**Terms of Reference for**

**Senior Procurement Expert in Construction Works**

to provide expertise to the State Agency for Restoration and Infrastructure Development of Ukraine

for Procurement Enhancement in Regional offices for Restoration

**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 topic of reconstruction aid and integrity is one of the key activities of the program, both at the national and local levels and across the components of the EUACI. The Government of Ukraine is the key counterpart of the EUACI in this area.

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 war-time reconstruction and post-war recovery and to ensure that transparency and integrity considerations are taken into account, the EUACI has engaged with the Ministry for Restoration to establish the compact Integrity Support Group (ISG) consisting of several experts fully embedded into the Ministry work. The Agency has its Capacity Building Office (CBO) consisted of consultants and experts supported by international organizations and donors.

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 CBO the Procurement Expert will work and cooperate with other expert for improving the of the Procurement stream of the Anticorruption Program for territorial bodies of the Agency called Regional Offices for Restoration (RORs), perform procurement rules and category strategies as well as monitor and control the needed implementing measures for the RORs. The previous EUACI and The Agency cooperation in the field of analyzing and enhancing the procurements procedures for RORs is successful.

**Objective:**

The assignment’s main objective is to elaborate and implement effective and transparent procurement processes and approaches, as well as to support and oversee their implementation at the Agency's Regional Offices for Restoration (hereinafter – ROR). At the “central level”. Procurement Expert is expected to organize and manage the work on the elaboration of internal methodologies for procurements, as a part of the Anti-corruption program, monitoring of ongoing procedures and providing reports on the results of the monitoring, as well as consultations for Agency’s and ROR staff for public procurement and construction issues.

**Scope of work:**

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

- Participation in the risk evaluation of actual and potential suppliers by market segments as a part of the Anti-corruption program implementation in the RORs;

- identification of corruption risks and provide propositions to reduce risks in pricing in procurement procedures of RORs (market price monitoring and comparison) for construction projects;

- provide quality assurance and risks minimization analysis for development of qualification criteria (equipment, staff, experience, financial capability) by types and segments for construction works and related services as well as supporting of their implementation by RORs;

- taking part in elaboration of Methodological recommendations for procurement at different construction market segments as well as other Agency’s internal legislative acts;

- supporting the implementation of Methodological recommendations for procurement as a part of the Anti-corruption program in the RORs;

- identifying and suggesting measures to eliminate corruption risks in procurements of RORs;

- identifying and suggesting measures to increase effectiveness of procurement and minimize corruption risks and other operational activity of RORs;

- providing expertise to EUACI and support to Senior Methodology and training construction procurement expert.

**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 are to be sent by email to the particular EUACI contact person.

Table 1: Summary of deliverables/outputs and the tentative timeline for delivery

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| --- | --- | --- |
| **#** | **Deliverable/Output** | **Timeline** |
|  | A report based on the result of price analysis of ROR procurements in the main market segments during previous 3 months with **recommendations** for improvement of relevant processes | 4, 16 and 28 weeks after the contract signing |
|  | A report with analysis of actual competition level in procurements of RORs (by segments) during previous 3 months and **recommendations** of measures for improvement of the competition | 8, 20 and 32 weeks after the contract signing |
|  | A report with proved contribution for elaboration and implementation of **Methodological recommendations** for construction procurements (in specific actual segments) | 12, 16 and 20 weeks after the contract signing |
|  | A report based on the result of analysis of ROR procurement effectiveness and corruption risks with proposed **measures** for their improvement and elimination | 12 and 24 weeks after the contract signing |
|  | A report with the summary of construction and procurement related consultations for the Agency procurement staff | 8, 20 and 31 weeks after the contract signing |
|  | Final Report | 31-32 week after the contract signing |

The timelines indicated in the table above are indicative. The Consultant will reflect on and update the timelines for different activities while preparing and updating the Consultant’s work plan. Other deliverables are agreed upon with the Agency and EUACI.

**Timeline**

The intended commencement date is the date of signature of the contract with the consultant and the period of implementation of the contract will be 8 months, with a duration of up to 180 working days including up to 10 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 will be an asset.

## Adequacy for the assignment:

1. a minimum of 7 years of professional experience working with construction projects, including tender and 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 public procurement is regarded as an asset;
4. professional experience in procurement category strategy implementation is regarded as an asset.

The expert is expected to work from the premises of the Agency with possible duty travels in Ukraine (up to 10 days).

**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 contractor shall de-brief the EUACI prior to finalizing the assignment.

# 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 180 working days.

The contract budget cannot exceed 32,000 euros (including all operational and business trip expenditures).

# How to apply

The deadline for submitting the proposals is April 28, 2024, 18:00 Kyiv time.

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

Bidding language: English or Ukrainian

Any clarification questions for the bid request should be addressed to dmyiak@um.dk, no later than April 22, 2024, 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% |