level/task force discussions on Roma issues at regional level.

The consultant's assignment fits in the overall Roma Integration 2020 action and shall be guided by the Roma Integration Action Team.

II. DESCRIPTION OF RESPONSIBILITIES

Objectives and scope of the assignment

The objective of engaging a Legal Expert is to ensure that Office for Good Governance, Human Rights, Equal Opportunities and Non-Discrimination (OGG) and National Roma Contact Point (NRCP) accept inclusive and direct support for the Technical Working Group on Protection against Discrimination (TWGPD).

In 2020 the Government of Kosovo* established a Technical Working Group on Protection against Discrimination (TWGPD) to serve as a constructive platform for joint advocacy, information gathering, reporting on and processing of discrimination cases, analysing the inputs from discussions from the meetings and establishing a constructive dialogue on key topics of mutual interest, accordingly reaching agreement and initiating common actions among relevant line ministries.

In addition, the Legal Expert shall assist the National Roma Contact Point to set or advance the procedures for internal operational and action plan of the TWGPD, in terms of preparing forms for membership of different institutions, training modules on the topics identified with NRCP, awareness raising campaigns, and share them with Roma Integration Action Team.

The assignment report should provide detailed information on the process of the consultancy, including all the relevant information on stakeholders, activities, time allocated, produced outputs and outcomes. The assignment report should also contain the Legal Expert's opinion on various aspects of the process, identified challenges and bottlenecks and potential solutions and recommendations.

Tasks

- Assist the National Roma Contact Point to develop the rules of procedures and tasks of the TWGPD working group
- Assist the TWGPD to identify cases of discrimination as well as areas of discrimination against Roma
- Create accessible database for data on discrimination cases, including age, gender, type of discrimination, etc.
- Prepare and carry out capacity building and training and planned activities based on the decision of the National Roma Contact Point
- Propose best practice coordination for awareness campaigns in coordination with the National Roma Contact Point
- Introduce a reporting module for the final semi-annual report 2021
- Analyse the information received and prepare the information for the final report

The final report should provide information on the internal rules and procedures, implementation of each planned activity, training, awareness raising campaigns, and also provide an overview of the budget spent for the implementation of overall activities in the semi-annual period. One highly important part of the report is the assessment of the impact of TWGPD and data on discrimination cases identified and reported, including statistical data disaggregated by ethnicity and sex and type of discrimination.

The Legal Expert may work with the National Roma Contact Point and the relevant institutions in local languages. The final output of the process and final report must be submitted in English.

Deliverables

- Established database
- Memo on institutional cooperation
- Training model or programme
- Campaign proposal
- Final Report (a product of the government, with the assistance of the Legal Expert)
- Consultant's assignment report

Lines of Communication and Reporting

The Legal Expert will submit all reports and monthly timesheets in English to the Roma Integration Action Team for review and approval of deliverables. The consultant will work closely with the Action Team, which shall provide guidance to efficiently conduct the work and approve deliverables. The Action Team will also ensure the required communication of the Legal Expert with National Roma Contact Point and other designated officials.

Timeframe

The Roma Integration Action Team will engage one Legal Expert in the period from **15 February to 15 August 2021** (5 consultancy days per month), the latter being the final deadline for submitting the listed deliverables.

PROFILE AND COMPETENCIES

Qualifications

Education:	Advanced degree in law, or other areas directly related to the subject of work.
Experience:	Minimum of 7 years of relevant experience; Proven record of legal cases or development of legal entities, groups, etc. Previous experience in working in the respective economy and in-depth knowledge of the economy is essential; Proven analytical skills and ability to conceptualise and provide advice concisely and clearly; Experience in working on policies for vulnerable groups; Proven communication, monitoring and reporting skills and ability to work in an environment requiring liaison and collaboration with multiple actors including government representatives, international organisations, civil society institutions and other stakeholders; Proven writing abilities, argumentation and negotiation skills; Proven writing skills, precise and concise expression in written; Belonging to a disadvantaged group, primarily Roma shall be considered an advantage.
Language requirements:	Fluency in English, as the official language of the RCC. Knowledge of one of the local languages in the region and/or Romani will be considered an advantage.
Other:	Familiar with MS Office applications.

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, understand different concepts and approaches, assess risks and challenges and extract and articulate various ideas, ability for negotiations and reconciliation – consensus building ability;
- Ability and integrity to perform the tasks impartially and objectively, without any conflict of interests (subject to written declaration during the contracting procedure).

III. QUALITY CONTROL

The consultant(s) should ensure an internal quality control during the implementing and reporting phase of the assignment. The quality control should ensure that the deliverables comply with the agreed requirements and meet adequate quality standards. The content of the deliverables should reflect the views of the stakeholders and is owned by them. The support of the Roma Integration project must be recognised in the deliverables, and the support of the consultant(s) may also be recognised.

IV. APPLICATION RULES

The application needs to contain the following:

- Technical Offer;
- Financial Offer.

Technical offer:

For individual consultants:

- Letter of Interest, with reference to a Roma Integration participating economy the candidate is applying for;
- CV outlining relevant knowledge and experience as described under Profile and Competencies;
- Work plan outlining the proposed action, sources of information to be used, timeline and tools to be employed by the consultant;
- Reference list including contact details (e-mail addresses) of referees;
- Submission Form (Annex I).

For legal entities and consortia of individual consultants:

- Legal entities' profile, including a brief description (up to 2 pages) of the entity. In case of a bidding consortium, the team leader should submit the profile of the consortium;
- Copy of Legal Entity's Registration Certificate (in case of consulting companies/legal entities). In case of a bidding consortium, a corresponding written authorisation, power of attorney is treated accordingly;
- Financial records - balance sheet and profit-and-loss statement for the past 2 years (only in case of bidding of consulting companies);
- CV of an expert, with reference to a Roma Integration participating economy the candidate is applying for, outlining relevant knowledge and experience as described in the Terms of References, along with contact details (e-mail addresses) of referees;
- Work plan outlining the proposed action, sources of information to be used, timeline and tools to be employed by the consultant;
- List of references for relevant activities implemented over the past 5 years demonstrating relevant experience in the subject matter;
- Submission Form (Annex I);
- Signed Statements of Availability (Annex III).

Financial Offer, Annex II Budget

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

- All figures should be expressed in EUR;
- The proposed budget should include daily fee rate for consulting services broken down by tasks; the fee rates should be broadly consistent with the framework rates applicable in the region for these types of professional services.

Applications need to be submitted by **5 February 2021** 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.

V. EVALUATION AND SELECTION

The application is evaluated on the basis of the profile and competencies of the candidate and the responsiveness to the Terms of Reference (ToR)

1. Profile and Competencies
2. Financial evaluation based on Annex II

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: CV satisfies the criteria set forth in the Terms of Reference, education and experience demonstrates professional capacity and experience required.	35
A.3 Quality of the work plan: Concept note 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 Proposal/ 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
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ANNEX I: SUBMISSION FORM

REF: 007-021

One signed copy of this Call for Consultancy Submission Form must be supplied.

1 SUBMITTED by:	Name(s) and address(es) of the bidder submitting this tender
Full Entity Name	

2 CONTACT PERSON (for this Call)

Name	
Surname	
Address	
Telephone	
Fax	
e-mail	

3 DECLARATION

[**Company Name or Name of the entity**] hereby declares that we have examined and accepted without reserve or restriction the entire contents of the Call for Consultancy Ref: 007-021.

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 call for experts 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: BUDGET BREAKDOWN REF: 007-021

No Cost categories	Daily fee rate	Total Cost
2 TOTAL COSTS		
3 VAT (if applicable):		
GRAND TOTAL (2+3):		

The fee rates should be broadly consistent with the framework rates applicable in the region for these types of professional services.

ANNEX III: STATEMENT OF AVAILABILITY

REF: 007-021

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	Number of man- days associated to each task from the ToR