**Terms of Reference for**

**A Senior Procurement Expert in Construction Works**

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 EUACI 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.

The 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 in 2023 (hereinafter – the Agency). The Agency’s Capacity Development Office (CDO) consists of consultants and experts supported by international organizations and donors to provided additional expertise and capacity building to the Agency.

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. As a part of the CDO, the EUACI has been requested to provide a Senior Public Procurement Expert who will work and coordinate the work of other experts with the aim of improving the procurement procedures and activities for territorial bodies of the Agency called Regional Offices for Restoration (RORs).

The previous EUACI and The Agency cooperation in the field of monitoring, analyzing and enhancing the procurements procedures for RORs was assessed as being successful.

**Objective:**

The assignment’s main objective is to improve the procurement procedures and reduce corruption risks in the RORs. This objective is met by elaborating and implementing effective and transparent procurement processes and approaches, as well as to support and oversee their implementation at the RORs.

**Scope of work:**

The Procurement Expert is expected to participate in the work on the elaboration of internal methodologies for procurements, as a part of the Anti-corruption program, monitoring of ongoing procedures and procurements 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 and corruption risks.

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

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

- supervise the RORs procurements to eliminate overpricing and corruption risks,

- 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 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 part of the Anti-corruption program in the RORs;

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

- providing expertise to the Agency for Reconstruction in minimising corruption risks for the social infrastructure reconstruction project;

- develop and contribute to the implementation of capacity building activities to enhance the procurement capacity of the Agency and its regional offices.

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

While the expert will take part in the assessment of procurement processes, the expert will not take part in or have any responsibilities regarding the selection of the winner of specific tenders.

**Expected deliverables:**

The Deliverables are presented below in Table 1 with a *tentative* schedule. All results are expected to be provided in Ukrainian language 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

|  |  |  |
| --- | --- | --- |
| **#** | **Deliverable/Output** | **Timeline** |
|  | A report based on the result of analysis of ROR procurements in the main market segments during previous 3 months with **recommendations** for improvement of relevant processes | 4 and 28 weeks after the contract signing |
|  | A report with propositons of minimization of corruption risks based on the result of analysis of the project to restore the social infrastructure projects design with intended reuse | 8, 20 and 32 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 | 24 weeks after the contract signing |
|  | A report with the summary of construction and procurement related consultations for the Agency procurement staff | 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 with a start in January 2025. 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 remotely of from the premises of the Agency.

**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 27 December 2024, 18:00 Kyiv time.

The proposals shall be submitted within the above deadline to euaci@um.dk and olga\_kolodochka@ukr.net, indicating the subject line “Senior Procurement Expert in Construction Works for Agency”.

To ensure your documents were successfully received, please check that you have received an auto-reply from our system.

Bidding language: English

Any clarification questions for the bid request should be addressed to olga\_kolodochka@ukr.net, no later than 19 December 2024, 18:00 Kyiv time.

# Evaluation criteria

Bids will be evaluated under the criteria provided below:

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| --- | --- | --- |
| **#** | **Criteria** | **Weight** |
| 1 | Relevant experience, skills and competencies | 60% |
| 2 | Portfolio of completed assignments | 20% |
| 3 | Proposed budget | 20% |