**Terms of Reference**

**Senior Construction/Urban planning and Good Governance Expert to provide expertise to the Ministry for Communities, Territories, and Infrastructure Development of Ukraine (hereinafter – The Ministry)**

1. **Background and context**

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 program was established in June 2017. A new 4-year phase was launched in 2024.

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 transparency, integrity and accountability of recovery is one of the key topics of the EUACI. The Government of Ukraine, the Ministry of Communities, Territories, and Infrastructure Development of Ukraine (the Ministry) and the State Agency for Recovery and Infrastructure Development of Ukraine (the Agency) are the key counterpart of the EUACI in this area.

In March 2023 EUACI signed a Memorandum of Understanding with the Ministry and formed the direction of support and collaboration.

To implement the Memorandum and to support Ukrainian government’s efforts to effectively manage the process of the reconstruction and to ensure that transparency and integrity considerations are taken into account, the EUACI together established a compact Integrity Support Group (ISG) consisting of several experts fully embedded into the Ministry’s work. The ISG works directly with the Deputy Minister responsible for regional policy and provides anti-corruption and good governance expertise and advice in sectors relevant for the Ministry’s mandate.

The ISG consists of 3 long-term high-level consultants for the Ministry selected by the open tender procedure and several short-term sectoral experts that are recruited on an ad-hoc basis.

In March 2024, EUACI signed a Memorandum of Cooperation with the Ministry for the next three years. The Memorandum confirms the intentions of both parties  to continue joint efforts in the fight against corruption and implement the best practices of integrity reconstruction.

1. **Purpose**

The purpose of EUACI’s support is capacity building of Ministry in implementation of the best practices of accountability, transparency, integrity and good governance regarding the process of recovery and reconstruction. This purpose can be achieved through the continued support to the Ministry in providing assessment of corruption and management risks in the draft regulation in the sphere of construction and urban planning, develop specific proposals to mitigate risks.

1. **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 expertise and good governance advice in construction and urban planning.

The Senior Construction/Urban Planning Expert is one of the three high-level consultants comprising the core of the ISG. (S)he will be coordinated by the Senior Legal Expert/Head of ISG and report to Deputy Minister and the EUACI.

1. **Scope of work**

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

* provide aassessment of corruption and management risks in the draft regulation in the spheres of construction and urban planning, develop specific proposals to mitigate these risks,
* provide proposals and advice with respect to implementation in Ukraine of the New European Bauhaus (NEB), participate in and facilitate relevant working groups.prepare proposals and advice on the overall architecture of the reconstruction and fast recovery process on national and local levels in his/her sphere of responsibility,
* liaise and coordinate with the Ministry’s and State Agency’s leadership, represent EUACI in the working level communication with the Ministry, State Agency, government and non-government partners,
* 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,
* ensure effective cooperation between the EUACI contractors involved in the specific project implementation in his/her sphere of responsibility, the Ministry and the Agency.

The expert is expected to work from premises of the Ministry and EUACI office in Kyiv (Ukraine).

1. **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, the deliverables (outputs) could be tentatively described as follows:

* analytical notes, presentations, memos, peer-review of the draft policies and draft regulations as agreed with the Ministry and the EUACI,
* interventions during public and working-level meetings and roundtables to present recommendations and findings,
* expert thematic support and participation in the relevant events with the Ministry and the EUACI,
* research on the topic of copyright to the urban planning documentation in the EU member states. Prepare public presentation,
* other deliverables as agreed upon with the Ministry and the EUACI.

Apart from that, the table below summarise regular reporting to be produced by the expert:

**Table 5.1: Regular Deliverables**

|  |  |  |  |
| --- | --- | --- | --- |
| **#** | **Deliverable/Output** | **Target Timeline/Due Dates** | **Review/Approval** |
| 1 | Output-based work plans, indicating the timing and estimated input of time in days for carrying out jointly agreed activities. | Monthly | Head of ISG  EUACI Senior Project manager |
| 2 | Progress Reports, summarising the progress made and results achieved over the period, and the Consultant’s recommendations for future actions. | Monthly  / 1 week after end of the period. | Head of ISG  EUACI Senior Project manager |
| 3 | Invoices and timesheets, summarising actual days worked and expenses incurred with reference to the agreed work plans | Monthly  / max 2 weeks after end of the period | Head of ISG  EUACI Senior Project manager |
| 4 | Analytical notes, presentations, memos, peer-review of the draft laws and draft regulations as agreed with the Ministry and the EUACI | Regularly / According to request | Head of ISG |

1. **Timing**

The assignment will start in May 2024 and run till the end of December 2024.

During this period, the Senior Construction/Urban Planning Expert will be expected to deliver a maximum of 130 working days (the actual number of working days per month will depend on the actual workload, with expected average workload of **up to 16** working days per month).

1. **Methodology**

The Consultant will work under the overall supervision of EUACI’s Senior Project Manager in close cooperation with other assigned staff. (S)he will report to the Deputy Minister and the EUACI.

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 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. Programme will determine the appropriate representative for the operational supervision of the ISG.

1. **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, business administration, construction, architecture, urban planning 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. have extensive expertise in fields of law, anti-corruption, urban planning, construction, and good governance (at least 5 years of proven experience),
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. professional experience in the international quality management is regarded as an asset.

## **Experiences in the region and language:**

1. Fluency in Ukrainian is required;
2. Ability to speak and write in English language is regarded as an asset.
3. **Estimated budget and level of effort**

The maximum budget available for this assignment is **19 000 EUR** (that includes **130** working days and 10 days of business trips).

1. **Length of Contract**

The expected duration of the assignment is 8 months. The assignment will start from primo May 2024 and run until the end of December 2024.

During this period, the Senior Construction/Urban Planning Expert will be expected to deliver a maximum of 130 working days (the actual number of working days per month will depend on the actual workload, with expected average workload of up to 16 working days per month).

The assignment does not include an advance payment. Payments will be made on a 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 of the Consultant’s progress report and expense outlay by the Senior Legal Expert/Head of ISG, Senior Project Manager at EUACI.

1. **How to apply**

The deadline for submitting the proposals is 16 May 2024, 18:00 Kyiv time.

The proposals shall be submitted within the above deadline to dmyiak@um.dk, indicating the subject line “Senior Construction and Urban Planning Expert” with proposed budget: daily rate/budget for 130 days and the budget of expenses for 10 business trips.

Bidding language: English or Ukrainian

Any clarification questions for the bid request should be addressed to dmyiak@um.dk, no later than 7 May 2024, 18:00 Kyiv time.

1. **Evaluation criteria**

Bids will be evaluated under the criteria provided below:

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| --- | --- | --- |
| **#** | **Criteria** | **Weight** |
| 1 | CV, Relevant experience, skills and competencies | 80% |
| 2 | Proposed budget | 20% |