

SPECIFIC TERMS OF REFERENCE
SUPPORT TO THE EU NATIONAL COORDINATING UNIT
FWC BENEFICIARIES 2009 - Lot 7: Governance and Home Affairs
EuropeAid/127054/C/SER/multi

1. BACKGROUND

1.1. Beneficiary country

The beneficiary country is Kyrgyz Republic

1.2. Contracting Authority

The European Community, represented by the Commission of the European Communities, for and on behalf of the government of Kyrgyz Republic

1.3. Relevant country background

The European Commission's cooperation with Kyrgyzstan and other countries in Central Asia is based on a multi-annual regional cooperation strategy which takes the situation and needs of each country into account. The Regional Strategy Paper for Assistance to Central Asia (2007-2013) foresees an investment of €719 million for regional programmes and country-based projects.

In the Kyrgyz Republic, EC cooperation focuses on social and economic development and support for state and administrative reform, while regional programmes prioritize cooperation in the field of energy and transport, environment, education, security and stability.

Since 1991, more than 500 projects amounting to more than €130 million were funded by the EU to support Kyrgyzstan directly. For the period of 2011-2013 an annual average of €17 million is foreseen. These funds are allocated to the three sectors jointly identified as priorities, namely Social Protection, Education and Good Governance.

In addition, the European Commission fosters exchanges with and among institutions whose development is crucial to the establishment of an economically, socially and intellectually thriving democratic society: research institutes, universities, private sector and civil society. Under the Non-State Actors in Development Programme (NSA), the European Instrument for Democracy and Human Rights (EIDHR) and several other thematic programmes such as Investing in People and Environment, European NGOs have teamed up with their Kyrgyzstani partners to help improve living conditions and promote democracy and human rights.

With the launch of the first Instrument for Stability (IfS) projects in 2008, the European Commission has considerably intensified its work in the area of conflict prevention, crisis management and peace building. This booklet describes past, current and planned projects financed by the European Commission in the Kyrgyz Republic.

A National Co-ordinator is the Commission's main partner within the partner state government. Formal communication on matters of major significance is normally the responsibility of the National Co-ordinator, although as a senior member of the administration he or she is unlikely to be engaged full-time on EU-related issues.

National Co-ordinating Units (NCUs) have been established in each partner country to provide assistance to National Co-ordinators in their relations with the European Commission at key stages of the programming cycle. The NCU is an institution of the partner country headed by a local Executive Director and staffed with a team of national officials and/or experts and the necessary logistical and secretarial support provided by the government.

1.4. Current state of affairs in the relevant sector

The scope of EU support to the NCUs has changed over time, reflecting the increasingly mature political relationship and the Government ownership of aid planning, programming and co-ordination. Today the NCUs are active dialogue partners and are increasingly becoming channels through which to secure national ownership. Their ability to provide inputs to the IP and AP dialogue with the EC and to coordinate linkages with the national priorities has increased over the past years. This progress has been made possible with the help of the Tacis programme providing technical assistance to national coordination units (TANCU). Under TANCU, the EU funded external experts, training of local staff and local administrative costs.

1.4.1 Responsibilities and mandate of institutions

In Kyrgyzstan, the Country Development Strategy (CDS), the Joint Country Support Strategy (JCSS), as well as the PCA provide a comprehensive framework for linking EC assistance with national priorities. Currently, after the public unrest in the beginning of April, there is no clarity as to which unit in the Provisional Government will be taking over the functions of the NCU. Furthermore, the situation may change after a permanent set of institutions is established in the country following the adoption of a new Constitution and after the elections planned for October 2010.

1.4.2 Human resources capabilities and constraints

As the constraints on human and financial resources can be expected to remain in the medium term, support to national programming needs to continue, not least to strengthen the dialogue with the Commission. In the current political situation, whereby a Provisional Government is in place until new Parliament starts functioning later in 2010, the human and financial resources problem is further deepened.

Given the deteriorating education system, low wages, the weakness of domestic professional learning and training programmes, and the high turnover rate among qualified staff, the NCUs depend on external support to build their capacities. This is, by definition, not a short-term endeavour, as the limited absorption capacities hamper skills transfers. The NCU remains generally under-resourced and continue to rely strongly on TANCU support.

1.5. Related programmes and other donor activities:

The establishment of clear and focussed national priorities and objectives for external assistance is an important basis for the most effective use of available external resources. In the formulation of strategy papers, the preparation of pre-programming

documents and support to the National Co-ordinator in general, the project will ensure that the priorities and programming of bilateral donors, international financial institutions and the United Nations institutions are taken into account. Furthermore, the project will foster synergies with other EU aid programmes, including regional aid coordination bodies.

2. DESCRIPTION OF THE ASSIGNMENT

2.1. Global objectives

The global objectives of the project of which this contract will be a part are as follows:

- to strengthen the capacity of public institutions in the Kyrgyz Republic
- to facilitate institutional relations between the EU and the Kyrgyz Republic

2.2. Specific objective

The specific objective of this project is to improve and strengthen the planning and co-ordination capacity of the Kyrgyz government in its relations with the EU.

2.3. Required outputs

- appropriate national inputs for the development of EU Aid Programmes, which meet well-identified and jointly agreed priorities for co-operation between EU and the partner country, which are set within a broader framework of external assistance, and which reflect wide influence after consultation with the stakeholder;
- enhanced national capacity to support high quality assistance programming, from sector survey and review through to effective dialogue and decision-making with providers of assistance
- enhanced national capacity in Partnership and Cooperation Agreement (PCA) dialogue
- maintained institutional memory as regards achievements of previous NCUs and TANCU teams

2.4. Assumptions & Risks

2.4.1. Assumptions underlying the project intervention

- The Government gives the necessary authority to the NCU to carry out its function as the external aid co-ordination body.
- NCU influences positively on the allocation of necessary human and financial resources for the sustainability of the project's results.

2.4.2. Risks

The most important risks are a high turn-over of staff and the low level of communication with and between line ministries, other donors and national

organisations. Currently, a highly relevant risk is the volatile political situation in the country with an ongoing constitutional reform and provisional institutions in place until a new Constitution is in force and elections are held as planned, and accordingly, new institutions are set up.

2.5. Requested Services

2.5.1. General

2.5.1.1. Project description

The support to the NCU will seek to address the following:

- human resource constraints at senior and middle management levels in partner country administration responsible for planning and co-ordination of EU support and of related external assistance. These constraints reduce the ability of the partner country to play its full role in dialogue and decision-making on the forms and channels for such assistance;
- the present underdevelopment of consultation and outreach mechanisms through which civil society organisations and the private sector can inform and influence the forms and channels of external assistance. A wider range of institutions can and should play an active part in improving the efficiency and effectiveness of such assistance in supporting and providing benefits from the process of transformation to market economies and democratic societies;
- the continuing need to improve the coherence and co-ordination of the EU programme and other external development assistance in partner countries, within an agreed framework of national and international priorities and objectives, notably the government's policy agenda as set out in the CDS or similar documents.
- difficulties in the working process between the EU Delegation and the Kyrgyz counterparts caused by the ongoing administration reshuffling following the dissolution of a number of institutions after the events in April 2010 and the creation of a provisional government foreseen to be in place until elections later in 2010.

2.5.1.2. Geographical area to be covered

The geographical area covered by the present project covers the territory of Kyrgyz Republic.

2.5.1.3. Target groups

The target group of the project is the Government of the beneficiary country, primarily its planning and coordination body dealing with EU assistance.

2.5.2. Specific activities

Assistance to Improve EC Aid Programming

The project will provide support to the NCU in maintaining the following functions regarding EU assistance:

- to contribute to the monitoring and evaluation of the current EC assistance (estimate together the results, best practises, most appropriate co-operation forms) with a view to ensure that M&E results are taken into account in planning activities of the government
- to advise and support PCA dialogue and implementation monitoring
- to facilitate communication between the EU Delegation and the relevant government institutions
- after the elections planned for later in 2010, to organise trainings for civil servants on a regular basis (topics to be agreed between the NCU and the EU delegation)
- to strengthen the NCU's capacity to facilitate donors' co-ordination
- ad-hoc advices according to the needs (to be agreed between the NCU and the EC) up to 40 per cent of total number of mandays
- to insure involvement of civil society organizations in EU related activities of the government
- to initiate a procedure of legislative gap analysis between various selective parts of the Acquis Communautaire and the Kyrgyz legislation to bring these two legal bases closer together
- to advise on NCU set up if needed

When planning and organizing the abovementioned activities due regard should be taken of the provisional character of the government until elections planned for later in 2010.

The NCU itself, or the institution of which it forms a part, may of course undertake other functions in relation to project design and implementation in parallel with those noted above. These additional functions go beyond the main focus of this project.

The assistance provided within the framework of the project should not aim exclusively at the NCU itself, but also at all government agencies involved in EU aid coordination and beneficiaries -line ministries and agencies.

Institutional strengthening

Training

To fully execute the functions mentioned above, NCU staff needs to acquire a number of general and skills to guarantee professional coordination of EU Assistance programmes. The experience and recommendations, including Training Needs

Assessments and Functional Reviews, of the previous support to NCU must be taken into consideration. Training should be provided after a permanent set of institutions is in place following the planned elections in October 2010. The scheme of the training required for NCU has to be identified during the inception phase and submitted within the Inception Report.

2.6. Monitoring and evaluation

Definition of indicators

The contractor shall incorporate monitoring mechanisms for periodic assessment of the progress of the project activities. These mechanisms shall be specified in the project plan and the observed performance shall be described in the periodic progress reports.

Essential points to be monitored are the following:

- Deviations of the milestones and deliverables from the planned dates as agreed in the offer and/or in the Inception Report
- Adherence to the work plan in terms of content of the activities actually carried out
- Deviations in effort needed to complete an activity, as compared to plan
- introduction of work not initially planned
- shifting of common understanding of the objectives and priorities between contractor and recipient
- appearance of unexpected difficulties likely to require special measure or shift of project resources

In all its actions the Contractor must respect the EU ***Visibility Guidelines for External Actions, inter alia available on the EuropeAid's website*** http://ec.europa.eu/europeaid/work/visibility/index_en.htm

3. EXPERTISE REQUIRED

3.1. Personnel

Overall, the team of experts must work a minimum of 90% of their input time in the Kyrgyz Republic.

The core team will consist of three experts: a Team Leader (senior expert), a Public Administration expert (junior expert) and an Economic Analyst Expert (junior expert). The Team leader should be available from the starting date until the end date of the project. He should be in place when a need arises, firstly, in the beginning of the project and consequently working predominantly after the elections planned for later in 2010.

The Public Administration expert must be available and working evenly from the starting until the end date of the project.

The Economic expert should be available from October until the end of the activities of the project, working predominantly after relevant institutions are in place and effectively functioning.

The profiles of the experts for this contract are as follows:

Senior expert: Team Leader, 30 working days

Qualifications and skills

University degree in Public Administration and/or Politics or other relevant field. Computer literacy (minimum: Word, Excel). Excellent communication skills. Proven team builder. Project management training and skills. Proven fluency in oral and written English. The knowledge of Russian and Kyrgyz languages is an advantage.

General professional experience

Minimum 10 years experience in the institutional capacity building and/or policy advice. At least 5 years of experience as team leader or in other international senior management position. Records of the development of effective strategic plans at senior levels and of the provision of sound policy advice. Excellent track-record of negotiation and policy setting at senior levels.

Specific professional experience

The candidate must have some previous experience as technical adviser and/or team leader in externally assisted projects. Experience in using international development system, familiar with the programming and decision-making processes of the EU support programmes and other partner agencies in the Kyrgyz Republic. Relevant experience in CIS countries is an advantage.

Junior expert 1: Public Administration Expert, 120 working days

Qualifications and skills

University degree: preferably in Public Administration, Public Law or other related field. Computer literacy (minimum: Word, Excel). Excellent communication skills. Proven fluency in oral and written English and Russian. Knowledge of Kyrgyz language would be an asset.

General professional experience

Minimum 5 years of general working experience in the Kyrgyz Republic. Minimum 3 years experience in the development planning and/or aid programmes development for actions that take place in the Kyrgyz Republic. Previous working experience as civil servant would be an asset.

Specific professional experience

Previous experience gained through at least in one long-term¹ and/or several (in minimum three) short-term assignments in the Kyrgyz Republic as an expert in externally assisted projects. Experience in using international development system, and familiar with the programming and decision-making processes of the EU support programmes and other partner agencies of the Kyrgyz Republic. Experience in the monitoring of the co-operation projects and aid co-ordination would be an asset.

¹ Long term assignment is at least 6-months-long assignment which has been conducted uninterruptedly.

Junior expert 2: Economic Analyst Expert, 85 working days

Qualifications and skills

University degree: preferably in Economics or other relevant field. Computer literacy (minimum: Word, Excel). Excellent communication skills. Proven fluency in oral and written English and Russian. Knowledge of Kyrgyz language would be an asset.

General professional experience

Minimum 5 years general working experience in the Kyrgyz Republic. Minimum 3 years experience in the economic sector in the Kyrgyz Republic. Some experience in analysing macro economic trends. Previous working experience as civil servant would be an asset .

Specific professional experience

Previous experience gained through at least one long-term² and/or several (in minimum three) short-term assignments in the Kyrgyz Republic.

4. LOCATION AND DURATION

The duty station for the provision of services will be Bishkek.

The intended commencement date is in July 2010 and the period of execution of the contract will be 12 months from this date.

Project extension

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope, subject to the availability of funding. Any subsequent extension of the contract would be subject to satisfactory performance by the Contractor. This shall be judged, in particular, in terms of the progress towards the achievement of the project purpose, and the delivery of the anticipated results. The intervention of events outside the Contractor's control shall also be taken into consideration. Please note that budget extension (over 200 000 EUR) is impossible.

5. REPORTING

Please refer to Article 26 of the General Conditions.

An inception report must be submitted three months after the signature of the contract, including the updated country specific Logical Framework.

Subsequently, brief progress reports will be submitted as required and agreed by the Project Manager.

There must be a final progress report and final invoice at the end of the period of execution. The draft final progress report must be submitted at least one month before the end of the period of execution of the contract.

² Long term assignment is at least 6-months-long assignment which has been conducted uninterruptedly.

The final progress report shall be forwarded to the Project Manager not later than 60 days after the end of the period of execution. The final invoice must be accompanied by a final progress report. Note that final progress reports are additional to any required in Section 2.5.2 of these Terms of Reference.

All reports produced in this project will be submitted officially by the Contractor to the Project Manager in Bishkek in 2 copies; copies will also be provided to NCU and to the Monitoring & Evaluation Team (so called "Monis" project). The number of copies to the beneficiary should be agreed during the Inception phase.

The Project Manager is solely responsible for the approval of reports. The reports will be prepared in English and Russian. The reports shall be submitted in hard copy and electronic format (as a single Word file).

Reports, as well as press statements, etc, made by the Contractor will make clear that any opinions expressed therein remain those of the Contractor and do not represent the opinion of the European Commission.

Copyright on all reports and other material prepared under this contract shall reside with the European Commission.

6. ADMINISTRATIVE INFORMATION

During selection of the contractor, the Evaluation Committee can conduct telephone interviews with the proposed experts.

The responsible body for supervising the Project will be the Delegation of the European Union to the Kyrgyz Republic.

Counterparts are expected to provide sufficient and suitable office accommodation for the project. The office in the Ministry of Finance which was equipped by the previous TANCU project should be used for the purposes of the current project.

The contractor will be responsible for all other operational costs.

Equipment purchased under earlier service contracts providing support to National Co-ordinating Units shall remain the property of the European Commission and shall continue to be used by the NCU support project contractor until the end of this project and then be handed over to the beneficiary country.

Eligibility: all nationalities are eligible

Equipment: **No** equipment is to be purchased on behalf of the Contracting Authority / beneficiary country as part of this service contract or transferred to the Contracting Authority / beneficiary country at the end of this contract. Any equipment related to this contract which is to be acquired by the beneficiary country must be purchased by means of a separate supply tender procedure.

Budget: The maximum budget available is 200,000 EUR.

The Contractor will also budget for suitable interpretation and translation services of a high standard. These costs are to be covered by fee rates.

If the Consultant is a consortium, the arrangements should allow for the maximum flexibility in project implementation. Arrangements offering each consortium partner a fixed percentage of the work to be undertaken under the contract should be avoided.

The Contractor shall ensure that his experts are provided with computer equipment, including printers, scanners, etc., if appropriate as well as other general office facilities and supplies such as copying machines, telephones and fax machines, internet access, stationery and office supplies. Equipment directly related to the experts (such as laptops, mobile phones etc.) must be covered by fee rates. No costs of this nature may be charged in addition.

Reimbursable costs-appropriate budgetary allocations should be foreseen under "reimbursable costs" for:

- 1) Travel costs and subsistence allowances for missions to be undertaken as part of this contract from the base of operations in the beneficiary country
- 2) Workshops, seminars, training, and dissemination activities;
- 3) Subcontracting to a third party to perform a part of the services towards project objectives put forward (up to 10% of the contract value and in accordance with the Art. 4 of General Conditions)

Any subsistence allowances to be paid for missions undertaken as part of this contract from the base of operations in the beneficiary country must not exceed the per diem rates published on the Web site http://ec.europa.eu/europeaid/work/procedures/index_en.htm at the start of each such mission.

All supporting documents must be kept by the Contractor as indicated in article 24 of the General Conditions.

6.1. Tax and VAT arrangements

No VAT will be paid under this contract.

7. Special requirements

The contractor can not participate in the call for tenders for which he prepared or has been involved in the process of preparing the ToRs.