**Terms of Reference**

**A contractor for the facilitation of ARMA technical assessment on the asset management function**

1. **Background**

The programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” II is a four-year programme (2020-2024) implemented by the Danish Ministry of Foreign Affairs using the indirect implementation modality.

The overall objective of the programme is to improve the implementation of anti-corruption policy in Ukraine, thereby ultimately contributing to a reduction in corruption. In pursuing this objective, the programme has been supporting all key institutions in the flow of anti-corruption justice in Ukraine, from prevention to investigation, prosecution, adjudication of corruption cases and recovery of illegally obtained assets in line with international norms and the best European practices. A key institution in the process is the Assets Recovery and Management Agency (ARMA).

In February 2016 Ukraine introduced laws N769-VIII (seizure), 1019-VIII (seizure and special confiscation), and 772-VIII (Asset Recovery and Management Agency, ARMA) as part of the so-called Visa Liberalization Action Plan (VLAP) reforms package. The adoption of these acts represented a major step towards harmonization of the Ukrainian legislation with the European and international standards and best practices in the field of asset recovery. As a result of the adoption of the abovementioned laws, the Ukrainian authorities are seeking to introduce an effective mechanism for tracing, seizure and confiscation of proceeds of crime.

The main competence of ARMA isto find (establish the fact of existence) and trace (locate) assets that may be seized in criminal proceedings. ARMA has no criminal investigative powers of its own but it has the authority to find and trace assets at the request of law enforcement authorities, prosecutors and courts for arrest and confiscation of such assets. All law enforcement agencies are partners of ARMA in conducting asset finding and tracing activities, including the National Police of Ukraine, Prosecutor General’s Office, State Fiscal Service, State Security Service and the National Anti-Corruption Bureau.

In addition to asset finding and tracing, ARMA conducts the function of management of assets subject to seizure in criminal proceedings based on a court decision to preserve and increase their economic value.

1. **Objectives**

The objective of the assignment is to conduct a technical assessment of the Asset Management functionality of ARMA and outline the specific asset management weaknesses of the Agency to increase its performance in the asset management area.

The technical assessment will seek to identify short term opportunities for greater effectiveness by making recommendations and providing options for improvement and the development of longer-term strategic goals, based on international best practice in the management of seized and confiscated assets including practices relating to the appointment of external managers.

1. **Expected deliverables (outputs)**

The expected deliverables of the contractor under this TOR shall include, but not necessarily be limited, to the following:

* Prepare a comprehensive technical assessment questionnaire to assess the asset management functionality within ARMA to identify opportunities for improvement in the management of seized and confiscated assets;
* Upon completion of the questionnaires, the contractor will prepare an initial report, which will form the basis of the technical assessment in close cooperation with the EUACI. The report should outline the practical asset management processes within ARMA and make recommendations in terms of areas where solutions could be of greatest impact within the asset management system;
* Prepare a final technical assessment report based on discussions held and input received
* Develop an action plan including recommendations for training and capacity building short- term and long-term initiatives to develop the Agency;
* A contractor will be responsible for the engagement of the individual experts to the assignment and reporting;
* A contractor will be responsible for internal communication within the team of experts involved in the technical assessment process.

**Note: In case of technical errors in the final technical assessment report, the EUACI has the right to make objections, which will be incorporated as an annex to the report.**

1. **Scope of work**

The tasks associated with the assignment will be the following:

- to develop technical assessment questionnaire to assess the asset management functionality within ARMA;

- following questionnaire approval by EUACI, administer the questionnaire to the relevant ARMA departments and other stakeholders (if needed);

- to facilitate meetings with relevant representatives (ARMA, NABU, SAPO, Transparency International Ukraine, etc.) to review the information received from the questionnaire and to get additional information which was not outlined in the questionnaire;

- to draft the initial technical assessment report which would include practical asset management processes within ARMA and provide long term and short term recommendations in areas where solutions could be of greatest impact within the asset management system in close coordination with the EUACI;

- to convene meetings to discuss the form and structure of potential solutions;

- to finalize the initial report and provide the EUACI with the final technical assessment report;

- to develop an action plan including recommendations for training and capacity building short- term and long-term initiatives to develop the Agency.

1. **Timeline**

The intended commencement date is the date of signature of the contract by both parties and the period of implementation of the contract will be up to 3 months, with a maximum duration of 45 working days in mid-January to mid-March and administrative closure during mid -March- April 2021.

1. **Professional Requirements**

General qualifications

* An advanced university degree (Master's degree or equivalent) in the fields of law, criminology, public administration, political science, international relations or related fields of criminal justice, crime prevention and/or law enforcement;
* At least 10 years of professional experience in the fight against financial crime, money-laundering, asset forfeiture, terrorism financing and related areas.

Adequacy for the assignment:

* Experience in providing technical assistance in for international organizations;
* A minimum of five years’ experience providing technical advice on asset management;
* Specialist knowledge in managing seized and confiscated assets;
* Practical professional experience in the implementation of technical assistance, design and delivery of training for law enforcement, asset management offices is an asset.

Experience with the region and languages

* Previous experience working with/knowledge of the judiciary/criminal justice system in Ukraine or region is an asset;
* Fluency in written and oral English.

1. **Monitoring and evaluation**

Definition of indicators

The performance of the Contractors will be judged upon reaching the purpose of this contract as well as obtaining its results, as indicated in the section ”Objective” and “Expected Deliverables (Outputs)” herein respectively. Moreover, the performance of the Contractors will be judged upon the successful implementation of all the specific activities indicated in Section ”Scope of work” of the present document. The quality assurance of the final product will be conducted by the EUACI.

Special requirements

By signing the contract, the Contractors agree to hold in trust and confidence any information or documents ("confidential information"), disclosed to the Contractors or discovered by the Contractors or prepared by the Contractors in the course of or as a result of the implementation of the contract, and agree that it shall be used only for the contract implementation and shall not be disclosed to any third party.

1. **Cross-cutting issues (integration of the youth, equal opportunities)**

The project will be implemented ensuring equal opportunities for men and women and the integration of the youth.

HOW TO APPLY

Deadline for submitting the proposals is **18 December 2020, 18:00 Kyiv time**.

The proposal shall include information about the contractor, CV’s of the experts involved in the process and financial information/budget for the assignment with the indication of days and fees for each expert and should be submitted within the above deadline to [procurement@ukraine-aci.com](mailto:procurement@ukraine-aci.com) CC: Viktoria Popyk, [vikpop@ukraine-aci.com](mailto:vikpop@ukraine-aci.com) with the subject ARMA Technical Assessment.

Bidding language: English.

Clarification questions

Any clarification questions regarding the request for bid should be addressed to Viktoria Popyk, [vikpop@ukraine-aci.com](mailto:vikpop@ukraine-aci.com), CC: with a copy to Elena Konceviciute, [elekon@ukraine-aci.com](mailto:elekon@ukraine-aci.com)  not later than 14 December 2020, 17:00 Kyiv time.