Terms of Reference for

**Public Procurement Expert for Methodology and Training**

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 current and upcoming reconstruction (and current humanitarian) aid.

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.

The State Agency for Restoration and Infrastructure Development of Ukraine (hereinafter – the Agency) manage and oversee implementation of selected recovery projects, while the Ministry is tasked to develop relevant policy and oversee its implementation.

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.

The Agency requests from EUACI the support in enhancing the capacity in procurements for territorial bodies of the Agency (called Regional Offices for Restoration - RORs). **Public Procurement Expert for Methodology and Training** for the Agency, will take part in the implementation of the Procurement stream of the Program, perform procurement rules, elaborate relevant methodology of procurement as well as lead specific training program for the RORs.

**Objective:**

The assignment’s main objective is to elaborate and implement effective procurement processes and approaches and to support their implementation at the RORs. The Public Procurement Expert is expected to organize and manage the work on the elaboration of construction and related service procurement methodology, as a part of the Anti-corruption program, support its implementation within the RORs and train ROR’s procurement managers.

**Scope of work:**

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

- Monitoring and summarizing of legislation amendments related to construction works, related services and proper public procurement;

- Elaboration of construction procurement methodology for the Agency and RORs (for construction works, related services and road maintenance) and its regular update;

- Monitoring of ongoing and finished procurement procedures and summarizing of common mistakes and best practices;

- Analyzing of the practice of Review Body (Anti-Monopoly Committee of Ukraine) and elaboration of particular amendments to the procurement methodology;

- Training of procurement managers and authorized persons of RORs for transparent and effective procurement procedures in construction works and related services;

- Supporting the procurement managers and authorized persons of RORs in procurement methodology issues;

- Supporting the establishment of Center of Excellence (CoE) and/or Central Procurement Organization (CPO) within the Agency.

**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 particular EUACI contact person.

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

|  |  |  |
| --- | --- | --- |
| **#** | **Deliverable/Output** | **Timeline** |
|  | Plan for training and consulting program approved by the Agency | 4 weeks after the contract signing |
|  | Draft legal regulations or Recommendations for CoE/CPO functions within the Agency system | 8 weeks after the contract signing |
|  | Training of the ROR procurement teams, mentoring and consulting support | Within 8-32 weeks of the project |
|  | Draft Legal methodology and recommendations for procurement of construction works in design-and-build format | 16 weeks after the contract signing |
|  | A report based on the result of Monitoring and summarizing of legislation amendments | Each 8 weeks |
|  | A report based on the result of Monitoring and summarizing of common mistakes and best practices of ROR procurements | Each 8 weeks |
|  | Final Report | 34 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. 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 an expected duration **of 640 working hours / 80 working days** (part-time format is possible) including up to 20 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. additional education or training in public procurement is required,
3. experience in public procurement is required,
4. experience in the construction industry and project management, conducting corruption and/or managerial risks assessments will be an asset,
5. proven expertise in construction work procurement will be an asset,
6. experience in training/consulting in public procurement or construction works/related services will be an asset;
7. excellent written and oral communication skills,
8. fluency in Ukrainian is required;
9. ability to speak and write in the 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 procurement procedure elaboration;
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 training or consulting in the construction/procurement sector

The expert is expected to work from the premises of the Agency and remotely 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 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 80 working days.

The contract budget cannot exceed 16,000 euros.

# How to apply

The deadline for submitting the proposals is 23 May 2024, 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 – Training”.

Bidding language: English or Ukrainian

Any clarification questions for the bid request should be addressed to dmyiak@um.dk, no later than 16 May 2024, 18:00 Kyiv time.

# Evaluation criteria

Bids will be evaluated under the criteria provided below:

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| --- | --- | --- |
| **#** | **Criteria** | **Weight** |
| 1 | Consultants CV, Portfolio of completed assignments | 80% |
| 2 | Proposed budget | 20% |