Terms of Reference for a

**Senior Public Procurement Consultant**

**For Corruption Risks Minimization**

**Background and context**

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 decided to focus on several new topics, including the topic of transparent and accountable management of upcoming reconstruction aid.

The topic of reconstruction aid and integrity is 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 a coordinated and well-managed process of the 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.

In addition to that, the new State Agency for Restoration 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 Agency). Its task is 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 reconstruction and post-war recovery 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 and Agency work.

Given that all funds for reconstruction will be used through certain procurement procedures, and since construction projects are among the most complex forms of contracts, building an effective, competitive, and transparent procurement process for reconstruction is one of the key tasks of the Agency's anti-corruption program. This task is made more difficult by the fact that historically, in recent years, the greatest corruption risks in the public sector have been observed in public procurement. The new Law of Ukraine "On Public Procurement" adopted in 2015 and the Prozorro e-procurement system implemented in 2016 have significantly limited the opportunities for manipulations and increased transparency and accountability of public customers, but, like any tool, they require qualified and honest professionals, as well as constant monitoring and improvement of internal processes to be used effectively.

The EUACI provides a combination of sectorial and mainly focuses on corruption risks assessments of the project documentation. To achieve the above objectives, it is planned to engage an expert to supervise the activities and ensure the quality of work of individual consultants hired by EUACI, as well as to provide an assessment in corruption risks in the procurement process of infrastructure and advice on the procurement process during reconstruction upon request to EUACI, the State Agency for Reconstruction and Infrastructure Development of Ukraine and the Ministry of Communities, Territories and Infrastructure Development of Ukraine.

**Objective:**

The assignment’s main objective is to provide high-level advice and consultancy in the public procurement processes and policy in reconstruction. As a part of ISG, the **Senior Public Procurement Consultant**, will provide an assessment in corruption risks in the procurement process of, expertise and advice on the procurement process during reconstruction upon request to EUACI, the State Agency for Reconstruction and Infrastructure Development of Ukraine, the Ministry of Communities, Territories and Infrastructure Development of Ukraine and Integrity Cities.

**Scope of work:**

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

* to supervise the activities and ensure the quality of the deliverables of the individual consultants in public procurements hired by the EUACI;
* to develop analytical notes, legal acts, concepts, presentations, memos, reports as well as providing ad-hoc advice and expertise related on the procurement process during reconstruction upon request of EUACI, for the purpose of restoration\reconstruction of Ukraine, to support the State Agency for Reconstruction and Infrastructure Development of Ukraine and the Ministry of Communities, Territories and Infrastructure Development of Ukraine, Integrity Cities and providing written comments/edits to the provided materials;
* to provide expert assessments of the procurement process during reconstruction with specific ideas on how to increase transparency and eliminate risks of corruption in the given policy sector;
* to participate in public and working-level meetings;
* to assist with other duties as agreed with the Team Leader.

**Expected deliverables:**

The Deliverables are presented below in Table 1 with a tentative schedule. All results are expected to be provided in Ukrainian unless otherwise agreed. Electronic copies should be sent by email to the EUACI contact person.

Table 1: Summary of deliverables/outputs and the tentative timeline for delivery

| **#** | **Deliverable/Output** | **Timeline** | **Note** |
| --- | --- | --- | --- |
| 1 | Consultant’s **updated work plan**, showing the timing for the start and completion of the activities listed under the scope of work section. | 1 week after contract signing | To be submitted to the EUACI contact person by email ahead of presentation during Kick-Off meeting. |
| 2 | **Ad-hoc advice and consultancy** (reports, presentations, draft of legal acts etc.) related to the integrity of public procurement process during reconstruction upon request of EUACI, the State Agency for Reconstruction and Infrastructure Development of Ukraine and the Ministry of Communities, Territories and Infrastructure Development of Ukraine and Integrity Cities | Constantly | Consultations can be provided both in written and oral format in the Ukrainian language according to the request |
| 3 | Provide **quality assurance, comments and propositions** of the documents in public procurement sphere develop by consultants, hired by the EUACI | Constantly | Consultations can be provided both in written and oral format in the Ukrainian language according to the request |
| 4 | Prepare a **Report with an assessment of corruption risks in the procurement process** of infrastructure with recommendations on how to increase transparency and eliminate risks of corruption in local and national level | 3 months after contract signed | The report should focus on corruption risks and contain practical recommendations for their minimization |

**Timeline**

The intended commencement date is the date of signature of the contract with the consultant and the period of implementation of the contract will be **8 months**, with a duration **of 80 working days** including up to 10 travel days.

The work of expert can be regarded as a part-time employment.

**Requirements to the Service Provider**

The contract will be awarded to the expert meeting the following criteria:

## General qualifications:

1. a minimum of a Master’s or Specialist’s degree in finance, economics, or a similar field is required,
2. additional education or training in public procurement will be an asset,
3. experience in the conducting corruption and/or managerial risks assessments,
4. experience in public procurement,
5. excellent written and oral communication skills,
6. fluency in Ukrainian is required;
7. ability to speak and write in English language would be an asset.

## Adequacy for the assignment:

1. a minimum of 7 years of professional experience working with construction projects, including tender and public procurement procedures
2. experience in monitoring public procurement in the field of infrastructure construction and reconstruction for at least 5 years
3. proven experience in cooperation with stakeholders in the national government, local self-government, development partners, state enterprises and civil society

**Monitoring and evaluation:**

Definition of indicators

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.

Special requirements

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 and the head of the ISG. The contractor shall de-brief the EUACI representative monthly and submit final report in written after reaching all deliverables.

The contractor shall inform the EUACI after 50% and again after 75% use of the overall foreseen working days under this contract.

The developed deliverables can be checked (as a quality assurance) and payments will be provided by the quality assurance results.

# Bidding details

The bidder must submit the following information (Ukrainian or English) to be considered:

1. The CV (no more than three pages long) that should include a description of the previous relevant assignments, and key duties on this assignment.
2. A portfolio that includes a list of assignments similar to this project executed in the last five years.
3. A budget for the services in EUR, inclusive of all taxes or other such charges with a calculation of **80 working days (including 10 travel days)**.

The contract budget cannot exceed **20,000 euros.**

# How to apply

The deadline for submitting the proposals is 27 October 2023, 18:00 Kyiv time.

The proposals shall be submitted within the above deadline to dmyiak@um.dk, indicating the subject line “Public procurement consultant for EUACI”.

Bidding language: English or Ukrainian

Any clarification questions for the bid request should be addressed to dmyiak@um.dk, no later than 20 October 2023, 18:00 Kyiv time.

# Evaluation criteria

Bids will be evaluated under the criteria provided below:

|  |  |  |
| --- | --- | --- |
| **#** | **Criteria** | **Weight** |
| 1 | Portfolio of completed assignments | 20% |
| 2 | Relevant experience, skills and competencies | 60% |
| 3 | Proposed budget | 20% |