**TERMS OF REFERENCE**

**Services provider for adaptive cognitive ability testing for**

**for HACC competition**

**Background**

The European Union Anti-Corruption Initiative in Ukraine (EUACI) Phase III is the largest support program from the European Union (EU) focused on anti-corruption efforts in Ukraine. It is co-funded by the EU and implemented by the Danish Ministry of Foreign Affairs. Scheduled for the 2024-2027 period, the program includes the High Anti-Corruption Court (HACC) among its beneficiaries.

On 23 November 2023, the High Qualification Commission of Judges of Ukraine (the HQCJ) announced the competition for 25 vacant positions at HACC (15 at the first instance court, 10 – at the HACC Appeal Chamber). As of 30.05.2024, the HQCJ admitted 160 candidates to the respective competitions (100 – to the first instance court and 60 – to the HACC AC). Admission of 1 HACC AC candidate is still to be decided.

According to Parts 1,3 of Article 74 of the Law “On the Judiciary and the Status of Judges”, the candidates admitted to the competition would have to undergo a qualification exam that consists of anonymous testing and a practical task. Anonymous testing envisages, among other elements, the cognitive abilities testing.

According to Parts 5 and 6 of Article 74 of the mentioned Law, a candidate passes the qualification exam if they achieve at least 75% of the maximum possible points for each test and practical task. The HQCJ sets the passing score for the qualification exam, which cannot be lower than 75% of the maximum possible points for each test and practical task.

On 27 May 2024, the HQCJ requested support from the EUACI in organizing cognitive testing during the HACC competitions. It asked the EUACI to contract an external contractor for this purpose.

**Objective**

To carry out adaptive cognitive ability testing of HACC and HACC AC judicial candidates, including to provide all the necessary information and support to the HQCJ that might be necessary to conduct the testing.

**Scope of work**

The scope of work of the service provider shall consist of the following specific tasks:

* Provide input to the EUACI and the HQCJ (including statistical data) on the potential ways of applying the 75% passing score legal requirement to the existing cognitive testing methodology to ensure the competitive environment in the competition.
* Conduct computer-based adaptive cognitive ability tests of approx. 160 judicial candidates.
* Provide all assistance needed for smooth organization of the testing.
* Provide the EUACI/ the HQCJ with all the information needed to respond to public inquiries.

Server support, rent of testing venue, furniture, and equipment shall not be included in this assignment, unless specifically requested by the Contractor at a later stage.

**Deliverables**

The Service Provider will be required to ensure the following deliverables:

1. Assistance to the EUACI/ the HQCJ by providing the requested information regarding the cognitive testing.
2. Anonymised results of the test (if necessary).
3. Final report (not more than 3 pages) on provided services.

**Timing**

It is expected that the Contractor will conduct testing within 4 months of signing the Contract with the EUACI.

**Requirements for the Service Provider**

The Service Provider must meet the following requirements:

* official registration as a legal entity or a private entrepreneur (with a team) according to the legislation of Ukraine;
* deep understanding of Ukrainian law, specifically in areas relevant to the HACC's jurisdiction;
* proven experience of conducting similar cognitive ability testing in the selection processes;
* demonstrated methodology for conducting cognitive ability testing;
* fluency in Ukrainian language.

The Contractor would be contractually obliged to retain full confidentiality when performing this assignment.

The Contractor and the representatives of its team should warn the EUACI of any situation that might be considered as a conflict of interest in respect of the tasks to be performed (f.e., expected participation of a team member or his/her close relatives in the judicial competitions for appeal courts or HACC) and be ready to resolve it, including by removing such a person from the performance of the necessary tasks.

**Monitoring and evaluation**

The Service Provider's performance will be evaluated based on achieving the results specified in the “Objective” section of this document. Additionally, their performance will be assessed on the successful execution of all specific activities outlined in the “Scope of Work” section.

**Estimated budget**

The full budget for this assignment (with all the deliverables) may not exceed EUR 8 000.

**Payment**

All the payments under the contract will be made in UAH according to the official NBU exchange rate published on the business day of the invoice issuance by the contractor. The contractor would be entitled to the prepayment of 30%. Final payment will be made upon receipt and approval by the EUACI of all the deliverables.

**Evaluation**

Bids will be evaluated in accordance with the criteria provided below:

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| **Criterion** | **Weight** |
| Relevant experience, skills, and competencies of team members | 40% |
| Portfolio of projects of the organisation/ team | 40% |
| Financial Offer | 20% |

**How to apply**

The deadline for submitting the proposals is **1 July 2024 17.00 Kyiv time**.

All interested experts or companies should submit:

* 1-2 pages description of a service provider’s background, including the portfolio of relevant projects, description of testing methodology, and CV of key staff;
* Financial offer for the services with the breakdown of costs.

This information should preferably be submitted as a single PDF document with a text layer. The proposal shall include the aforementioned information and should be submitted within the above deadline to [andkhy@um.dk](mailto:andkhy@um.dk) indicating the subject line: HACC Cognitive tests.

Bidding languages: English

Any clarification questions regarding the bid request should be addressed to [andkhy@um.dk](mailto:andkhy@um.dk), not later than 24 June 2024 17.00 Kyiv time.