**TERMS OF REFERENCE**

**Peer-review of legal knowledge tests**

**for competition for vacant positions as judge at the High Anti-Corruption Court**

**Background**

The European Union Anti-Corruption Initiative in Ukraine (EUACI) Phase II is the biggest European Union (EU) support program for 2020-2024 in the area of anti-corruption in Ukraine, co-funded and implemented by the Ministry of Foreign Affairs of Denmark on behalf of the EU. The overall objective of the EUACI Phase II is the reduction of corruption in Ukraine at the national and local levels through the empowerment of citizens, civil society, business, and state institutions. Such state institutions include the High Anti-Corruption Court (HACC).

On 23 November 2023, the High Qualification Commission of Judges of Ukraine (the HQCJ) announced the competition for 24 vacant positions at HACC (15 at the first instance court, 10 – at the Appeal Chamber). The application period was defined as 1 March – 15 March 2024. According to the Law, 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 others, test question verifying the general knowledge in the sphere of law and of the court’s specialization. By its decision of 11.01.2024, the HQCJ approved the programs and taxonomies of anonymous tests for HACC and its Appeal Chamber competitions.

At the same time, the National School of Judges of Ukraine (the NSJU) has been developing 13 000 legal knowledge test questions for the judicial competition to the general appeal courts. The HQCJ plans to reuse most of the relevant questions developed for this competition for HACC competition. However, to ensure the equal and high quality of all the test questions, it wishes to conduct the professional peer review of those.

**Objectives**

The objectives of the assignment are:

* to conduct professional peer review of 5000 legal knowledge test questions;

**Scope of work**

The Service Provider will be required to:

1. clarify the format of the desired outputs with the HQCJ;
2. conduct peer review of 5000 legal knowledge test questions, evaluating the quality of each one and providing suggestions as to their improvement (including suggested alternative formulations) or removal (including reasoning);
3. submit the output to the EUACI/ HQCJ;
4. Implement the feedback of the EUACI/ the HQCJ as to its work, should there be any.

**Deliverables**

The Service Provider will be required to deliver the following documents:

1. the results of peer-review of 5000 legal knowledge test questions in a format agreed upon with the HQCJ;

**Timing**

The HQCJ would be ready to transfer the legal knowledge test questions' database (with replies and distractors) for peer-review by the end of February 2024. It is expected that the supplier would finalize peer-review of the test questions within 2 months of signing the contract.

**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 peer-reviewing and / or developing legal knowledge test questions for other similar competitions;
* demonstrated methodology for peer-reviewing the test questions;
* 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 performance of the Service Provider will be judged upon reaching the results, as indicated in the section “Objectives" herein, respectively. Moreover, the performance of the Service Provider will be judged upon the successful implementation of all the specific activities indicated in the section "Scope of work” of the present document.

**Estimated budget**

The full budget for this assignment (with all the deliverables) may not exceed EUR 30 000 (approximately DKK 223 623). The financial proposal of bidders must include all costs for a fee and project-related reimbursable expenses.

**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 12 March 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 working 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 indicating the subject line: HACC Tests.

Bidding languages: English

Any clarification questions regarding the bid request should be addressed to andkhy@um.dk, not later than 11 March 2024 17.00 Kyiv time.