**Terms of Reference**

**National Construction expert for the High Anti-Corruption Court of Ukraine**

**Background**

Ukraine has embarked on the path towards combatting corruption following the Revolution of Dignity in 2014. This process included the introduction of the comprehensive anti-corruption reform measures and establishing new anti-corruption institutions.

Since 2017, Denmark and the EU in the framework of the programme “EU Anti-Corruption Initiative in Ukraine (EUACI)” in its Phase I (2017-2020) implemented by the Danish International Development Agency using the indirect implementation modality, worked extensively on assisting the Ukrainian Government in putting into life its anti-corruption agenda and with building the capacities of the new anti-corruption institutions to fight corruption in the country.

One of the main focuses of the EUACI during the Phase I was supporting the process of the establishment and putting into operation of the High Anti-Corruption Court of Ukraine (HACC), a specialized court of 38 judges mandated with adjudicating high-level corruption cases investigated by the National Anti-Corruption Bureau of Ukraine and prosecuted by the Specialized Anti-Corruption Prosecution Office. HACC completes the chain of specialized bodies in the criminal justice chain established for effective investigation, prosecution, and adjudication of high-level corruption cases in Ukraine. Sustainability of the work of the High Anti-Corruption Court is directly connected to its environment and infrastructure. Therefore, during the Phase I the need to provide the Court with the permanent premises both for the first as well as second instances has been continuously underscored.

Based on the significant positive results attained during the Phase I, including the operational launch of HACC and functioning of its both chambers, Denmark and the EU made a decision to engage in a second phase of the programme aimed at sustaining existing results and further expanding the support to newly established anti-corruption institutions. As in Phase I, Denmark is implementing the programme on behalf of the EU and is using an indirect implementation modality based on Danish guidelines.

1. **Objective**

The goal of this activity is to support sustainability of independent and effective functioning of HACC. The objective of this engagement is to enhance capacity of the Court required for planning and implementation of activities directed at ensuring appropriate conditions for HACC’s operation, by providing expertise required for planning and preparation for refurbishment and construction of Court’s permanent premises.

1. **Scope of work**

Consult and guide HACC (both the First Instance and the Appeals chambers) regarding the process of refurbishment and construction of two court houses of HACC (hereinafter – “the project”) by following activities:

* Consult HACC regarding regulations and procedures that are relevant for the project implementation.
* Guide HACC regarding all research activities that are necessary for the project implementation (analysis of soil, analysis of existing constructions, etc.).
* Consult HACC regarding existing urban planning documentation (master plan, detailed plan of territories).
* Contribute to the organization of competition for the selection of the best architectural and spatial plans for the Project.
* Contribute to the organization of competition for the selection of the contractor for the development of construction project drawings and specifications, including by contributing to the development of tender documentation in close coordination with HACC.
* Contribute to examination of project drawings and specifications.
* Support HACC in the process of obtaining a permit for construction works through the "Action (Diya)" portal.
* Consult HACC in preparation of the tender to select the general construction entity.
* Consult HACC regarding drafting of the contract with the general contractor.
* Consult HACC on planning of the initial stage of the construction (architectural and construction supervision, technical supervision, labor protection supervision, technogenic supervision, etc.).
* Contribute to building capacity in this field by providing guidance and support to HACC staff.
* To provide assessment of HACC capacity required for further implementation of the project.
* Leading the process of drafting the documents necessary for project implementation, see paragraph on “Deliverables” below, in close cooperation with HACC.
* Other tasks as assigned under the agreement of the Leadership of HACC.

1. **Deliverables**

* The concept and roadmap of implementation of the project.
* Information notes on specific aspects of project implementation.
* Drafts of the documents necessary for launching tenders.
* A final report of maximum 5 pages, excluding annexes as the final deliverable. The report shall provide an assessment of the achievements made in relation to the scope of work and deliverables, and any critical issues/recommendation for possible follow-up.

1. **Professional Requirements**

* Experience as a constructor or an architect.
* Experience in consulting services in the field of construction and engineering for at least 5 years.
* Registered right for economic activity in the fields of architecture and engineering, technical consulting services (Classifier of economic activities - section 71.1) and organization of building construction (Classifier of economic activities - section 41.10).
* Degree in architecture will be a strong asset.
* Professional certificates (authorizations) in the area of construction and engineering will be a strong asset.
* Strong communication and other soft skills.
* Experience in planning, designing or construction of premises for public institutions, or experience with competition and/or tender processes will be an additional asset.

# Timing

The duration of this assignment is estimated to be 12 calendar months.

The assignment will start following an administrative order issued by the contracting authority. A tentative start date: May 2021.

# Estimated budget and level of effort

The requested input is a total 120 person-days over the 12-month period starting (equivalent to min. 960 person-hours). The full budget for this assignment may not exceed 12 000 EUR.

1. **Monitoring and evaluation**

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 section “Objective” and “Outputs” herein respectively. Moreover, the performance of the Contractor will be judged upon successful implementation of all the specific activities indicated in Section “Scope of work” of the present document.

HACC management will evaluate the quality of the work of the Contractor, in particular by approving deliverables prescribed under point 3.

HACC Chief of Staff will be the focal point for the Contractor.

By signing the contract, the Contractor agrees 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.

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

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

# Bidding details

The bidder must submit the following information to be considered:

1. Methodology of implementation of assignment (up to 3 pages).
2. CV.
3. A list of assignments, similar to this project, executed in the last five years.
4. A budget for the services in EUR, inclusive of all taxes or other such charges.

# How to apply

The deadline for submitting the proposals is 28 April 2021, 18:00 Kyiv time.

The proposals shall be submitted within the above deadline to v.kylymar@ukraine-aci.com, indicating the subject line “**National Construction expert for the HACC**”.

Bidding language: English.

Any clarification questions for the bid request should be addressed to v.kylymar@ukraine-aci.com, no later than 21 April 2021, 18:00 Kyiv time.

# Evaluation criteria

Bids will be evaluated under the criteria provided below:

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| **#** | **Criteria** | **Weight** |
| 1 | Methodology of implementation of assignment | 25% |
| 2 | Portfolio of completed projects, quality and relevance of past work | 25% |
| 3 | Relevant experience, skills and competencies of applicant | 30% |
| 4 | Proposed budget | 20% |

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