Terms of Reference

**Legal advisor for harmonization of internal acts in the human resources sector and material resources sector**

for

Improving Public Financial Management for the Green Transition Project

## **Background**

Improving Public Finance Management for a Green Transition in the Republic of Serbia is a four-year Operation supported by the World Bank and AFD, which aims to assist the Government of the Republic of Serbia in strengthening its capacity for public finance management and implementing green investments. The key implementing institutions, in addition to the Ministry of Finance, are the Ministry of Environmental Protection, the Republic Property Directorate, the Secretariat for Public Policies, and the Public Procurement Administration.

The operation consists of two components:

1) **Programme for Results (PforR)**, a component (Programme) consisting of two result areas:

• Strengthen fiscal resilience, transparency and effectiveness of spending – focused on further strengthening fiscal resilience, using public expenditure management to improve efficiency and focus on results, improving the ability to link plans and budgets through stronger costing at the planning stage, improving fiscal transparency, and improving the preparation of public investment projects.

• Greening the spending cycle in Serbia and developing selected other institutions for greater environmental resilience – focused on introducing and using green criteria in PFM, PIM and public procurement, as well as strengthening systems for monitoring and reporting on GHG emissions from facilities.

2) **Investment Project Financing (IPF) Component** (Project) consisting of technical assistance to support implementing entities in achieving expected results. The IPF component will consist of technical assistance -- including training, capacity building and peer learning, support for stakeholder engagement, and support for Program management.

The development objective of the Operation is to improve the core public financial management functions and institutional capacities needed for Serbia's fiscal resilience and green transition. The Operation will support the following key public financial management functions: budgeting and strengthening the links between plans and budgets, public investment and asset management, and fiscal risk management.

**Performance management aspects of the Operation**

The Ministry of Finance aims to integrate sustainable practices and environmental issues into its budgeting process. As part of this initiative, a qualified Legal Advisor is sought to improve operations within the capacity of budget users in order to promote the effective and efficient use of human and material resources, improve decision-making processes and achieve better program performance with a focus on key performance indicators on spending efficiency, as well as environmental and gender-specific aspects of performance.

Part of the proceeds will be used to finance the proposed advisory task. This project task defines the scope of activities, responsibilities and the task itself of the Legal Advisor.

## **Objective of the assignment**

The main tasks of the Legal Advisor for the Harmonization of Internal Acts in the Human Resources Sector and the Material Resources Sector in the Treasury Administration are to perform an analysis of internal acts that follow the plan for harmonizing operations and the efficiency of human and material resources, taking into account aspects of the Green Agenda, and to report on this analysis, as well as to propose amendments to internal acts that regulate the operations of the Human Resources Sector and the Material Resources Sector, all with the aim of improving the operations of the aforementioned sectors, i.e. the Treasury Administration.

In it’s analysis, the Legal Advisor will take into account the activities in the digitalization process in the Treasury Administration which have been undertaken with the aim of modernizing and automating the general operations system of the Treasury Administration. Digitalization is a key driver within the five pillars of the Green Agenda for the Western Balkans in line with the concept of dual green and digital transition. In recent years, various measures and steps have been implemented to support the digitalization of the Treasury Administration’s operations. Significant efforts have been made to improve the business environment through a focus on digitalization and automation of business processes. Digitalization is one of the main priorities for the Treasury Administration, with a focus on improving the knowledge and skills needed to fully exploit the opportunities offered by the digital society and the digitalization of public services in the areas of human and material resources. The Legal Advisor will also take into account all the changes in the business processes due to digitalization and analyze and suggest necessary updates in proposed set of internal acts.

The key tasks of the Legal Advisor will be the analysis and review of internal acts in the Treasury Department, specifically the directives and procedures that regulate business processes within the competence of the Human Resources Sector and the Material Resources Sector, in order to improve their operations and influence the implementation of the project to improve efficiency and public finance management. The plan is to ensure control and proper implementation of new and strategically important functions such as adequate risk management, human and material resource management, as well as human resource development, by improving the organizational structure and enabling efficient management. One of the objectives is to ensure that the Human Resources and Material Resources Departments have up-to-date and accurate internal acts, to ensure that the Treasury Department has modern material resources and professional, highly motivated staff who will adapt to the new, modern and digital environment in terms of developing leadership and management capacities to lead the change process in the public sector.

Considering the above, the main task of the Legal Advisor will be to review the internal regulations in the Human Resources and Material Resources Departments, namely the following internal acts:

HUMAN RESOURCES SECTOR:

1. Directive on the method and procedure for granting solidarity aid, number 403-00-1095/23-001-008 of June 23, 2023

2. Directive on professional training in the Treasury Administration, number 110-00-5/2022-001-008 of May 31, 2022

3. Directive on the internal whistleblowing procedure, number 110-00-4/2022-001-008 of February 28, 2022

MATERIAL RESOURCES SECTOR:

1. Directive on the use of SIM cards in the Treasury Administration, number 404-00-106/2023-001-009 of February 14 2023

2. Directive on the use of official mobile phones in the Treasury Administration, number 404-00-668-2/18-001-008 of January 1, 2020

3. Directive on the manner of handing over the duties of the director of a branch of the Treasury Administration, number 036-00-4/2019-001-008 of June 10, 2019

4. Directive on the implementation of occupational safety and health in the Treasury Administration, number 160-1/18-001-008 of May 23, 2018

5. Directive on the use and maintenance of official vehicles of the Treasury Administration, number 404-00-749/2015-001-008 of October 27, 2015

6. Directive on the procedure for employees of the Treasury Administration in the event of extraordinary adverse events in the protection of persons, property and business, number 404-00-536/2017-001-008 of June 19, 2017

7. Directive on the conduct of employees of the Treasury Administration, number 112-00-960-4/2015-001-008 of May 29, 2020

8. Procedure for the handover and destruction of seals and stamps in the Treasury Administration, number 031-00-39/2023-001-009 of November 7, 2023

9. Procedure on the method of implementing the service of ongoing maintenance of facilities in the Ministry of Finance - Treasury Administration, number 404-00-355/2023-001-009 dated June 28, 2023

10. Procedure for physical and technical protection of facilities, spaces, premises and zones in the Treasury Administration, number 404-00-59/2022-001-009 dated February 2, 2022

11. Procedure for organizing meetings in the Ministry of Finance - Treasury Administration, number 404-00-569/2021-001-009 dated September 10, 2021

12. Procedure for the method of handing over equipment and intangible assets in the Ministry of Finance - Treasury Administration, number 404-00-570/2021-001-009 dated September 10, 2021

13. Procedure on the method of monitoring the system for technical protection of facilities in the Ministry of Finance - Treasury Administration, number 404-00-567/2021-001-009 of September 10, 2021

14. Procedure on the method of receiving, recording and issuing office and other consumables in the Ministry of Finance - Treasury Administration, number 404-00-586/2021-001-009 of September 10, 2021

15. Procedure on the method of archiving archival materials and documentary material in the Treasury Administration, number 031-00-23/2023-001-009 of August 2, 2023

16. Procedure on the Ministry of Finance - Treasury Administration's procedures in public procurement procedures, number 404-00-400/2020-001-008 dated 1.9.2020.

Based on digitalization, automation, as well as all new changes in the transition system, the Legal Advisor will prepare an appropriate analysis of the aforementioned internal acts of the Treasury Administration in the areas of human and material resources, point out any shortcomings in them, develop a strategy with an accompanying plan and tasks for amending them, or introducing new ones, if necessary, in order to improve the operations of the Human Resources Sector and the Material Resources Sector in the Treasury Administration.

In this regard, the Ministry of Finance (hereinafter: the Client) intends to engage a Legal Advisor, with reduced working hours, in order to contribute to the implementation of the project task.

The Client is obliged to provide the Legal Advisor with complete access to all necessary materials, data, information, as well as IT systems necessary for the performance of his tasks.

## **Scope of Work**

The Consultant will perform the following:

1) Analysis of all internal acts in the Human Resources Sector and the Material Resources Sector in the Treasury Administration;

2) Support in further harmonization of regulations in order to improve the operations of the Treasury Administration in the areas of human and material resources;

3) Preparation and development of a plan for the introduction of new internal acts in the aforementioned sectors in accordance with modernization and digitalization, if necessary;

4) Supervision and reporting on the implementation of the aforementioned acts, both in the Headquarters and in external units of the Treasury Administration.

**Length of the assignment**

The Legal Advisor will provide services and perform tasks on a part-time basis, for up to 10 working days per month, until end of December 2025.

The Consultant shall deliver all the expected outputs at the daily rate that will be dependent on the qualifications, as well as approved project budget.

**Reporting**

The Legal Advisor will submit his report to the Director of the Treasury Administration through the Team Leader.

Team Leader will approve all reports from Legal Advisor prior to sending to the Director of the Treasury Administration.

The Legal Advisor is required to submit a report summarizing daily activities undertaken and tasks completed, as well as the working hours spent on each issue and each task, within ten days after the end of each previous month.

The Legal Advisor will proactively prepare ad hoc reports on all significant analyses during the Project for the Director of the Treasury Administration.

The Advisor is required to document and retain hard copies and/or electronic copies of all documents and materials developed during the Project, in their original format.

**Qualification Requirements**

The Legal Advisor must possess the following qualifications:

1) University degree education in the field of law at the basic academic studies (240 EPSB points);

2) Minimum 10 years of experience in the field of Law or related and providing legal advice;

3) Minimum 5 years of experience in the field of national legislation and administration regulations;

4) Experience in working with or within the public sector, such as national institutions, local self-government institutions, agencies or bodies will be considered as a strong advantage of the candidate;

5) Knowledge of working on a computer and in MS Office;

6) Excellent spoken and written Serbian;

7) Knowledge of the English language will be considered an advantage;

8) Good analytical and communication skills will be considered an advantage;

9) Previous work on projects related to public finance will be considered an advantage.

**Confidentiality**

The Legal Advisor undertakes to maintain the confidentiality of all information that is not in the public domain and will not be involved in any other task or project that presents a conflict of interest with the aforementioned project.

**Expected Outputs**

1) Complete analysis and revision of existing internal acts in the Human Resources Sector and the Material Resources Sector in the Treasury Administration;

2) Adoption of a strategy for the development of new, or reform of existing, internal acts in the aforementioned sectors, in the form of business improvement;

3) Support for improving the efficiency, effectiveness and transparency of operations of the Human Resources Sector and the Material Resources Sector, i.e. the Treasury Administration;

4) Preparation of report on monitoring of implementation of implemented acts and internal regulations.

**Inputs and responsibility of the Client**

The client shall provide access to all necessary materials, methodologies and internal acts.

The client will appoint Team Leader as a focal person from Treasury Administration, who will be fully responsible for the cooperation with Legal Advisor and providing all necessary materials and information. The Team Leader will be the single point of contact for all actions and quality assurance.

**Selection**

Consultant will be selected in accordance with the Open Competitive Selection of Individual Consultants as set out in the World Bank’s Procurement Regulations for IPF Borrowers: Procurement in Investment Project Financing – Goods, Works, Non-Consulting and Consulting Services (November 2020) and the World Bank's ‘Guidelines on Preventing and Combating Fraud and Corruption in Program-for-Results Financing’, dated February 1, 2012, and revised July 10, 2015.

The candidates will be evaluated applying the following evaluation criteria:

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| General experience | 40 points |
| Specific Experience relevant to the Assignment | 60 points |
| **TOTAL:** | **100 POINTS** |