**Assistance with sectoral analysis for the purposes of development of Anti-corruption Programme** **and corruption risk assessment for National Agency on Corruption Prevention**

11 May 2021

**Terms of Reference**

**1.** **Background**

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

Following the significant results of the EUACI in 2017-2020, Denmark and the EU engaged in a second phase of the programme aimed at sustaining existing results and further expanding the support to newly established institutions. Of these National Agency of Prevention of Corruption is the one responsible for the formation and realization of the national anti-corruption policy, in particular through development of the national Anti-corruption Strategy and State Programme aimed at its implementation, as well as through the system of anti-corruption programs adopted by state authorities, bodies of local self-government and legal entities (on a local level).

Upon successful relaunch of the National Agency in 2020, an Anti-corruption Strategy has been developed, approved by the Cabinet of Ministers and adopted by the Parliament in first reading on 5th November 2021. The Strategy is a comprehensive and well-crafted document that covers the functioning of the general anti-corruption system and pays great attention to the liability for corruption, but most importantly it identifies priorities for the prevention of corruption in specific sectors of public administration, such as judiciary, prosecutor's office, police, taxes and customs; construction, land, infrastructure; defense sector, health and social protection. As soon as the Anti-corruption Strategy is adopted by the Parliament in the 2nd reading, the NACP is to develop the State Program aimed at its implementation. The Programme is to detail and operationalise the Strategy through setting particular activities aimed at achieveing the strategic goals, responsible authorities, deadlines and indicators. Provided that the Strategy covers very concrete sectors to be detailed in the Programme, NACP has requested for a specialized sectoral assistance in order to ensure the high quality of the document to be produced. Moreover, NACP introduces a very holistic sectoral corruption risks assessment policy in the same sectors by taking a complex analytical approach with the aim to supplement evidence of actual or perceived corruption, which can serve as a baseline for anti-corruption policy making in various state authorities and track changes in corruption risks over time. The results of analysis can be applied at all levels of government institutions, therefore ensuring the comprehensive approach to tackling corruption in the sectors most damaged by the corruption as identified in the Strategy.

In order to ensure the most quality result possible NACP has requested assistance in engaging credible subject-matter experts in selected areas of public administration.

EUACI supports key areas of NACP’s multi-pronged mandate, putting a large emphasis and allocating respective resources in order to support NACP efforts in enhancing anti-corrution policy and improve performance in Corruption Prevention, of which assistance with sectoral analysis for the purposes of development of Anti-corruption Programme and corruption risk assessment is seen as an important part.

**2. Objective**

The main objective of technical support to be provided to the NACP within the framework of this engagement is to contribute to enhancement of anti-corruption policy and improve performance of NACP in Corruption Prevention. The assignment will contribute towards this end by providing assistance with development of the State Anti-Corruption Programme and improving capacities in strategic analysis on corruption risk assessment through engagement of sectoral experts in relevant fields. EUACI intends to make this contribution by signing a contract with a relevant service provider.

**3.** **Scope of work and expected deliverables**

**Scope of work**

Within the framework of this assignment the service provider(-s) is expected to provide expert assistance in the following fields:

1. Defence sector (use of defense lands, real estate, movable military property, intellectual property objects; fuel)
2. Infrastructure (network of public roads, covered by Ukravtodor; air transport & air traffic control, covered by State Aviation Administration; railroads, covered by Ukrzaliznytsia; sea and river transport covered by State Service of Maritime and River Transport);
3. System of justice (adjudication and prosecution)
4. Economic deregulation, public sector of the economy, tax and customs
5. Land reform and relations

The expert assistance in these sectors is to be provided to two NACP Units, namely Department of Anti-corruption Policy and Department of Prevention and Identification of Corruption, in order to assist NACP in fulfilling the following tasks:

* 1. Development of sector-specific parts of State Programme aimed at implementation of national Anti-corruption Strategy, including specific activities, responsible authorities, deadlines and performance indicators;
	2. Conducting corruption risk assessment in the relevant field;
	3. Ad hoc anti-corruption assessment of draft legislation in the relevant field if submitted to Verkhovna Rada and the Cabinet of Ministers of Ukraine, as well as peer-review of the draft opinions prepared by the NACP.

**4.** **Timeline**

The period of implementation of the contract will be 7 months with overall input of 190 days. The involvement of each expert may vary, but should not exceed 38 days in total spread during the length of the contract as agreed with NACP and EUACI. The intended commencement date is the date of signature of the contract with the service provider.

**5.** **Professional Requirements**

Education and Experience of experts in each field:

* Advanced University degree (Master’s degree or equivalent) in the relevant field of expertise, law, social sciences or related. A first-level university degree in similar fields in combination with two additional years of qualifying experience may be accepted in lieu of the advanced university degree;
* A minimum of 5 years of professional experience of working in the relevant field (government, non-government or international organization, providing technical assistance/advise on issues related to the field), preferably with the focus on conducting corruption and or/integrity risk assessment, institutional review of the field;
* Extensive conceptual and practical knowledge of state and local government operating processes (as well as state enterprises) in the field;
* Proven ability of analytical and report drafting work;
* Experience of working and collaborating with stakeholders including government, civil society and communities;
* Experience in designing national anti-corruption policies, strategies, and public campaigns, is desirable;
* Fluency in written and oral Ukrainian and English.

6. Estimated budget

The full budget for this assignment all included may not exceed EUR 19 000 (approximately DKK 141,271).

7. **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. Moreover, the performance of the contractors will be judged upon successful implementation of all the specific activities indicated above.

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 agrees that it shall be used only for the purposes of the contract implementation and shall not be disclosed to any third party.

The contractor works in close cooperation with NACP and reports to the EUACI. The contractor shall be briefed prior to starting with the assignment. The contractor shall de-brief the EUACI prior to finalising the assignment.

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

**7.** **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.

**HOW TO APPLY**

This tender allows applications of legal entities (including NGOs), consortium of legal entities and separate experts in the form of a joint venture, as long as CVs of suggested experts to work on the assignment are provided. In case if the application is submitted by a legal entity, it is highly recommended to provide CVs of two experts capable to undertake the assignment under the umbrella of this legal entity. The decision on the experts to be involved will be taken by the tender committee when considering the applications.

Deadline for submitting the proposals is **3 June 2021**, 18:00 Kyiv time.

The qualifying candidates should submit the following information:

1) Expert’s CVs for each field;

2) Expert’s daily rates for each field;

3) Cover letter (one page) confirming eligibility, recent examples of relevant experience and methodological approach to conducting an assignment. Attaching particular examples of completed previous assignment is highly desirable.

The aforementioned information should be sent no later than the deadline indicated above at the following email procurement@ukraine-aci.com, indicating in the subject line: **Sectoral analysis for NACP.**

Bidding language: English.