Terms of Reference for a

**Public Procurement Expert (Category manager) for Construction Works**

to provide expertise to the State Agency for Restoration

and Infrastructure Development of Ukraine

**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. It is now chaired by the Deputy Prime Minister for Restoration of Ukraine Oleksandr Kubrakov.

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 the 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.

As a part of ISG, the **Public** **Procurement Expert (category manager) for Construction Work** for the Agency will lead the implementation of the Procurement stream of the Anti-Corruption Program, perform procurement rules and category strategies as well as monitor and control the needed implementing measures for the territorial bodies of the Agency called Regional Offices for Restoration.

**Objective:**

The assignment’s main objective is to develop and support the implementation of effective procurement processes, as well as to support and oversee their implementation at the Agency's Regional Offices for Restoration (hereinafter – ROR). The Public Procurement Expert should organize and manage the work on the elaboration of RORs’ categories’ procurement strategy, as a part of the Anti-corruption program, monitoring and oversee their implementation within the RORs and provide reports on the results of the monitoring.

**Scope of work:**

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

- Development of qualification criteria (equipment, staff, experience, financial capability) by types and segments for construction works;

- Shaping approaches to lotting (grouping of objects and volumes) in procurement procedures;

- Providing procurement expertise of standard engineering solutions (feasibility for the market and possible level of competition);

- Conducting price analysis in procurement procedures of RORs (market price monitoring and comparison);

- Formation of category strategies for the main procurement items;

- Support and development of the system of market consultations and obtaining feedback from the market;

- Participation in the creation and development of quality control systems and contract execution (technical supervision, engineering consultancy, incoming control);

- Supporting the Procurement category strategies implementation as a part of the Anti-corruption program in the Agency's RORs;

- Identifying and suggesting measures to eliminate corruption risks;

- Development and implementation of the Procurement category strategies education plan for procurement managers and the authorized persons of the Agency's RORs;

**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** |
|  | A report with recommendations for qualification criteria (equipment, staff, experience, financial capability) by types and segments for construction works | 8 weeks after the contract signing |
|  | Training of the ROR procurement teams, mentoring and consulting support | Within 8-12 weeks of the project |
|  | A report based on the result of recommended qualification criteria implementation | 16 weeks after the contract signing |
|  | A report based on the result of market pre-tender consultations and recommendations for tender documentation improvement | 18 weeks after the contract signing |
|  | Recommendations on approaches to lotting (grouping of objects and volumes) in procurement procedures | 20 weeks after the contract signing |
|  | Recommendations for creation and development quality control systems and contract execution (technical supervision, engineering consultancy, incoming control) | 24 weeks after the contract signing |
|  | Developed category strategies for 2 chosen procurement categories | 26 weeks after the contract signing |
|  | Training of the ROR procurement teams, mentoring and consulting support for category strategies implementation | Within 26-28 weeks of the project |
|  | A report based on the result of category strategies implementation | 30 weeks after the contract signing |
|  | Recommendations identifying and suggesting measures to eliminate corruption risks | 31 weeks after the contract signing |
|  | Final Report | 32 weeks after the contract signing |

The timelines indicated in the table above are indicative. The Expert will reflect on and update the timelines for different activities while preparing and updating the Expert`s work plan to be approved by the EUACI. Other deliverables are agreed upon with the Agency and EUACI.

The engagement will demand some travel activities, in particular to the RORs.

**Timeline**

The intended commencement date is the date of signature of the contract with the expert and the period of implementation of the contract will be **8 months**, with a duration of **160 working days** including up to 40 travel days. Upon the Agency`s request and positive assessment of the performance, the initiative could be extended.

**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 construction, engineering, economics, or a similar field is required,
2. professional construction or project certification will be an asset,
3. additional education or training in public procurement will be an asset,
4. experience in the construction industry and project management, conducting corruption and/or managerial risks assessments,
5. experience in public procurement will be an asset,
6. experience in monitoring/implementing of the Anti-corruption program implementation for the state and private sectors will be an asset,
7. excellent written and oral communication skills,
8. fluency in Ukrainian is required;
9. ability to speak and write in English language would be an asset.

## Adequacy for the assignment:

1. a minimum of 5 years of professional experience working with construction projects, including tender and public procurement procedures, as well as budget planning, cost optimization, and contract execution supervision;
2. proven experience in cooperation with stakeholders in the national government, local self-government, development partners, state enterprises, public contracting authorities, and civil society;
3. professional experience in procurement category strategy implementation.
4. The expert is expected to work from the premises of the Agency with possible duty travels in Ukraine.

**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 Agency and EUACI, the head of the ISG. The contractor shall de-brief the EUACI prior to finalizing the assignment.

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 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 160 working days.

The contract budget cannot exceed 30,000 euros.

# How to apply

The deadline for submitting the proposals is 26 August 2023, 18:00 Kyiv time.

The proposals shall be submitted within the above deadline to dmyiak@um.dk, indicating the subject line “Procurement Expert for Agency”.

Bidding language: English or Ukrainian

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

# Evaluation criteria

Bids will be evaluated under the criteria provided below:

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