

## **TERMS OF REFERENCE**

For Consulting Services (Individual Consultant)

### **“Legal Specialist”**

Contract No. MoES-IC-07

Ukraine Improving Higher Education for Results Project

World Bank Loan No. 9238-UA

## **I. BACKGROUND**

Ukraine and the International Bank for Reconstruction and Development (IBRD; the World Bank) have signed the Loan Agreement No. 9238-UA in the amount of US\$200 million for the Project ‘Ukraine: Improving Higher Education for Results’ (hereinafter referred to as the Project). The Project is implemented in Ukraine by the Ministry of Education and Science of Ukraine (MoES) with support of the World Bank Group. The Project implementation period is 2021-2026.

The Project Development Objective (PDO) is to improve efficiency, conditions for quality, and transparency in the higher education system of Ukraine.

The Project includes four components:

- Component 1: Sector-Wide Improvements to Governance, Financing, Quality, and Transparency;
- Component 2: Alliances/Partnerships for Improved Efficiency and Quality;
- Component 3: Capacity Building and Education Environment Enhancement;
- Component 4: Project Management, Monitoring & Evaluation

The Project supports two categories of expenditures: (i) traditional investments in goods, works, and services, for which disbursements are made against eligible expenditures; and (ii) defined performance-based conditions (PBCs), for which disbursements are also made against eligible expenditures conditional on the achievement of the PBCs as defined in the Loan Agreement and Project Operational Manual.

As a requirement of the Loan Agreement, MoES established a Project Implementation Unit (PIU) to conduct day-to-day Project management and coordination in disbursement, procurement, financial management, compliance with environmental and social standards, reporting and other Project-related activities. In order to ensure efficient implementation of the Project, MoES shall engage individual consultants for the PIU.

## **II. OBJECTIVE**

The objective of this assignment is to provide assistance and advice to MoES on legal issues under this Project. The Legal Specialist provides consulting services in accordance with this Terms of Reference.

## **III. SCOPE OF SERVICES**

The Consultant shall provide the following services and tasks:

- 1) prepare documentation within the Project in accordance with the legislation of Ukraine and the requirements of the IBRD;
- 2) provide professional assistance and advice to other PIU consultants on legal issues concerning the Project implementation, including but not limited to:

- a. Drafting contracts for goods, works, non-consulting services, and consulting services with firms or individuals satisfactory to the Legal Department of the MoES and the World Bank;
  - b. Drafting sub-agreements with beneficiary higher education institutions (HEIs) under Components 2 and 3 of the Project, satisfactory to the Legal Department of the MoES, other relevant ministries, and the World Bank;
  - c. Amending sub-agreements with beneficiary HEIs as needed.
- 3) prepare legal acts and legal submissions, draft legal opinions; review legal materials;
  - 4) proactively identify legal risks and potential legal matters that may need to be addressed in the Project, requiring resolution under a chosen approach, and advise on the risk management strategy to forestall those issues;
  - 5) supervise tender processes in the Project from the legal perspective;
  - 6) provide details to the legal design of Project-related procurement procedures;
  - 7) provide legal advice in the negotiation procedures with service providers as well as with Project beneficiaries (whenever applicable), settling legal disputes;
  - 8) develop and supervise the legal architecture of the Project at MoES;
  - 9) provide review of legal materials;
  - 10) represent the PIU and MoES in all legal matters arising from the implementation of the Project.
  - 11) provide legal assistance to members of the PIU, members of the Tender Committee, other employees of the Ministry of Education and Science and (or) higher education institutions-beneficiaries (HEIs) on the legislation of Ukraine and the requirements of the IBRD;
  - 12) participate (if necessary) in amending the Project Operational Manual;
  - 13) carry out other assignments and activities related to the Project implementation within his/her competence upon request of the Project Coordinator(s) and/or the Project Manager – Lead of group of consultants.

#### **IV. REPORTING**

The Legal Specialist will report to the Project Coordinator(s) and Project Manager – Lead of group of consultants. The Consultant shall submit monthly reports in hard copy. The reports shall include description of services provided by the Consultant during the reporting period.

#### **V. PROVIDED RESOURCES**

MoES shall provide the Consultant with information necessary to carry out his/her assignment in a timely manner. MoES shall provide the Consultant with a workplace, including necessary equipment to carry out his/her functions (e.g. PC, communications and office equipment).

#### **VI. QUALIFICATIONS REQUIREMENTS**

##### Minimum requirements (mandatory):

- Master Degree or complete higher education Degree in Law;
- At least 5 years of proven professional experience in the position of Legal Specialist in a related position;
- At least 3 years of experience in collaboration with national and local government authorities as well as drafting of normative acts;
- Upper intermediate or higher level of spoken and written English confirmed by a certificate or during contract negotiations including knowledge of economic, legal, and technical terminology related to the Project;
- Fluency in Ukrainian;
- Advanced PC user, knowledge and practical skills in using Microsoft Office (MS Word, Excel, PowerPoint) package, e-mail and databases.

#### Desirable qualifications and competences

- Experience providing legal advice for donor-funded projects and/or for international organizations / projects;
- Knowledge of the current state of education in Ukraine, in particular, in the field of higher education;
- Understanding of the legal considerations related to state property management;
- Proven knowledge of World Bank procedures;
- Experience participating in investment projects financed by the World Bank;
- Understanding of anti-corruption legislation and anti-corruption infrastructure

#### **VII. PERIOD AND LOCATION OF EMPLOYMENT**

The Consultant shall provide his/her services for 2 years (24 months) within 3 months probation period and possibility to extend the contract for the Project implementation which lasts until December 31, 2026 in case of successful performance. The Consultant shall provide his/her services on a full-time basis.

The incumbent will be based at the premises of the Project Implementation Office, in Kyiv, Ukraine. The Consultant should be required and expected to take business trips to other regions of Ukraine to support implementation of the Project.

#### **VIII. APPLICATION PACKAGE**

Interested persons should submit their CVs in Ukrainian and English at the following e-mail address: [uiherp@mon.gov.ua](mailto:uiherp@mon.gov.ua) indicating subject of the letter: «Legal Specialist». The deadline for submission of the documents is 17:00 local time February 16, 2022.

The consultant shall be selected according to the applicable World Bank Procurement Regulations.