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

As the recovery process involves massive national and international resources, it is key to have a coordinated policy framework to ensure that these funds are managed responsibly and support Ukraine's long-term commitment to good governance and sustainable development

The mechanism for conducting public procurement procedures should become one of the key elements of public finance management and improve the efficiency of state economic policy. It should be based, in particular, on the principles of fair competition, transparency and integrity, non-discrimination of participants, objectivity and impartiality of tender proposals, and prevention of corruption in this area. Given the large amounts of funds involved and the complexity of regulating agreement relations, public procurement has been identified as one of the most vulnerable corruption-prone areas of regulation.

Providing effective public procurement in transparent and competitive way, especially to address the needs of Ukraine's recovery from full-scale war and implementation of international legal requirements in the field of public procurement, is an urgent challenge for the Agency.

Public procurement is conducting in accordance with the Law of Ukraine “On Public Procurement” No. 922-VIII of 25.12.2015 and Resolution of the Cabinet of Ministers of Ukraine No. 1178 of 12.10.2022, which defines the peculiarities of public procurement during martial law and within 90 days after its end.

The legal framework is being reviewed to implement new procurement instruments and improve existing ones to ensure effective procurement for Ukraine's recovery and fulfillment of international requirements. The professional training of Regional Offices for Restoration (hereinafter – ROR) procurement managers, expert analysis of regulations, complaints and claims work, analysis of upcoming legislation, and the professional training of procurement managers create a professional framework for transparent procurement within the Agency's system.

Currently, the RORs are the Customers of construction works and independently determine the main principles of organizing and conducting tender procedures. These entities have different approaches to procurement processes, which can lead to certain risks, including management, reputational, corruption, and sanctions risks.

The Agency requests from EUACI the support in enhancing the capacity in procurements for 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, will support the Сentral Procurement Organization (CPO) in its implementation and development.

**OBJECTIVE:**

The Methodology and Training Expert is expected to organize study program and provide the training process for the RORs representatives, assist to the work on the elaboration of procurement methodology and policies, support the establishment and implementation CPO.

**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;

- Developing and updating draft recommendations for the procurement of works and services in construction for RORs

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

- Analysis of the practice of the Antimonopoly Committee of Ukraine and development of certain changes 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;

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

- Providing expertise to support the establishment of Central Procurement Organization (CPO) within the Agency;

- Providing expertise to support the implementation of the canteens project under the Nutrition reform implemented by the Ministry of Education and Science of Ukraine, including, but not limited to: providing trainings for customers of construction works, support in the analysis of tender procedures, providing recommendations ad hoc.

**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** |
| 1 | Plan for training and consulting program approved by the Agency | 4 weeks after the contract signing |
| 2 | Drafts of internal regulations and/or recommendations on the functions of the CPO in the Agency's system | 8 weeks after the contract signing |
| 3 | Training of the ROR procurement teams, mentoring and consulting support | during the contract |
| 4 | Draft Legal methodology and recommendations for procurement of construction works in design-and-build format | 24-25 weeks after the contract signing |
| 5 | A report based on the result of Monitoring and summarizing of legislation amendments | Each 12 weeks |
| 6 | A report based on the result of Monitoring and summarizing of common mistakes and best practices of ROR procurements | Each 12 weeks |
| 7 | Final Report | 45 weeks after the contract signing |

The timelines indicated in the table above are indicative. The Expert may reflect on and update the timelines for different activities. 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 **11 months**, with an expected duration **of** **880 working hours / 110 working days** (part-time format is possible).

**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 110 working days.

**The contract budget cannot exceed 22,000 EUR.**

# HOW TO APPLY

The deadline for submitting the proposals is **February, 10 2025, 18:00 Kyiv time.**

The proposals shall be submitted within the above deadline to **euaci@um.dk with copy to olga\_kolodochka@ukr.net**, indicating the subject line “Methodology and training Expert for the Agency”.

Bidding language: English or Ukrainian

Any clarification questions for the bid request should be addressed to olga\_kolodochka@ukr.net, no later than February, 3 2025, 18:00 Kyiv time.

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

If your application is properly received, you will receive an auto-reply from the EUACI mailbox.

If you don’t receive an auto-reply, your application was not received, please try again or contact.

# EVALUATION CRITERIA

Bids will be evaluated under the criteria provided below:

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| --- | --- | --- |
| **#** | **Criteria** | **Weight** |
| 1 | Consultant’s CV, skills, experience and portfolio of completed assignments | 80% |
| 2 | Proposed budget | 20% |