



**USAID**  
FROM THE AMERICAN PEOPLE

Projekat za bolje uslove poslovanja  
Business Enabling Project

**USAID Business Enabling Project in Serbia**  
**Contract No.**  
**Scope of Work for Consultant**  
**for the Senior Legal Advisor for Implementation of the Construction Permits Reform**

## **I. BASIC INFORMATION**

### **Background**

---

USAID's Business Enabling Project, implemented by Cardno Emerging Markets USA, is a five year initiative launched in January 2011. The purpose of the Project is to help the Government of Serbia improve the competitiveness of the Serbian economy and its private sector businesses. The Project provides technical assistance, training, and other support to improve the business enabling environment, maintain macroeconomic stability, and further develop financial markets. The Project is demand driven: all activities are based on the priorities of the private sector and Government. The Project's activities are described in more detail on the Project's website: [www.bep.rs](http://www.bep.rs).

The Business Enabling Project's Component 1, Business Regulation and Economic Governance, has a goal to streamline laws, regulations, and institutions, to improve regulators' capacity to implement laws and improve analysis and public-private dialogue.

The project's approach to achieving reforms is to help the Government work closely with the private sector and outside experts to make reforms that improve business competitiveness. The steps in this collaborative reform process include:

- Determine priorities by engaging with businesses, including surveys of businesses, and using regulatory impact assessment and other tools to measure the benefits of reforms
- Build demand for reforms through outreach and education
- Partner with the Government to plan and implement various priority reforms
- Build Government and private sector capacity to properly implement and sustain reforms
- Help the Government and private sector to monitor reform efforts.

These activities reduce the time and money spent by Serbian businesses to comply with laws and regulations and will help the Government to be more efficient. The activities also enable businesses to attract necessary investment at an appropriate cost. As result, Serbian businesses will be able to aggressively compete in the global economy. This will lead to export-led economic growth and increased employment.

## **Streamlining of Construction Permitting**

As with previous efforts to reform the construction permitting process, reforms of procedures in the construction field introduced by legislation adopted in 2009 and then in 2011 proved to be short-lived and not fully implemented. The current system continues to be characterized by a low quality and high costs of public services. Considering that Doing Business 2014 reports that an investor in Serbia has to go through 18 procedures and spend in average 269 days<sup>1</sup> to obtain a construction permit, it is not surprising that this procedure is often used in Serbia as an example of public administration inefficiency.

To address deficiencies of the existing system, USAID BEP has performed in-depth diagnostics of the system and has proposed very concrete measures to improve relevant processes. The result of this engagement is **The Assessment of Constraints to Construction Permits in Serbia** (May 2012), which gave by far the most comprehensive diagnosis of problems with construction permits in Serbia and offered a number of concrete recommendations.

USAID BEP also initiated an intensive media campaign on the need to reform construction permits. This campaign reached millions of citizens of Serbia, in addition to policy makers, business representatives, experts and other stakeholders. Finally, responding to the positive feedback on the findings and recommendations from the Assessment, USAID BEP produced in January 2013 **A Roadmap for the Government of Serbia to Streamline Construction Permits**, comprising a set of recommendations for improvements of the constructions permits with a roadmap for their implementation. USAID BEP awarded a grant to prepare an unambiguous concept of improved construction permits system, including a description of a reformed institutional setup, legal responsibilities and process flows, and a legal framework for implementation. This was delivered in the form of **The Concept for Reform of Construction Permits in Serbia**. The minister of Urbanism and Construction publicly supported the Roadmap and Concept.

As a result of USAID BEP's involvement in the construction permits area, stakeholders have asked BEP to help develop reformed legal framework for construction permits. USAID BEP responded to this request by facilitating stakeholders' dialogue on recommendations and by providing technical assistance to amend the Law on Planning and Construction. Current Draft Law on Changes to the Law on Planning and Construction reflects most, though not all of USAID BEP recommendations. In order to fully analyze the Draft that the Government of Serbia will take as a basis of the future law, USAID BEP engaged a consultant who prepared and presented

---

<sup>1</sup> BEP research indicate that there are as many as 20 administrative decisions preceding the issuance of each construction permit, around 70 instances of contacts between an investor and various institutions and 12-14 institutions that can slow down the procedure or halt it altogether.

the simulation of the process of issuing construction permit based on Draft Law on Spatial Planning and Construction. The simulation indicated potential for Serbia's progress in dealing with construction permits from 182 to 64th place, according to the World Bank Doing Business indicators and methodology (based on assessment that the number of procedures will decrease from 18 to 13, number of days to issue a permit 99, and that relevant administrative cost will decrease from 1433 to 216 % of income per capita).

Public discussion on the Draft Law on Amendments to the Law on Planning and Construction ends on August 20, 2014. The Draft envisages drafting number of bylaws and changes to the sectoral laws that are of crucial importance for full and successful implementation of the Law. The Ministry of Construction, Transportation and Infrastructure asked USAID BEP to provide technical assistance and provide other support with drafting the legislation. Thereby, UASID BEP intends to engage a consultant who will help drafting relevant bylaws, revise the drafts and develop the amendments to sectoral laws, drafting recommendations for implementation of this reform, provide consultancy for the launch of the One-Stop-Shop system and training and information needed to stakeholders.

### **Scope of Work**

---

This assignment will be part of the BEP project's Component 1: Business Regulation and Economic Governance activities, and is incorporated in BEP's Objective 1: Improve and streamline business regulation – Task 4: Streamline Construction Permitting.

### **Tasks**

Within the scope of this SoW, the consultant will:

1. Prepare recommendations for selection of the e-Permitting system to be implemented in Serbia. (September 30, 2014)
2. Prepare recommendations for the funding mechanism for the e-Permitting system to be implemented in Serbia. (September 30, 2014)
3. Participate in consultative meetings and prepare outlines, final drafts and presentations of following bylaws needed for implementation of the Law on Planning and Construction:
  - a. Rulebook providing for detailed procedures and responsibilities relevant for functioning of the One-Stop-Shop system (October 15, 2014);
  - b. Rulebook governing implementation of the e-Permitting system (June 30, 2015)
4. Revise the drafts and develop the amendments to sectoral laws needed for their harmonization with the changes to the Law on Planning and Construction and prepare presentations thereof (December 15, 2014);
5. Provide the One-Stop-Shop system related input for preparation of:
  - a. The manual for public officials for implementation of the construction permits reform (December 31, 2015) and
  - b. The Investors' Guide for getting a construction permit (December 15, 2014);

6. Provide consultancy for implementation of the local and national One-Stop-Shop systems and for implementation of the Republic level Registry of Construction Permits Application (June 30, 2015);
7. Participate in key training events for implementation of the construction permitting reform (February 2015);
8. Provide other construction permitting reform related legal assistance to the USAID BEP and to the Ministry of Constructions, Transportation and Infrastructure as agreed with USAID BEP (July 15, 2015).

End dates for individual tasks indicated above are indicative. Consultant is required to confirm with the Project's representative number of working days available per each task and deadline for completion before engaging in execution of an individual task.

#### **Level of Effort**

Consultant will have up to 68 (sixty eight) days of engagement for completion of the tasks.

#### **Period of Performance**

Period of performance of this SoW is from September 1, 2014 to July 31, 2015. Maximum number of days under this SoW cannot exceed 68 (sixty eight) days.

#### **Deliverables**

Specific work products to be developed by Consultant include:

1. Recommendations for selection of the e-Permitting system;
2. Recommendations for the funding mechanism for the e-Permitting system to be implemented in Serbia;
3. Final drafts of following bylaws needed for implementation of the Law on Planning and Construction:
  - a. Rulebook providing for detailed procedures and responsibilities relevant for functioning of the One-Stop-Shop system and
  - b. Rulebook governing implementation of the e-Permitting system;
4. Amendments to sectoral laws and presentation of the procedure regulated by Rulebook and presentation to the ministry and government;
5. The One-Stop-Shop system related input for preparation of:
  - a. The manual for public officials for implementation of the construction permits reform and
  - b. The Investors' Guide for getting a construction permit;
6. Consultancy for implementation of the local and national One-Stop-Shop systems and for implementation of the Republic level Registry of Construction Permits Application
7. Participate in key training events for implementation of the construction permitting reform;
8. Other construction permitting reform related legal assistance to the USAID BEP and to the Ministry of Constructions, Transportation and Infrastructure as agreed with USAID BEP (July 31, 2015).
9. Final report.

Consultant will provide drafts of the deliverables listed above to USAID BEP 5 (five) days before expiry of the deadline of agreed deadline. USAID BEP will provide its comments in written not later than 3 (three) days after receiving the draft report and Consultant will submit the final report, taking into considerations comments received, within next 2 days.

Deliverable 1 through 7 must be prepared in Serbian unless expressly authorized otherwise in writing by the Cardno Emerging Markets representative, and deliverable 8 must be prepared in English.

### **To Apply**

1. Requirements for eligible candidates:
  - a. Proven expertise and significant experience in the field of real estate, urban planning, construction permits and similar;
  - b. Proven expertise and significant experience in drafting legislation;
  - c. Good analytical skills;
  - d. Good English speaking and writing skills.
2. Applications including CV clearly showing adequate technical background and relevant work experience should be sent by e-mail to: [info@bep.rs](mailto:info@bep.rs), by August 25, 2014. Only short-listed candidates will be contacted.
3. Maximum number of this under this Scope of Work cannot exceed 68 (sixty eight) days.