

Appendix 2 – Terms of Reference

**Regarding: Senior Legal and Good Governance Expert – Head of the Integrity Support Group (hereinafter - the Consultant) to provide expertise to the Ministry of Communities, Territories, and Infrastructure Development of Ukraine (hereinafter – The Ministry)**

The Consultant must perform the Services in accordance with the Client’s requirements.

The Consultant must also perform the Services in accordance with the Consultant’s description stated in Appendix 3C.

## 1. Background and context

## 1.1 The EUACI Programme

The European Union Anti-Corruption Initiative (EUACI) is a joint EU and Government of Denmark programme aimed at assisting Ukraine in reducing corruption at the national and local level through the empowerment of citizens, civil society, businesses and state institutions. The program was established in June 2017. A new 3,5 year phase was launched in 2024.

## 1.2 Partnership with the Ministry of Communities, Territories, and Infrastructure Development of Ukraine

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 transparency, integrity and accountability of recovery is one of the key topics of the EUACI. The Government of Ukraine, the Ministry of Communities, Territories, and Infrastructure Development of Ukraine (the Ministry) and the State Agency for Recovery and Infrastructure Development of Ukraine (the State Agency) are the key counterpart of the EUACI in this area.

In March 2024, EUACI signed a Memorandum of Understanding with the Ministry for the next three years. The Memorandum confirms the intentions of both parties to continue joint efforts in the fight against corruption and implement the best practices of integrity reconstruction.

To implement the Memorandum and to support Ukrainian government’s efforts to effectively manage the process of the reconstruction and to ensure that transparency and integrity considerations are taken into account, the EUACI established a compact Integrity Support Group (ISG) consisting of several experts fully embedded into the Ministry work. The ISG works directly with the Deputy Minister responsible for regional policy and provides anti-corruption and good governance expertise and advice in sectors relevant for the Ministry’s mandate.

The ISG consists of 3 long-term high-level consultants and several short-term sectoral experts that are recruited on the ad-hoc basis.

## 2. Purpose

The purpose of EUACI’s support is capacity building of and other support to the Ministry in the implementation of the best practices of accountability, transparency, integrity and good governance regarding the process of recovery and reconstruction. This purpose is achieved through the continued support to the Ministry in providing assessment of corruption and management risks in the draft regulation in the sphere of recovery, develop specific proposals to mitigate risks.

## 3. Objective

The main objective of the assignment is to support the Ministry’s legislative and policy development efforts in the sphere of recovery by providing relevant anti-corruption and legal expertise and advice.

The Senior Legal Expert is expected to organize and manage the work of the ISG.

## 4. Scope of work

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

4.1. Managerial tasks:

* liaise and coordinate with the Ministry and the State Agency leadership, represent EUACI in the working level communication with the Ministry and State Agency, government and non-government partners,
* in consultations with the Ministry and EUACI develop monthly workplans of the ISG, regularly report on their implementation, and review workplans based on current needs of the Ministry,
* facilitate the implementation of the workplan activities as agreed upon with the EUACI and the Ministry,
* manage work of the other members of the ISG, prepare necessary documents to identify and recruit short-term experts and/or other contractors as needed,
* ensure effective cooperation between the EUACI contractors involved in the specific project implementation, Ministry and State Agency,
* provide quality assurances of documents and proposals from other members of the ISG and short-term consultants,
* provide capacity building.

4.2. Analytical tasks:

* provide assessment of corruption and management risks in the draft regulation in the sphere of recovery, develop specific proposals to mitigate risks, including with respect to the State Regional Development Fund;
* prepare proposals and advice on the overall architecture of the reconstruction and fast recovery process on national and local levels, including draft law on foundations of recovery;
* prepare proposals and advice on the recovery and regional policy in the context of the EU accession;
* provide advice and operational support to the Deputy Ministers and management of the State Agency in the implementation of mechanisms for ensuring integrity, transparency and accountability in the reconstruction process.

The expert is expected to work from the premises of the Ministry and EUACI office in Kyiv (Ukraine).

## 5. Deliverables (output)

Although the above scope of work is very much about guiding partners through a development process and helping them deliver the outputs in their results framework, the deliverables (outputs) could be tentatively described as follows:

* analytical notes, presentations, memos, peer-review of the draft policies and draft regulations as agreed with the Ministry and the EUACI,
* interventions during public and working-level meetings and roundtables to present recommendations and findings,
* participation in the thematic events with the Ministry and the EUACI,
* other deliverables as agreed upon with the Ministry and the EUACI.

Apart from that, the table below summarise regular reporting to be produced by the expert:

**Table 5.1: Regular Deliverables**

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| --- | --- | --- | --- |
| **#** | **Deliverable/Output** | **Target Timeline/Due Dates** | **Review/Approval** |
| 1 | Output-based work plans, indicating the timing and estimated input of time in days for carrying out jointly agreed activities. | Quarterly (or Monthly as agreed) /1 week before start of period | Component Team Leader / Senior Project Manager |
| 2 | Progress Reports, summarising the progress made and results achieved over the period, and the Consultant’s recommendations for future actions. | Quarterly (or Monthly as agreed) / 1 week after end of the period. | Component Team Leader / Senior Project Manager |
| 3 | Invoices, summarising actual days worked and expenses incurred with reference to the agreed work plans | Quarterly (or Monthly as agreed) / max 2 weeks after end of the period  | Component Team Leader / Senior Project ManagerHead of Administration |
| 4 | Draft documents, legal acts, concepts, presentations, analytical reports on request of EUACI management or Ministry | Constantly | Component Team Leader / Senior Project Manager |

## 6. Timing

The assignment is expected to start in June 2024 and run until the end of December 2025 (19 months).

During this period, the Senior Legal and Good Governance Expert will be expected to deliver a maximum of **400** working days (the actual number of working days per month will depend on the actual workload, but should not exceed 21 working days per month) with possible business trips in Ukraine, up to 14 business travels.

## 7. Methodology

The Legal Expert/Head of ISG will work under the supervision of EUACI’s Component 2 Team Leader and Senior Project Manager for Integrity Reconstruction. (S)he will serve as an advisor to the Deputy Minister and report to the Deputy Minister and the EUACI.

Based on consultations with the Component Team Leader and Senior Project Manager and the needs identified in the documentation provided from partners, the Consultant will prepare his/her work plans and send them to the Component Team Leader for approval at least a full work week ahead of time. Work plans should as a minimum be quarterly; but preferably monthly.

The Consultant’s work plans shall be output-based, specifying the outputs the Consultant will be delivering or contributing to, the activities that will be carried out and the input required in terms of workdays.

In keeping with the above structure, the Consultant’s progress report and associated payment request, shall be output-based, summarising the activities carried out by output and the actual number of workdays used as compared to planned, and a presentation of the expenses incurred.

Payments shall be made monthly. Payments will be based on the actual days worked, the agreed daily fee rate, and the expenses occurred by the Consultant during the period. Payments will require verification of completion of deliverables and approval by the Component Team Leader of the Consultant’s progress report and expense outlay.

Travel costs and other reimbursable costs will only be accepted if they are in compliance with the guidelines in the contract.

In general, the EUACI shall not accept travel costs exceeding those of an economy class tickets. In the event of unforeseeable travel not anticipated in the agreed work plans, payment of travel costs, including tickets, accommodation and other expenses, must be agreed upon in advance with the Team Component Team Member in charge.

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.

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 EUACI. Programme will determine the appropriate representative for the operational supervision of the ISG.

## 8. Qualifications and Competence of Staff

The preferred Consultant will have the qualifications described in the following sections.

## Functional competencies:

1. A strong sense of integrity is essential;
2. Excellent planning, organisation, and communication skills;
3. Willingness to travel with short notice;
4. Flexible approach and willingness to perform tasks outside his/her professional field;
5. Ability to work independently and in teams;
6. Effective inter-personal and process facilitation skills; and
7. Full computer literacy and experience in working with IT in a communication perspective.

## General qualifications:

1. at least a Master’s degree in law, international relations, social sciences, business administration, or another similar field is required,
2. have experience in legal drafting, conducting corruption and/or managerial risks analysis,
3. have a strong network of contacts in the field,
4. experience in preparing policy analysis is desirable,
5. excellent written and verbal communication skills.

## Adequacy for the assignment:

1. A minimum of 7 years of professional experience from working with public integrity and anti-corruption, or decentralisation, or local government processes;
2. at least one year of professional experience of cooperation with (working within) the public sector under capacity building projects covering issues such as good governance, urban planning, construction, anti-corruption or risk management,
3. have proven experience in cooperation with stakeholders in national government, international development partners, and civil society,
4. have experience in legal drafting, conducting corruption and/or managerial risks analysis,
5. professional experience in the international quality management is regarded as an asset,
6. professional experience in the application of established international anti-corruption standards is regarded as an asset,
7. Experience in guiding partners effectively through planning and implementation processes;
8. Solid understanding of the political situation

## Experiences in the region and language:

1. Fluency in Ukrainian is required;
2. Excellent English speaking and writing skills.

## 9. Estimated budget and level of effort

The maximum budget available for this assignment is 714,000 DKK (approx. 95,700 EUR). This amount includes subsistence allowance for 14 days of business trips as well as costs related to local travels, and other project related costs such as for example audit and printing.

Consultants submitting proposals will need to submit an offer (Appendix 3B: Contract Price) broken down by fees and reimbursable costs. Proposals where the Contract Price offered exceeds the above maximum budget will be rejected.

The assignment does not include an advance payment. Payments will be made on a quarterly/monthly basis on the basis of the actual days worked, the agreed daily fee rate, and the expenses occurred by the Consultant during the period. Payments will require verification of completion of deliverables and approval by the Component Team Leader of the Consultant’s progress report and expense outlay.

Travel costs and other reimbursable costs will only be accepted if they are in compliance with the guidelines in the contract.

In general, the EUACI shall not accept travel costs exceeding those of an economy class tickets. In the event of unforeseeable travel not anticipated in the agreed work plans, payment of travel costs, including tickets, accommodation and other expenses, must be agreed upon in advance with the Team Component Team Member in charge.

## 10. Management

The Consultant is responsible for the delivery of the outputs required and for the effective management of the number of workdays for the assignment vis-à-vis the expected results. The Consultant will consult with the EUACI Component Team during the planning of the consultant’s activities and the prioritisation of the same. The Consultant will regularly inform the Component Team on progress made as well as any issues or obstacles to progress requiring the attention of the Component Team.

## 11. Background documents

The key background document is the Programme Document for EUACI, Phase IIІ, and specifically the Memorandum of Cooperation between the Ministry of Communities, Territories, and Infrastructure Development of Ukraine and the EUACI.