

Terms of References

Business Legal Advisor or Accountant (Kosovo) for Short-Term Consultancy

Program Title:	<i>Integrated Water Resources Management in Kosovo</i>
Post Title:	Business Legal Advisor or Accountant (short-term national expert)
Duty Station:	Program Facilitation Unit based in Pristina
Duration of contract:	5 days until mid-March (possibility of extension up to 10 days as needed)

BACKGROUND / CONTEXT:

Skat Consulting Ltd., St. Gallen, Switzerland is in the process of preparation for the implementation of the *Integrated Water Resources Management in Kosovo (IWRM-K) Program* that will be implemented over a period of at least four years (May 2020 – April 2024). The Program is funded by Switzerland through the Swiss Agency for Development and Cooperation (SDC) which has its local representation in Kosovo. Key partner of the Program is the Ministry of Environment and Spatial Planning and a range of other national and local level stakeholders. The implementation of the Program will be governed by an Agreement between the SDC and the Government of Kosovo expected to be signed prior to the start of the Program.

Skat is in a process of exploring options that would give the company and the IWRM-K **appropriate legal** status considering Kosovo's pertaining regulations. As minimum, the new legal structure should allow Skat to: 1) employ (local) staff, 2) make procurements (goods and services) and 3) develop Skat business, and other as required. Accordingly, Skat is now looking to hire a short-term national **Business Legal Advisor or Accountant** with previous relevant experience from similar assignments in the context of Kosovo (e.g., registration of businesses, assistance to international companies to establish operations in Kosovo). Her/his main responsibility will be to provide support to the Program senior management based in St. Gallen to choose the best among available options for establishing the necessary legal structure based on a **set of criteria** including: a) business registration procedures; b) legal certainty; c) authority control/arbitrariness, d) steering/governance structure; e) liability issues, and f) taxation.

Based on the recommendations of the expert, Skat will bring about the management decision for selection of the most appropriate option. The expert will provide additional support in outlining the process (step-by-step approach) for establishing the legal structure. If necessary, Skat will consider extending the contract of the expert for preparing some of the key legal documents which may be required for constituting the legal structure based on Kosovo's legislation.

DUTIES AND RESPONSIBILITIES:

Under the direct supervision of the Program Team Leader based in Pristina, and the guidance from Skat Consulting Ltd. Management Team based in St. Gallen, the *Business Legal Advisor/Accountant* will be responsible for carrying out the following key tasks:

1. Get acquainted with the Program, funding sources and implementation modality vis-à-vis Kosovo's legislative requirements and practices;
2. Carry out research on possible (legal) modalities for establishing a Program implementation structure as per country's regulations taking into account its main functions and selection criteria listed above (in the present ToR). Possible options may include but not limit to: registering a company or a branch office of Skat Consulting Ltd, establishing an NGO or a foundation, or other suitable modalities;
3. Analyze existing models of similar, donor-funded projects/programmes active in Kosovo, including ones funded by the Government of Switzerland;
4. Present comparatively the main advantages and disadvantages of the analyzed options against above functions/criteria, along with main risks to Skat Consulting Ltd;

5. Provide guidance, and suggestions on future basic requirements for the functioning of the proposed legal structure (e.g., financial management, contracting procedures, recruitments, managerial duties in cases of international and/or local authorized staff);
6. Outline the process of all actions to be taken by Skat Consulting Ltd to operationalize the legal structure (step-by-step approach)
7. Assist in formulating the main documentation required to establish the legal structure (e.g., statute) (this is conditional and subject to approval upon submission of the main report and selection of the most appropriate option).

MAIN DELIVERABLES

The *Business Legal Advisor/Accountant* will be responsible for producing the following types of outputs (deliverables):

- Report summarizing findings and providing recommendation on most appropriate option (in English);
- A step-by-step plan for successful set-up of the selected legal structure (in English);
- Any legal document required in the process of establishment of the legal structure (subject to contract extension/upgrade) (in Albanian and/or English).

QUALIFICATION REQUIREMENTS:

- Minimum university degree (e.g., law, finance, economics, management or related);
- At least 7 years of experience as a professional/consultant on issues related to business law, management, accounting, and/or similar;
- Record of at least 2 similar assignments (provision of assistance in establishing local businesses or other legal structures of international companies/organizations);
- In-depth knowledge of the business development landscape in Kosovo, as well as operation of international organizations/projects/programmes;
- Proficiency in spoken and written Albanian and English;
- A proactive, energetic, and highly motivated personality.

TERMS AND CONDITIONS:

Language/Reporting

All deliverables/outputs need to be prepared in English and/or Albanian as indicated in the Main Deliverables section

Timeline and duration of the assignment

Maximum available time for development of the task is 5 days until mid-March, and possible additional 5 until end of March. NOTE: it's important that selected expert is able to start with the assignment immediately considering the urgency of her/his input.

Payment schedule

The payment for the services will be carried out in one or two instalments linked to submission and approval of the deliverables indicated above, as well as submission and approval of time sheets.

Travel requirements

All work-related travel has to be included in expert's fee regardless of whether the expert will come from Pristina or another part of Kosovo.

APPLICATION PROCEDURE:

Interested candidates need to submit their application to kosovo@skat.ch by **21 February 2020**. The application needs to comprise the following documents/information:

1. *Cover letter* (summarizing qualifications and relevance for the position based on previous experience, as well as earliest possible availability to start with the assignment);
2. *Most updated professional CV*;
3. *Contacts of at least three persons* for reference checking purposes.
4. *Financial proposal*. The financial proposal must be expressed in the form of an all-inclusive daily fee in EUR (this includes daily expert fee, cost of any work-related travel, communication, any other expenses related to this assignment as well as all taxes).