

**ANNEX II: TERMS OF REFERENCE**

***MULTI-ANNUAL ACTION PROGRAMME FOR MONTENEGRO ON  
EMPLOYMENT, EDUCATION AND SOCIAL POLICIES 2015-2017  
(INSTRUMENT FOR PRE-ACCESSION ASSISTANCE – IPA II)***

**PROJECT TITLE:**

***STRENGTHENING CAPACITIES OF SOCIAL AND CHILD  
PROTECTION SYSTEM IN MONTENEGRO***

***Publication Ref.: EuropeAid/140040/IH/SER/ME***

***Maximum budget: 470.588,24 EUR***

## CONTENTS

<b>1. BACKGROUND INFORMATION</b>	<b>4</b>
1.1. Partner country	4
1.2. Contracting authority	4
1.3. Country background	4
1.4. Current situation in the sector	5
1.5. Related programmes and other donor activities	6
<b>2. OBJECTIVE, PURPOSE &amp; EXPECTED RESULTS</b>	<b>7</b>
2.1. Overall objective	7
2.2. Purpose	7
2.3. Results to be achieved by the contractor	7
<b>3. ASSUMPTIONS &amp; RISKS</b>	<b>8</b>
3.1. Assumptions underlying the project	8
3.2. Risks	8
<b>4. SCOPE OF THE WORK</b>	<b>9</b>
4.1. General	9
4.1.1. Project description	9
4.1.2. Geographical area to be covered	10
4.1.3. Target groups	10
4.2. Specific work	10
4.3. Project management	12
4.3.1. Responsible body	12
4.3.2. Management structure	13
4.3.3. Facilities to be provided by the contracting authority and/or other parties	14
<b>5. LOGISTICS AND TIMING</b>	<b>15</b>
5.1. Location	15
5.2. Start date & period of implementation	15
<b>6. REQUIREMENTS</b>	<b>15</b>
6.1. Staff	15
6.1.1. Key experts	15
6.1.2. Non-key experts	17
6.1.3. Support staff & backstopping	18
6.2. Office accommodation	18
6.3. Facilities to be provided by the contractor	18
6.4. Equipment	18
6.5. Incidental expenditure	18
6.6. Lump sums	19
6.7. Expenditure verification	19
<b>7. REPORTS</b>	<b>19</b>
7.1. Reporting requirements	19
7.2. Submission & approval of reports	20
<b>8. MONITORING AND EVALUATION</b>	<b>21</b>
8.1. Definition of indicators	21
8.2. Special requirements	22
8.2.1. Taxes and duties	22
8.2.2. Visibility requirements	23
<b>9. ANNEXES</b>	<b>24</b>
<b>ANNEX 1: INSTITUTIONAL SET-UP</b>	<b>24</b>

## LIST OF ABBREVIATIONS

<b>ASCP</b>	Agency for Social and Child Protection
<b>CFCU</b>	Directorate for Finance and Contracting of the EU Assistance Funds
<b>CSW</b>	Centre for Social Work
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>IA</b>	Implementing Agency
<b>MLSW</b>	Ministry of Labour and Social Welfare
<b>NGO</b>	Non-Governmental Organization
<b>OP HRD</b>	Operational Programme Human Resources Development
<b>OS</b>	Operating Structure
<b>PRAG</b>	Procurement and grants for European Union external actions
<b>PIU</b>	Project Implementation Unit
<b>SC</b>	Steering Committee
<b>RI</b>	Residential institution
<b>SI</b>	Social Inspection
<b>SWIS</b>	Social Welfare Information System
<b>SOPEES</b>	Multi-annual action document for Employment, Education and Social Policies 2015-2017
<b>TNA</b>	Training Needs Analysis
<b>ToR</b>	Terms of Reference
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children's Fund (extended name: United Nations International Children's Emergency Fund)
<b>VAT</b>	Value Added Tax
<b>WD</b>	Working day

# 1. BACKGROUND INFORMATION

## 1.1. Partner country

Montenegro

## 1.2. Contracting authority

The Ministry of Finance, the Directorate for Finance and Contracting of the EU Assistance Funds

## 1.3. Country background

After gaining sovereignty in 2006, Montenegro is on a steady path of Euro-Atlantic integration. The EU accession negotiations were opened in June 2012, while in June 2017 Montenegro became a member of NATO. The progress in the accession process is evident, as 31 negotiations chapters (out of 33) were opened and 3 have been provisionally closed.

Despite two economic recessions (in 2009 and 2012), the economic developments in 2017 in Montenegro were favourable, with acceleration in economic growth. After experiencing strong economic growth of 4.7% in 2017 and with projected growth rate of 4.1% in 2018, it is expected that economic growth will continue in Montenegro in the period ahead.<sup>1</sup>

The economic growth and post crisis recovery has led to a generally favourable labour market trends with few issues that point to long-term weaknesses of the Montenegrin economy. According to the official statistical data<sup>2</sup>, the unemployment rate of population aged 15 to 74 declined from 18% in 2014 to 16% in 2017. However, inactivity rates and share of informal work are high.<sup>3</sup> The National Human Development Report for 2016 estimates that one third of the employed were in the informal sector or performing undeclared work (in total 22.3%) or were employed with partially declared earnings (in total 10.4%). This has translated into a particular pattern of poverty and social exclusion, since the social rights beneficiaries have the highest share in informal work. According to the last available national data, the poverty headcount was 8.6% in 2013. Rural poverty rate was 9.7% and urban was 7.9%. There were significant regional disparities with central and northern region having 10.3% poverty rate and southern (coastal) only 3.8%.

Gaining independence and advancement in EU integrations required an expansion of government capacities and the establishment of national institutions to assume new roles and functions. That also has been visibly applied to the social and child protection system growing upon the heritage of socialist social protection system. The overall system was undergoing deep legislative and institutional reforms in past years which included the establishment of the Agency for Social and Child Protection (ASCP) and Social Inspection (SI), followed by opening of the Negotiation Chapter 19 - Social Policies and Employment in December 2016 when the focus was consequently put on implementation of final measures and working on meeting the closure criteria of this Chapter.

---

<sup>1</sup> Economic Reform Programme for Montenegro for the period 2019-2021

<sup>2</sup> Annual Report for 2017 of the Employment Agency of Montenegro: "The unemployment rate, seen as the ratio of the number of registered unemployed persons and the active population was 22.09% (at 31 December 2017)"

<sup>3</sup> Annual Report for 2017 of the Employment Agency of Montenegro: "In 2016 activity rate was 55% and it was higher for man (62%) than woman (48%). Out of the total number of unemployed 45.68% are seeking job for over one year, 12.98% over three years and 7.85% more than five years."

#### 1.4. Current situation in the sector

The Law on Social and Child Protection<sup>4</sup> enacted in June 2013 represents a legal basis for a modern, efficient and beneficiary focused system of social and child protection. This Law has introduced for the first time the right of citizens and residents of Montenegro to social services, clearly oriented towards pluralism of services in the system of social and child protection. In addition, several secondary legislation documents developed and to be developed which accompany this Law outline the details of the overall social protection services provision and the basic quality standards.

The Government has also adopted the Strategy for the Development of Social and Child Protection System 2018-2022, determining long-term objectives and priorities for social and child protection development, as well as other strategies focused on particular issues or beneficiaries groups<sup>5</sup> outlining the importance of the development of local social welfare services, as well as the necessity of decentralization and pluralism of providers in terms of taking greater role of local self-governments in the development and financing of social services. Accordingly, social and child protection system as envisaged by the national strategic documents and legislation is to be composed of a sustainable and well-developed network of local community-based services.

In line with the legal framework, the activities of social and child protection are provided by social and child protection institutions. At the institutional level, social and child protection system is composed of 13 centres for social work (CSW), with eight branch offices and six public residential institutions (RI)<sup>6</sup>.

A comprehensive social and child protection system reform is one of the key undertakings of the Government of Montenegro within the on-going EU integration process, where the Ministry of Labour and Social Welfare (MLSW) is the key implementer, having a coordinating role in all activities and providing overall policy directions for the reform process. While there have been significant and tangible achievements in recent years, a significant amount of work remains to be done. One of the major constraints in achieving sustainable results is related to the capacity of the social welfare sector. The implementation, monitoring, evaluation and quality control capacities remain insufficient at all levels, all social sector actors have limited financial resources available and they lack professional and expert staff for full-scale implementation of their responsibilities as defined in legislation framework.

For the purpose of establishing sustainable institutional mechanisms for the overall provision of social services, the MLSW as the main policy making body has already provided support to numerous local social and child protection services and initiated process of deinstitutionalization or development of innovative and community-based services within the existing RI, as well as those that supplement changes within the system of RI. Deinstitutionalization was particularly successful with regards to children. At present, no child under three years of age is in residential placement. In addition to development of the local level social and child protection services, significant institutional

---

<sup>4</sup> Other relevant legislation includes: the Law on Social Housing, The Law on Professional Rehabilitation and Employment of Persons with Disabilities ("Official Gazette" 39/11); the Family Law ("Official Gazette of Montenegro", 1/07), the Law on Protection from Domestic Violence ("Official Gazette", 46/10), Anti-Discrimination Law ("Official Gazette", 46/10), as well as the entire set of bylaws.

<sup>5</sup> Strategy for Integration of Persons with Disabilities 2016-2020, Strategy for the Development of Social Protection System for Elderly Persons 2018-2022, Strategy for Prevention and Protection of Children from Violence 2017-2021, etc.

<sup>6</sup> PI Home for Elderly "Grabovac" Risan; PI Home for Elderly "Bijelo Polje", Bijelo Polje; PI Home for Elderly "Pljevlja"; PI Children Home "Mladost" in Bijela; PI Institute "Komanski most" in Podgorica; PI Centar "Ljubović" in Podgorica.

changes have also taken place.<sup>7</sup> Their aim was to increase the capacities for planning and managing the system of social and child protection, as well as to set up and manage the quality control system.

Finally, the 2018 European Commission (EC) Progress Report on Montenegro states that the sustainability of social services remains a concern, as full decentralisation of service provision and funding has still not happened. Adequate financial resources need to be secured to ensure the provision of continuous social services at local level as well assisting in the implementation of local social inclusion plans. In that regard, in cooperation with UNICEF, the Ministry of Labour and Social Welfare has initiated a preparation of an overall analysis on costs of social services at the local level, which will be completed during 2019.

Despite the results achieved and lessons learned in the previous period, additional support for further reform process and decentralization of social and child protection system should concentrate on continuous strengthening of capacities of relevant institutions and local service providers to maximize policy results and address challenges and opportunities effectively. As one of the planned activities to support diversification and pluralism of service providers and increase their existent capacities, the Ministry of Labour and Social Welfare in cooperation with the Ministry of Finance will launch a Call for Proposals “*Support to Provision of Social and Child Protection Services*” in I Q 2019 which will be implemented within the Multi-annual action document for Employment, Education and Social Policies 2015-2017<sup>8</sup> (Action 3 – Improvement of Social Inclusion and Social and Child Protection System).

## **1.5. Related programmes and other donor activities**

The reform of the social and child protection system has been undergoing since early 2011. A large share of activities has been carried out within the framework of the project “**Social Welfare and Child Care System Reform – Enhancing Social Inclusion**” funded by the EU (IPA 2010) and implemented by MLSW in partnership with UNICEF and UNDP (2011-2014). In the period 2014-2018, the MLSW has been implementing the project “**Continuation of the Social Welfare System Reform**” in partnership with UNDP. The activities within this project were co-funded by Government of Montenegro and UNDP and to a large extent represented a continuation of the activities implemented within the previous IPA 2010 project with the aim to ensure sustainability of the results. Finally, this partnership also covers the project “**Developing Facilities for Provision of Social Services in Montenegro**”. It has been initiated in 2013 and extended each year, now until end of 2018. Through all these projects local social inclusion plans were developed in 21 municipalities and numerous local social services were supported, including national SOS helpline for victims of domestic violence, home assistance for elderly in 16 municipalities, six day-care centres for elderly, as well as construction/reconstruction/renovation and furnishing/equipping of more than 20 facilities for provision of social services. In addition to this, technical assistance was provided for efforts to develop secondary legislation and introduce new institutional framework in social and child protection system including the Agency for Social and Child Protection (ASCP).

---

<sup>7</sup> For more details please refer to Annex I

<sup>8</sup> SOPEES 2015-2017.pdf

The “**Social Card – Integrated Social Welfare Information System (ISWIS)**” project is implemented by MLSW and UNDP. It is co-funded by Government of Montenegro and UNDP. The project is implemented in two phases (2012-2014 and 2015-2019). In the first phase, a sophisticated Information System for social cash transfers is implemented. The system covers almost all other business processes and has one-stop shop that enables automatic data exchange with ten other official information systems (tax administration, pension fund, cadastre, etc.) so that eligibility for means-tested social transfers could be determined the same day as the application. In the second phase, the information system is developed for public RI and integrated with the one in CSWs.

The “**Cooperation between the Employment Agency of Montenegro and social work centres**” project has been implemented within the Operational Programme “Human Resources Development 2012-2013” (IPA IV Component)<sup>9</sup> during 2015, 2016 and 2017. The project aimed to foster cooperation and integrated approach in the work of the Employment Agency of Montenegro (EAM) and the CSWs in providing easier access to labour market for persons with disabilities and members of Roma and Egyptian community. One of the results was signing of the Agreement between EAM and CSWs that enabled more efficient services provision for target groups.

## **2. OBJECTIVE, PURPOSE & EXPECTED RESULTS**

### **2.1. Overall objective**

The overall objective of the project of which this contract will be a part is as follows:

To ensure realization of social rights and improve quality of life of present and future beneficiaries of social and child protection system.

### **2.2. Purpose**

The purposes of this contract are as follows:

- To improve administrative and professional capacities of social and child protection system at the national level in the areas of policymaking and quality assurance;
- To support the local self-government authorities, CSWs and local service providers in enhancement of existing and development of innovative mechanisms for needs identification at community/local level, allocation of continuous and sufficient funds taking into account partnership and association principle and effective monitoring of services and needs of citizens and beneficiaries.

### **2.3. Results to be achieved by the contractor**

**Component I: Strengthening quality assurance in social and child protection system by institutional capacity building**

---

<sup>9</sup> <http://ipa4.me/en/prioritet-unaprijedenje-socijalne-inkluzije/item/229-cooperation-between-the-employment-service-and-the-centers-for-social-work>

- **RESULT 1:** Capacities of the Agency for Social and Child Protection (ASCP) employees for performing quality assurance of social and child protection system strengthened.
- **RESULT 2:** Capacities of the Social Inspection (SI) in exercising the inspection supervision of the service provider's professional work improved.
- **RESULT 3:** Capacities of the employees in the Directorate for Social Welfare and Child Protection (especially the Division for Development of Services) in the MLSW for planning, budgeting and implementing evidence-based social and child protection policies and social services, strengthened.

### **Component II: Increasing capacities of local actors in social and child protection**

- **RESULT 4:** Capacities of the local self-government authorities in using evidence-based techniques to prepare, administer and evaluate local plans for improvement of social inclusion, developed.
- **RESULT 5:** Capacities of CSWs and local service providers to deliver quality services and meet the licensing requirements, improved.

## **3. ASSUMPTIONS & RISKS**

### **3.1. Assumptions underlying the project**

- Efficient and effective cooperation between local and national stakeholders towards improving quality and range of local social and child protection services;
- Professionals in national and local institutions motivated and willing to acquire new knowledge and skills and adjust working methods;
- Necessary beneficiary institutions' staff in place and committed to carry out project activities;
- Competent experts are engaged/recruited as service providers;
- Continued commitment among decision makers and managers at the highest level to lead and implement the social and child protection system reform.

### **3.2. Risks**

- Economic, social and political downturns that would disrupt the smooth implementation of IPA in Montenegro;
- Lack of effective cooperation among the institutions and different actors in the field;
- Fluctuation of staff at the level of the MLSW and other national institutions;
- Insufficient absorption capacities of national institutions to implement the reform process.

## **4. SCOPE OF THE WORK**

### **4.1. General**

#### **4.1.1. Project description**

This project aims to improve institutional capacity of social and child protection system for planning, developing and delivering quality community-based social services, by providing assistance to key national and local stakeholders in the fields of social protection. Key national institutions in this sense are the Ministry of Labour and Social Welfare (MLSW), Agency for Social and Child Protection (ASCP) and Social Inspection (SI), while local institutions are centres for social work (CSW), providers of social and child protection services and local self- governments.

During the project inception phase, the contractor will start with the training needs assessment that will be the basis for future capacity development activities. Based on the results of the assessment, the contractor will implement various capacity development techniques and methodologies, including, but not limited to trainings, workshops, on-the-job trainings, study visit, etc. Trainings and workshops will be particularly focused on professionals in MLSW, CSW, ASCP, SI and among other local and national actors, while on-the-job trainings and mentoring support are envisaged as an important approach in increasing capacities of national stakeholders, particularly MLSW, ASCP and SI. It is planned that at least 20 employees of the MLSW, ASCP and SI will participate in these capacity development exercises.

Given that the MLSW, ASCP and SI will be the key players in designing and implementing quality control mechanism, licensing and standardization and supervision, the contractor will provide capacity development support so that the national institutions can provide expert support and external supervision services to local social service providers, conduct research and analysis of social and child protection and social inclusion issues, assess and develop standards for social and child protection services, etc.

Additionally, the contractor will be in charge of supporting the setting up of management information system for management, monitoring and evaluation of local social and child protection services in the MLSW and providing support to the staff in the Directorate for Social and Child Protection (primarily the Division for Development of Services) to develop one annual plan for development of local social services with financial framework.

Furthermore, in order to improve coordination among relevant actors in this field, especially at the local level, the contractor is expected to provide guidance and support in designing agreements or protocols between relevant institutions and other partners at the local level from the social protection, employment, health, education, interior affairs or other sectors.

Finally, the local social service providers, CSWs and local self-government will be supported so that they can meet the requirements of the licensing process and deliver quality social and child protection services. Additionally, the capacities of local self-governments in designing and implementing local social inclusion plans (including institutional coordination, continued identification of needs, establishing a mechanism for monitoring and evaluation and for informing beneficiaries, etc.) will also be increased.

Thus, the project will contribute to strengthening of regular monitoring, evaluation and research processes on various social policy issues as well as to more effective and quality evidence-based approach in decision making process and social and child protection policies implementation effects at the national level.

The contractor is expected to maintain close working relationships with all relevant national and local stakeholders.

Finally, in order to ensure that the level of achievement of planned results within this particular project is easily and objectively followed, in addition to already set indicators under 8.1. *Definition of indicators* in the text below, the contractor is expected to design a monitoring framework to be used throughout project lifetime.

#### 4.1.2. Geographical area to be covered

Montenegro. Some activities (study visit) will take place in the selected EU Member State.

#### 4.1.3. Target groups

The main target groups are:

- Ministry of Labour and Social Welfare, in particular the Directorate for Social Welfare and Child Protection and its Division for Development of Services;
- Agency for Social and Child Protection,
- Social Inspection,
- Centres for social work,
- Local service providers<sup>10</sup>, and
- Local self-governments.

#### 4.2. Specific work

##### **Component I: Strengthening quality assurance in social and child protection system by institutional capacity building**

- 1.1 Conduct the analysis of institutional and professional capacities of MLSW, ASCP and SI, including training needs assessment (TNA);
- 1.2 Develop training plan including training curricula, a study visit plan and on-the-job training programme based on the TNA results;
- 1.3 Organise and conduct seminars, workshops and on-the-job trainings for the staff of the MLSW, ASCP and SI.

---

<sup>10</sup> As per the Register of licenced social service providers <http://www.mrs.gov.me/informacije/Registri> the following service providers are currently formally registered in Montenegro: 1) PI Daily Centre for children and youth with developmental disabilities – Podgorica; 2) PI Daily Centre for children and youth with developmental disabilities – Herceg Novi; 3) PI Daily Centre for children and persons with disabilities – Nikšić; 4) Child Rights Centre of Montenegro; 5) PI Home for Elderly Bijelo Polje; 6) PI Centre for daily care of children with developmental disabilities and persons with disabilities in the Royal Capital (limited licence for two services); 7) PI Daily Centre for children and youth with developmental disabilities – Rožaje; 8) PI Centre Ljubović; 9) PI Home for Elderly “Grabovac” Risan; 10) NGO Family Centre, Kotor; 11) PI Centre for children and youth with developmental disabilities “Tisa”, Bijelo Polje; 12) SOS phone for women and children violence victims – Nikšić; 13) PI Centre for daily care of children with developmental disabilities and persons with disabilities in Pljevlja; 14) PI Children Home “Mladost”, Bijela (licences for provision of four services, out of which two limited licences); 15) Non-governmental association “Roditelji”, Podgorica; 16) Association of parents of children with developmental disabilities “Ray of Hope”, Pljevlja.

- 1.3.1 Deliver on-the-job and formal trainings to the employees in the Directorate for Social Welfare and Child Protection (especially the Division for Development of Services) in the MLSW for planning, budgeting and implementing evidence-based social and child protection policies and social services.
- 1.3.2 Provide mentoring support to the MLSW relevant staff in the process of production of the annual plan for the development of social and child protection services.
- 1.3.3 Provide expert assistance and on-the-job training to the staff of the ASCP in delivering supervision services to local and national service providers, assess their capacities for supervision and develop next-steps programme;
- 1.3.4 Provide expert assistance and on-the-job training/mentoring support to the staff of the ASCP in preparing analysis on particular social protection and/or social inclusion issue (- prepare research protocol, containing the aims of the analysis, methodology and research plan provided; - provide support in the process of data collection, analysis and writing of the report; - carry out the quality assurance of the report and follow-up activities);
- 1.3.5 Provide expert assistance on-the-job training to the staff of the ASCP in assessing and developing standards for social and child protection services (develop assessment protocol including indicators and methodology, prepare and disseminate assessment reports);
- 1.3.6 Provide expert assistance/trainings to the staff of Social Inspection (SI) in exercising the inspection supervision of the service provider's professional work.
- 1.4 Set up a management information system in MLSW for collecting and analysing relevant data in the field of social and child protection policies;
- 1.5 Organise a 3-day study visit for up to 15 people (MLSW, ASDP, SI) to familiarise with good practices of equivalent institutions in an EU Member State in the social and child protection field.
- 1.6 Provide guidance and support in designing agreements or protocols on cooperation between relevant institutions and other partners at the local level from the social protection, employment, health, education, interior affairs or other sectors.

## **Component II: Increasing capacities of local actors in social and child protection**

- 2.1 Conduct the analysis of institutional and professional capacities of local self-government authorities, SWCs and other service providers, including training needs assessment (TNA);

- 2.2 Develop training plan including training curricula, based on the TNA results;
- 2.3 Organise and conduct seminars, workshops and on-the-job trainings, where needed, for the staff of identified local self-government authorities, SWCs and other service providers.
- 2.3.1 Provide support to identified local self-government authorities in producing a report on beneficiaries needs and monitoring reports on the implementation of local plans for improvement of social inclusion.
- 2.3.2 Conduct trainings to the CSW staff with the special focus on preventive work in local communities, on outreach, communication and awareness rising towards marginalised families.
- 2.3.3 Conduct trainings to local service providers to deliver quality services and meet the licensing requirements.

### **4.3. Project management**

#### **4.3.1. Responsible body**

The Implementing Agency (IA) acting as the contracting authority is as follows:

The Ministry of Finance, the Directorate for Finance and Contracting of the EU Assistance Funds (CFCU)
Address: Stanka Dragojevića 2, 81 000 Podgorica, Montenegro

The Project Implementation Unit (PIU) is as follows:

The Ministry of Labour and Social Welfare, the Division for Programing and Implementation of EU Funds
Address: Rimski trg 46, 81 000 Podgorica, Montenegro

The main beneficiary institution for the project under this service contract shall be:

The Ministry of Labour and Social Welfare, the Directorate for Social Welfare and Child Protection (Division for Social Services Development)
Address: Rimski trg 46, 81 000 Podgorica, Montenegro

Other project partners are as follows:

- Agency for Social and Child Protection,
- Social Inspection,
- Centres for social work,
- Local self-governments,
- Social and child protection institutions,
- Local service providers.

### **4.3.2. Management structure**

The contracting authority (CA) will appoint a *Project Manager* who will supervise and monitor the implementation of the contract on behalf of the CA. The Project Manager<sup>11</sup> is responsible for reviewing project reports and other project documents, consultants' invoices, addenda to the Contract and any other requests related to the Contract. The outputs of the contractor are subject of the formal approval of the CA. For more information regarding the process of approval of reports, please refer to point 7.2 in the text below.

The MLSW will provide "read and approved" visa on the deliverables (reports, technical documents such as studies, analysis, manuals, etc.) to the Head of the CA before their formal approval by the CA. Contractor will present the results and all reports at the Steering Committee meetings. For details related to this issue please refer to the paragraphs below.

At the operational level, the MLSW will appoint a *Project Coordinator* who will perform the following tasks:

- to coordinate planning and performance of project activities between the contractor and beneficiary institution/partners;
- to coordinate beneficiary institutions' staff to work alongside with the contractor to implement project activities and provide necessary information;
- to ensure review draft project deliverables presented by contractor and ensure timely feedback, in order to provide "read and approved" before final approval of the documents by the CA;
- to provide opinion on the suitability of experts that are proposed to be engaged by the contractor during project implementation;
- as frequently as necessary (at least quarterly), review project status, reports and related deliverables provided by the contractor prior to their submission to the CA and Steering Committee, as appropriate;
- be the contact point for the contractor, PIU and CA for any technical implementation issues of the project;
- review timesheets and preparation for approval by the Lead SPO prior to their submission to the CA;
- if requested, report to the Steering Committee on project progress and implementation issues;
- if requested, report to Sectoral Monitoring Committee (SMC) for the SOPEES.

### **Steering Committee (SC)**

A SC will be established during the project inception phase. It should include representatives of the Ministry of Labour and Social Welfare, Agency for Social and Child Protection, centres for social work, Social Inspection, Union of Municipalities; CFCU as the Contracting Authority and the NIPAC Office. Representative of the Delegation of the European Union to Montenegro shall act as an observer. The full composition of the SC will be decided during the inception phase.

The main functions of the SC are:

---

<sup>11</sup>For details regarding duties of the Project Manager please refer to the Article 20 of the General Conditions.

- Assessment of contract progress and guiding it on a strategic level;
- Assessment of the performance of the contractor;
- Assessment of possible risks and mitigating measures;
- Overview any critical points of the contract implementation;
- Proposing remedy actions in case of specific problems;
- Recommending affecting timing, cost or contents;
- Reviewing, discussing and approving the contractor's reports.

The SC will meet and review the contract progress according to the schedule established at the beginning of the project (during the project inception phase).

The contractor will ensure the proper functioning of the SC, including the following:

- Planning, administration and follow-up of all SC meetings ensuring that all agreed action points taken by the SC are met according to agreed deadlines;
- Ensuring that agenda, draft reports and other meeting-relevant materials are sent to the SC members at least 7 working days before the scheduled meeting;
- Preparing and distributing the SC meeting minutes and attendance lists.

The contractor has also to monitor the achievement of the agreed performance indicators and to submit to the SC before each meeting written reports (overviews) on the progress in achieving the agreed targets and the reasons for any delays in their achievement or in the course of implementation of planned activities.

Additionally to the SC meetings, regular monthly and/or quarterly meetings might be organised with the purpose to discuss the progress of project implementation.

### **Regular communication**

To ensure the smooth coordination among the contract parties and to optimise the work, it is important that all communication goes via the appointed people.

Any written communication relating to the management of this project shall be addressed to the MLSW and the CFCU as the CA.

The contractor must state clearly the contract title and identification number on any written communication, which must be sent by post, fax and e-mail or by hand to the addresses identified in accordance with Article 2.1 of the special conditions.

### **4.3.3. Facilities to be provided by the contracting authority and/or other parties**

No facilities will be provided by the contracting authority.

The main beneficiary institution, in communication with all institutions it deems relevant for this project, shall:

- Provide necessary support in the project implementation, and facilitate the work with the public administration;

- Provide required copies of legislation, regulations, studies, reports and other relevant documents and data necessary for the implementation of the project, upon request by contractor; and
- Provide assistance in the selection of training participants.

## **5. LOGISTICS AND TIMING**

### **5.1. Location**

The main project activities will be carried out mainly in Podgorica, while travels throughout Montenegro will be required as well.

### **5.2. Start date & period of implementation**

The intended start date is November 2019 and the period of implementation of the contract will be 18 months from this date.

Please see Articles 19.1 and 19.2 of the special conditions for the actual start date and period of implementation.

## **6. REQUIREMENTS**

### **6.1. Staff**

Note that civil servants and other staff of the public administration, of the partner country or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

#### **6.1.1. Key experts**

Key experts have a crucial role in implementing the contract. These terms of reference contain the required key experts' profiles. The tenderer shall submit CVs and statements of exclusivity and availability for the following key experts:

#### **Key expert 1: Team Leader (*minimum 185 working days*)**

The Team Leader, having the overall responsibility for the daily management of the contract activities including coordination of the work of the other key expert, as well as non-key experts, proper reporting to the beneficiaries and the contracting authority, efficient use of the contract budget, administrative and logistic support to the contract activities and good communication with the beneficiaries and the contracting authority and other stakeholders. The Team Leader shall be actively involved in most of the activities of the project, but especially those related to training needs assessment, research and analysis.

#### Qualifications and skills:

- University degree (where a degree has been awarded on completion of three years study in a University or equivalent institution) or at least 10 years of experience in

the fields relevant to this service contract. This experience will be additional to the required years of general professional experience below.

- High quality analytical and document drafting skills, proven through published publications, analysis, reports, etc.
- Proficient knowledge of English.
- Computer literate.
- Knowledge of local language will be considered as an asset.

General professional experience:

- Minimum 7, but preferably 10 years of work experience in the fields of social policy making and analysis;
- Experience in capacity building and training cycle, including training needs assessments and design and delivery of advanced trainings related to public policy making.

Specific professional experience:

- Management expertise gained through the participation in at least 1 project of the same or higher value and duration of the proposed tender, as a team leader, within the last 5 years from submission deadline.
- Knowledge on EU project management methodology gained through the participation as a key expert in at least 1 project, within the last 5 years from submission deadline.
- Experience related to design, implementation and/or monitoring of evidence-based social and child protection policies;
- Knowledge of Montenegrin social and child protection system will be considered as an asset.

**Key expert 2: Social Protection Specialist (*minimum 150 working days*)**

Qualifications and skills:

- University degree (where a degree has been awarded on completion of three years study in a University or equivalent institution) or at least 7 years of experience in the fields relevant to this service contract. This experience will be additional to the required years of general professional experience below.
- High quality analytical and document drafting skills, proven through published publications, analysis, reports, etc.
- Proficient knowledge of English.
- Computer literate.
- Knowledge of local language will be considered as an asset.

General professional experience:

- Minimum 7 years of professional experience in the area of social and child protection services;

- Experience in capacity building and training cycle, including training needs assessments and design and delivery of advanced trainings related to social protection issues.

Specific professional experience:

- At least 7 years of professional experience in the field of social and child protection with particular focus on quality standards, licensing, supervision and/or deinstitutionalization;
- Experience in providing consulting services to the national administration/s in the EU Member States, candidate or potential candidate countries in the areas relevant to this service contract;
- Knowledge of Montenegrin social and child protection system will be considered as an asset.

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

The minimum percentage of time which expert should work in the beneficiary country is 95%. In exceptional cases and only after the prior authorisation of the contracting authority based on proper justification, the expert will be allowed to deliver home-based inputs.

#### **6.1.2. Non-key experts**

The profiles of the non-key experts likely to be necessary for this project will include expertise in the following categories:

- Standards for social and child protection services;
- Methods of external supervision;
- Deinstitutionalization of residential institutions;
- Evidence based social policy making.

Required general professional experience for the non-key experts is at least 5 years in the above-mentioned indicative, but non-exhaustive categories for the senior, and at least 3 years for the junior experts.

Non-key experts will have to be fluent in spoken and written English, have excellent communication, team working and presentation skills, and have experience in the areas relevant for this service contract, whereas the knowledge of local language will be considered as an asset.

CVs for non-key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles.

The contractor must select and hire other experts as required according to the profiles identified in the organisation & methodology and/or these terms of reference. It must clearly indicate the experts' profile so that the applicable daily fee rate in the budget breakdown is clear. All experts must be independent and free from conflicts of interest in the responsibilities they take on.

The selection procedures used by the contractor to select these other experts must be

transparent, and must be based on pre-defined criteria, including professional qualifications, language skills and work experience. The findings of the selection panel must be recorded. The selected experts must be subject to approval by the contracting authority before the start of their implementation of tasks.

The non-key experts should work in the beneficiary country 100% of time, unless agreed otherwise with the contracting authority.

### **6.1.3. Support staff & backstopping**

The contractor will provide support facilities to their team of experts (back-stopping) during the implementation of the contract.

Backstopping and support staff costs must be included in the fee rates.

### **6.2. Office accommodation**

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract is to be provided by the contractor.

The costs of the office accommodation are to be covered by the fee rates.

### **6.3. Facilities to be provided by the contractor**

The contractor must ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

### **6.4. Equipment**

No equipment is to be purchased on behalf of the contracting authority / partner country as part of this service contract or transferred to the contracting authority / partner country at the end of this contract. Any equipment related to this contract that is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

### **6.5. Incidental expenditure**

The provision for incidental expenditure covers ancillary and exceptional eligible expenditure incurred under this contract. It cannot be used for costs that should be covered by the contractor as part of its fee rates, as defined above. Its use is governed by the provisions in the general conditions and the notes in Annex V to the contract. It covers:

- Travel costs and subsistence allowances for project experts for missions, outside the normal place of posting, undertaken as part of this contract.
- Travel costs, accommodation and all other expenses incurred by the trainees, when applicable, undertaken as part of this contract;
- Costs for logistical organisation of trainings, workshops, conferences;
- Costs for printing/production of training material;
- Translation and interpretation costs directly linked to the contract activities;
- Costs related to organisation of study visit;
- Costs related to the visibility, promotion/dissemination activities.

The provision for incidental expenditure for this contract is **EUR 70.000**. This amount must be included unchanged in the budget breakdown.

Daily subsistence costs may be reimbursed for missions foreseen in these terms of reference or approved by the contracting authority, and carried out by the contractor's authorised experts, outside the expert's normal place of posting.

The per diem is a maximum fixed flat-rate covering daily subsistence costs. These include accommodation, meals, tips and local travel, including travel to and from the airport. Taxi fares are therefore covered by the per diem. Per diem are payable on the basis of the number of nights spent on the mission by the contractor's authorised experts for missions carried out outside the expert's normal place of posting. The per diem may be paid in full or in half: for each night spent on the mission= 100% of the per diem rate is paid, for periods of missions not entailing overnight stay= 50% of the per diem rate is paid. Travelling time is to be regarded as part of the mission. When an expert travels during night time the full per-diem rate of the country of arrival shall be paid. In case of multi-country missions, the per diem rate of the country where the night is spent shall be paid. In case of longer stop-overs in another country the per diem rate of the country where the stop-over takes place shall be paid. Any subsistence allowances to be paid for missions undertaken as part of this contract must not exceed the per diem rates published on the website -

[http://ec.europa.eu/europeaid/funding/about-calls-tender/procedures-and-practical-guide-prag/diems\\_en](http://ec.europa.eu/europeaid/funding/about-calls-tender/procedures-and-practical-guide-prag/diems_en) - in force at the time of contract signature.

The contracting authority reserves the right to reject payment of per diem for time spent travelling if the most direct route and the most economical fare criteria have not been applied.

Prior authorisation by the contracting authority for the use of the incidental expenditure is not needed. Please note that prior authorisation should only be requested exceptionally.

## **6.6. Lump sums**

No lump sums are foreseen in this contract.

## **6.7. Expenditure verification**

The provision for expenditure verification covers the fees of the auditor charged with verifying the expenditure of this contract in order to proceed with the payment of any pre-financing instalments and/or interim payments.

The provision for expenditure verification for this contract is **EUR 8.000**. This amount must be included unchanged in the Budget breakdown.

This provision cannot be decreased but can be increased during execution of the contract.

# **7. REPORTS**

## **7.1. Reporting requirements**

Please see Article 26 of the general conditions. Interim reports must be prepared every six months during the period of implementation of the tasks. They must be provided along

with the corresponding invoice, the financial report and an expenditure verification report defined in Article 28 of the general conditions.

There must be a final report, a final invoice and the financial report accompanied by an expenditure verification report at the end of the period of implementation of the tasks. The draft final report must be submitted at least one month before the end of the period of implementation of the tasks. Note that these interim and final reports are additional to any required in Section 4.2. of these terms of reference.

Each report must consist of a narrative section and a financial section. The financial section must contain details of the time inputs of the experts, incidental expenditure and expenditure verification.

To summarise, in addition to any documents, reports and output specified under the duties and responsibilities of each key expert above, the contractor shall provide the following reports:

<b>Name of report</b>	<b>Content</b>	<b>Time of submission</b>
Inception Report	Analysis of existing situation and work plan for the project	No later than 1 month after the start of implementation
Interim (6-month progress) Report	Short description of progress (technical and financial) including problems encountered; planned work for the next 6 months accompanied by an invoice and the expenditure verification report.	No later than 1 month after the end of each 6-month implementation period.
Draft Final Report	Short description of achievements including problems encountered and recommendations.	No later than 1 month before the end of the implementation period.
Final Report	Short description of achievements including problems encountered and recommendations; a final invoice and the financial report accompanied by the expenditure verification report.	Within 1 month of receiving comments on the draft final report from the Project Manager identified in the contract.

## **7.2. Submission & approval of reports**

2 (two) hard copies and an electronic copy of the above mentioned reports must be produced and submitted to the Project Manager from the CFCU identified in the contract and the Project Coordinator from the MLSW. The Project Manager is responsible for approving the reports.

The reports are reviewed by the Project Manager, in coordination with the Project Coordinator from the MLSW, and afterwards presented by the contractor and approved at the Steering Committee meetings. The electronic copy of the reports will be provided to each member of the Steering Committee at least one week prior to the date of the Steering Committee meetings. The formal, written approval of the report is issued by the Head of the contracting authority, upon “read and approved” visa provided by the MLSW.

The comments on the outputs specified in section 4.2 above and reports indicated in section 7.1 will be delivered to the contractor within 21 calendar days of receipt. The contractor will incorporate any comments from the contracting authority and beneficiary institution within 7 calendar days from receipt of comments.

The reports must be written in English, with their narrative part translated in Montenegrin.

## **8. MONITORING AND EVALUATION**

### **8.1. Definition of indicators**

The set of indicators according to which the results defined in section 2.3 of these terms of reference should be measured are the following:

#### **Component I: Strengthening quality assurance in social and child protection system by institutional capacity building**

**RESULT 1:** Capacities of the Agency for Social and Child Protection (ASCP) employees for performing quality assurance of social and child protection system strengthened, and

**RESULT 2:** Capacities of the Social Inspection (SI) in exercising the inspection supervision of the service provider’s professional work improved, and

**RESULT 3:** Capacities of the employees in the Directorate for Social Welfare and Child Protection (especially the Division for Development of Services) in the MLSW for planning, budgeting and implementing evidence-based social and child protection policies and social services, strengthened:

- The analysis of institutional and professional capacities of MLSW, ASCP and SI, including training needs assessment (TNA) conducted and the report prepared;
- Training plan including training curricula, a study visit plan and on-the-job training programme based on the TNA results developed;
- At least 20 staff members of MLSW, ASCP and SI benefited from seminars, workshops and on-the-job trainings/mentoring support in terms of increasing their capacities for conducting job-related tasks and responsibilities;
- 1 study visit organised and conducted;
- ASCP capacities for supervision of local and national service providers assessed and next-steps programme created;
- 1 analysis on particular social protection and/or social inclusion issues developed;
- Management information system in place in MLSW;

- Quality annual plan for the development of social and child protection services produced.

## **Component II: Increasing capacities of local actors in social and child protection**

**RESULT 4:** Capacities of the local self-government authorities in using evidence-based techniques to prepare, administer and evaluate local plans for improvement of social inclusion, developed, **and**

**RESULT 5:** Capacities of CSWs and local service providers to deliver quality services and meet the licensing requirements, improved:

- Training needs assessment report of local self-governments staff and CSW staff and other service providers produced;
- At least 6 trainings for local self-government staff delivered;
- At least 8 monitoring reports on the implementation of existing local plans for improvement of social inclusion produced;
- At least 40 staff members of CSW and local service providers benefited from capacity building activities;
- At least 8 specific trainings/workshops delivered for CSW professional workers.

## **8.2. Special requirements**

### **8.2.1. Taxes and duties**

According to the Article 28 of the Framework Agreement<sup>12</sup> (“Rules on taxes, customs duties and other fiscal charges”), all imports by Union contractors shall be allowed to enter Montenegro without being subject to customs or import duties, Value Added Tax (VAT), excise duties and other special consumption taxes or to any other similar tax, duties or charges having equivalent effect.

Such exemption shall only be applied to imports in connection with the goods supplied and/or services rendered and/or works executed by the Union contractors under a Union contract. Union contractors shall be exempted from VAT for any service rendered and/or goods supplied and/or works executed under the Union contract.

Goods supplied or services rendered or works executed by a contractor to the Union contractor shall also be exempted from VAT in so far that they are connected with the objectives and activities under the Union contract.

Natural and legal persons, resident or established in the Member States of the European Union or other countries eligible under IPA II other than the IPA II beneficiary, executing Union contracts shall be exempted from profit or income tax in Montenegro including withholding and provisional or temporary taxes.

The following charges shall also be exempted for Union contractors implementing a Union contract:

---

<sup>12</sup> Framework Agreement between the Montenegro and the European Commission on the arrangements for implementation of Union financial assistance to the Montenegro under the Instrument for pre-accession assistance (IPA II) – Official Gazette of Montenegro, International Treaties 5/2015 on 27 May 2015, with the date of entry into force on 4 June 2015

- special communication tax;
- motor vehicle taxes;
- special charges applied by regional or local authorities or special boards in the context of contract execution not proportional with the cost involved in their execution or of having equivalent effect of taxes.

### **8.2.2. Visibility requirements**

The contractor shall comply with the provisions of the document “Communication and Visibility Manual for EU External Actions”, which can be found at:

[http://ec.europa.eu/europeaid/sites/devco/files/communication\\_and\\_visibility\\_manual\\_en\\_0.pdf](http://ec.europa.eu/europeaid/sites/devco/files/communication_and_visibility_manual_en_0.pdf)

## 9. ANNEXES

### ANNEX 1: INSTITUTIONAL SET-UP

In the context of services delivery, the **centres for social work** (CSWs) are legally entitled to decide on the beneficiary's exercise of the right to social and child protection services, as well as on the termination of that right having a continuous insight into the quality of the service through effects that are achieved in the best interest of the users. Being a front line service for supporting vulnerable children and families, CSWs are of essential importance for provision of adequate, timely and quality support to children and families. As such, they have been undergoing significant reforms since 2011.

In 2014, the **Division for development of services** was set up within the Directorate for social welfare and child protection in the MLSW and it is in charge of social protection analysis and planning. However, there is a need for increase in its capacities for policy analysis, planning and implementation, including the budgeting of the services, decentralization and deinstitutionalization.

In 2014, the **Agency for Social and Child Protection (ASCP)** was established and it has a wide area of responsibilities, as the leading institution for the development of professional standards and knowledge in the field, ranging from monitoring of professional work, provision of supervisory support, licensing of professionals and accreditation of training programs, to managing quality system in social and child protection and conducting analysis and producing reports. However, it remains underfunded and its capacities need to be strengthened.

In 2015, **Social Inspection** as competent administration authority was established with the primary goal to perform inspection supervision over implementation of laws, bylaws and other regulations in the area of social and child protection.

\* \* \*