

Appendix 2 – Terms of Reference

**Senior Legal and Good Governance Expert (Head of Integrity Support Group) to provide expertise to the Ministry of Communities, Territories, and Infrastructure Development of Ukraine (hereinafter - The Ministry)**

## 1. Background and context

## 1.1 The EUACI Programme

The European Union Anti-Corruption Initiative (EUACI) is a joint EU and Government of Denmark programme aimed at assisting Ukraine in reducing corruption at the national and local level through the empowerment of citizens, civil society, businesses and state institutions.

The current phase of EUACI runs from May 2020 to July 2024, and has the following three specific objectives that also are referred to as components:

1. Enhanced independence, effectiveness and resilience of anti-corruption institutions functioning within a strategic framework;
2. Reduced corruption at the local level in integrity cities and in other cities; and
3. Increased culture of integrity issues in Ukraine through engagement of the business sector, the civil society and the media.

## 1.2 Partnership with the Ministry of Communities, Territories, and Infrastructure Development of Ukraine

Supporting anti-corruption efforts in Ukraine is a high political priority for the European Union and Denmark. By combating corruption, the EU contributes to the consolidation of democracy and economic growth of Ukraine, as well as the successful approximation of Ukraine with the EU.

The large-scale Russian invasion of Ukraine changed the context in which the EUACI is working. To address new challenges, the EUACI revised its work plan and decided to focus on several new topics, including the topic of transparent and accountable management of upcoming reconstruction (and current humanitarian) aid.

The topic of reconstruction aid and integrity will become one of the key activities of the program for many months to come, both at the national and local levels and across the three components of the EUACI. The Government of Ukraine will be the key counterpart of the EUACI in this area.

Acknowledging the importance of the coordinated and well-managed process of the post-war recovery, the Government of Ukraine in December 2022 decided to merge two Ministries mandated to work on different aspects of this process (The Ministry of Infrastructure and The Ministry of Territorial and Regional Development) into the consolidated Ministry of Communities, Territories, and Infrastructure Development of Ukraine. It is now chaired by the Deputy Prime Minister on Ukraine’s Recovery Oleksandr Kubrakov.

In addition to that, the new State Agency for Recovery and Infrastructure Development of Ukraine (created by means of merge of the State Agency for Infrastructure Projects and the State Agency for Automobile Roads of Ukraine) was created (hereinafter – the State Agency). Its task would be to directly manage and oversee implementation of selected recovery projects, while the Ministry is tasked to develop relevant policy and oversee its implementation.

To support Ukrainian government’s efforts to effectively manage the process of the post-war reconstruction and to ensure that transparency and integrity considerations are taken into account, the EUACI has engaged with the Ministry to establish the compact Integrity Support Group (ISG) consisting of several experts fully embedded into the Ministry work. The ISG will work directly with the Deputy Minister responsible for anti-corruption mainstreaming and will provide anti-corruption expertise and advice in sectors relevant for the Ministry’s mandate.

The ISG will consist of 3 long-term high-level consultants and several short-term sectoral experts that will be recruited on the ad-hoc basis.

## 2. Purpose

An important purpose of EUACI’s support at this stage is capacity building of Ministry in the minimization corruption risks. This purpose will be achieved through the continued support to the Ministry in provide assessment of corruption and management risks in the draft regulation in the sphere of recovery, develop specific proposals to mitigate risks.

## 3. Objective

The main objective of the assignment is to support the Ministry’s policy development efforts in the sphere of recovery by providing relevant anti-corruption and legal expertise and advice.

The Senior Legal Expert is expected to organize and manage the work of the ISG.

## 4. Scope of work

The scope of work of the assignment includes different tasks, including, but not necessarily limited to:

4.1. Managerial tasks:

* liaise and coordinate with the Ministry and the State Agency leadership, represent EUACI in the working level communication with the Ministry and State Agency, government and non-government partners,
* in consultations with the Ministry and EUACI develop monthly workplans of the ISG, regularly report on their implementation, and review workplans based on current needs of the Ministry,
* facilitate the implementation of the workplan activities as agreed upon with the EUACI and the Ministry,
* manage work of the other members of the ISG, prepare necessary documents to identify and recruit short-term experts and/or other contractors as needed,
* ensure effective cooperation between the EUACI contractors involved in the specific project implementation, Ministry and State Agency.
* provide quality assurances of documents and proposals from other members of the ISG and short-term consultants

4.2. Analytical tasks:

* provide assessment of corruption and management risks in the draft regulation in the sphere of recovery, develop specific proposals to mitigate risks,
* prepare proposals and advice on the overall architecture of the reconstruction and fast recovery process on national and local levels,
* provide advice and operational support to the Deputy Ministers and management of the State Agency in the implementation of mechanisms for ensuring integrity, transparency and accountability in the reconstruction process.

## 5. Deliverables (output)

Although the above scope of work is very much about guiding partners through a development process and helping them deliver the outputs in their results framework, this section translate the scope of work into some regular deliverables and specific outputs that the Consultant will directly responsible for delivering. The tables below summarise the tentatively identified regular and specific deliverables and outputs.

**Table 5.1: Regular Deliverables**

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| --- | --- | --- | --- |
| **#** | **Deliverable/Output** | **Target Timeline/Due Dates** | **Review/Approval** |
| 1 | Output-based work plans, indicating the timing and estimated input of time in hours for carrying out jointly agreed activities. | Quarterly (or Monthlyas agreed) /1 week before start of period | Component Team Leader |
| 2 | Progress Reports, summarising the progress made and results achieved over the period, and the Consultant’s recommendations for future actions. | Quarterly (or Monthlyas agreed) / 1 week after end of the period. | Component Team Leader |
| 3 | Invoices and signed timesheets, summarising actual days worked and expenses incurred with reference to the agreed work plans | Quarterly (or Monthlyas agreed) / max 2 weeks after end of the period | Component Team LeaderHead of Administration |
| 4 | Analytical notes, presentations, memos, peer-review of the draft laws and draft regulations as agreed with the Ministry and the EUACI | According to request | Component Team Leader |

## 6. Timing

The assignment will start from primo April 2023 and run until April 2024.

During this period, the Senior Legal and Good Governance Expert will be expected to deliver a maximum of 240 working days.

## 7. Methodology

The Consultant will work under the overall supervision of EUACI’s Component 2 Team Leader in close cooperation with other assigned staff. (S)he will serve as an advisor to the Deputy Minister and report to the Deputy Minister and the EUACI. Programe will determine the appropriate representative for the operational supervision of the ISG.

Based on consultations with the Component Team Leader and assigned staff and the needs identified in the documentation provided from partners, the Consultant will prepare his/her work plans and send them to the Component Team Leader for approval at least a full work week ahead of time. Work plans should as a minimum be quarterly; but preferably monthly.

The Consultant’s work plans shall be output-based, specifying the outputs the Consultant will be delivering or contributing to, the activities that will be carried out and the input required in terms of workdays.

In keeping with the above structure, the Consultant’s progress report and associated payment request, shall be output-based, summarising the activities carried out by output and the actual number of workdays used as compared to planned, and a presentation of the expenses incurred.

Payments shall be done on at least a quarterly basis (and preferably monthly). Payments will be based on the actual days worked, the agreed daily fee rate, and the expenses occurred by the Consultant during the period. Payments will require verification of completion of deliverables and approval by the Component Team Leader of the Consultant’s progress report and expense outlay.

Travel costs and other reimbursable costs will only be accepted if they are in compliance with the guidelines in the contract.

In general, the EUACI shall not accept travel costs exceeding those of an economy class tickets. In the event of unforeseeable travel not anticipated in the agreed work plans, payment of travel costs, including tickets, accommodation and other expenses, must be agreed upon in advance with the Team Component Team Member in charge.

The performance of the contractor will be judged upon reaching the purpose of this contract as well as obtaining its results, as indicated in the sections "Objective" and "Expected Deliverables" herein respectively.

By signing the contract, the contractor (and its representatives) agree to hold in trust and confidence any information or documents ("confidential information"), disclosed to the contractor or discovered by the contractor or prepared by the contractor in the course of or as a result of the implementation of the contract, and agrees that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party without EUACI authorization.

The contractor reports to the EUACI. Programe will determine the appropriate representative for the operational supervision of the ISG.

## 8. Qualifications and Competence of Staff

The preferred Consultant will have the qualifications described in the following sections.

## Functional competencies:

1. A strong sense of integrity is essential;
2. Excellent planning, organisation, and communication skills;
3. Willingness to travel with short notice;
4. Flexible approach and willingness to perform tasks outside his/her professional field;
5. Ability to work independently and in teams;
6. Effective inter-personal and process facilitation skills; and
7. Full computer literacy and experience in working with IT in a communication perspective.

## General qualifications:

1. at least a Master’s degree in law, international relations, social sciences, business administration, or another similar field is required,
2. have experience in legal drafting, conducting corruption and/or managerial risks analysis,
3. have a strong network of contacts in the field,
4. experience in preparing policy analysis is desirable,
5. excellent written and verbal communication skills.

## Adequacy for the assignment:

1. A minimum of 7 years of professional experience from working with public integrity, anti-corruption, decentralisation, and local government processes;
2. at least one year of professional experience of cooperation with (working within) the public sector under capacity building projects covering good governance, urban planning, construction, anti-corruption or risk management,
3. have proven experience in cooperation with stakeholders in national government, development partners, and civil society,
4. have experience in legal drafting, conducting corruption and/or managerial risks analysis,
5. professional experience in the international quality management is regarded as an asset,
6. professional experience in the application of established international anti-corruption standards is regarded as an asset,
7. Experience in guiding partners effectively through planning and implementation processes;
8. Solid understanding of the political situation in the EUACI

## Experiences in the region and language:

1. Fluency in Ukrainian is required;
2. Ability to speak and write in clear English language

## 9. Estimated budget and level of effort

The maximum budget available for this assignment is **446 710.00 DKK**  This amount includes subsistence allowance for 30 days work in the partner cities as well as costs related to local travel, and other project related costs such as for example audit and printing.

Consultants submitting proposals will need to submit an offer (Appendix 3B: Contract Price) broken down by fees and reimbursable costs. Proposals where the Contract Price offered exceeds the above maximum budget will be rejected.

The assignment does not include an advance payment. Payments will be made on a quarterly/monthly basis on the basis of the actual days worked, the agreed daily fee rate, and the expenses occurred by the Consultant during the period. Payments will require verification of completion of deliverables and approval by the Component Team Leader of the Consultant’s progress report and expense outlay.

Travel costs and other reimbursable costs will only be accepted if they are in compliance with the guidelines in the contract.

In general, the EUACI shall not accept travel costs exceeding those of an economy class tickets. In the event of unforeseeable travel not anticipated in the agreed work plans, payment of travel costs, including tickets, accommodation and other expenses, must be agreed upon in advance with the Team Component Team Member in charge.

## 10. Management

The Consultant is responsible for the delivery of the outputs required and for the effective management of the number of workdays for the assignment vis-à-vis the expected results. The Consultant will consult with the EUACI Component Team during the planning of the consultant’s activities and the prioritisation of the same. The Consultant will regularly inform the Component Team on progress made as well as any issues or obstacles to progress requiring the attention of the Component Team.

## 11. Background documents

The key background document is the Programme Document for EUACI, Phase II, and specifically the Memo between the Ministry of Communities, Territories, and Infrastructure Development of Ukraine and the EUACI.

## 12. How to apply

Interested Consultants can request the documents for participation by email to the contact person stated below.

The deadline for submitting the proposals is 2 April 2023, 18:00 Kyiv time.

Name of programme Officer: Taras Sluchyk, Component II Team Leader

E-mail address: tarslu@um.dk

Bidding language: English

Any clarification questions for the bid request should be addressed to tarslu@um.dk, no later than 26 March 2023, 18:00 Kyiv time.