

TERMS OF REFERENCE

for Consulting Services (Individual Consultant)

"Legal Specialist"

Contract No. MoES-IC-07-LS

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 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 the 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 six 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
- Component 5: Support to Academic Scholarships under MOES and Social Scholarships under MOSP for Higher Education Students
- Component 6: Contingent Emergency Response (CERC)

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.

More detailed information is given at the link <https://projects.worldbank.org/en/projects-operations/project-detail/P171050>

The Consultant will be contracted through competitive selection in line with Procurement Regulations for IPF Borrowers, Nov 2020. This Terms of References defines the purpose, Scope and duration of consulting services and qualification requirements for the Consultant.

II. OBJECTIVE

The objective of this assignment is to ensure compliance of the project activities to the national legislation and pro-actively advise MoES and PIU on any legal issue related to the Project implementation in order to defend, indemnify, protect, and hold harmless the MOES and PIU from and against any and all claims potentially may arise from the Project implementation.

III. SCOPE OF SERVICES

The Scope of services to be provided by the Consultant shall include but not be limited to the following:

- Reviewing, verifying and validating the Project related actions and documents regarding conformity to the national legislation and the Project legal framework;
- Proactively identify risks and potential legal matters that may lead to the claims/complaints, issue early warnings, and advise/implement the risk mitigation strategy and mitigation actions;
- Drafting and processing legal documents, including drafts of the laws, by-laws, legal opinions, and other legal acts and documents;
- Drafting agreements and/or any legal documentary related to the interaction between MoES, higher education institutions (HEIs) and other stakeholders participating in the Project;
- Advising on and directly contributing to the Project management scheme / adjusting the Project legal framework setup ;
- Tracking the changes in the legislation and bringing it into line with the regulatory acts and other legal documents which regulate the Project implementation procedure;
- Initiating the updates and contributing to the Project Operational Manual amendments;
- Participating and overseeing the legal aspects of the tenders, negotiations and contracting processes;
- Assisting MoES Legal Department in settling the disputes arising from the Project implementation, primarily seeking amicable disputes resolutions;
- Assisting MoES Legal Department in processing the claims, lawsuits, contractual and other issues which may arise from the Project implementation;
- Providing advice on legal issues related to the Project implementation to MoES, including members of the PIU, Tender Committee, Technical Committee and other employees of the Ministry of Education and Science and (or) higher education institutions-beneficiaries (HEIs);
- Execute 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 a group of consultants.

IV. REPORTING

The Legal Specialist will report to the Project Coordinator and Project Manager – Lead of group of consultants, and act under the overall supervision of the Project Coordinator(s) / Project manager – Lead of group of consultants.

The Consultant shall submit monthly reports in hard copy. The reports shall include a description of the Consultant's services during the reporting period.

V. PROVIDED RESOURCES

MoES shall provide the Consultant with the information necessary to carry out his/her assignment in a timely manner. MoES may 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):

- At least a Master's Degree in Law or a similar complete higher education degree;
- At least 5 years of professional legal experience;
- At least 3 years of experience collaborating with the state and/or local government authorities, drafting normative acts;
- Fluency in English;
- Fluency in Ukrainian;
- Advanced PC user, knowledge and practical skills in using Microsoft Office (MS Word, Excel, PowerPoint) package, email and databases.

Desirable qualifications and competencies which provide the advantage

- Experience in claim management;
- Experience in developing strategies for risk mitigation to keep the Client safe;
- Experience developing corporate documents and organisational schemes;
- Practice related to public/communal assets management;
- Knowledge of international law;
- Understanding of anti-corruption legislation.

When submitting a CV and cover letter (expression of interest), Consultants are requested to provide

- i. evidence confirming their experience in the areas specified in this section,
- ii. reference letters detailing the results of the projects implemented, if available,
- iii. contacts details (phone and email) of the previous employers.

The MoES may invite the best-qualified candidates to an interview to clarify information provided in the respective CVs.

VII. PERIOD AND LOCATION OF EMPLOYMENT

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

The services are planned to be rendered in Kyiv, Ukraine. The Consultant should be required and expected to take business trips to other regions of Ukraine to support the project implementation.

Particular contract conditions and work mode modalities are subject to negotiations.

VIII. APPLICATION PACKAGE

Interested persons should submit their CVs in Ukrainian and English at the following email address: uiherp@mon.gov.ua Cc: serhiy.artemenko@uiherp.org indicating the email subject: «P171050: Legal specialist: [NAME]».

The deadline for submission of the documents is 17:00 local time on January 17, 2023.

If the Consultant fails to provide CVs in both languages, the Client reserves the right to reject the Consultant's application.