

TERMS OF REFERENCE

for Consulting Services (Individual Consultant)

"Specialist in Legislative Development for Higher Education Reform"

Contract No. MOES-C3-05-SUP-IC-01

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.

More detailed information is given at the link

<https://projects.worldbank.org/en/projects-operations/project-detail/P171050>

The full-scale invasion of Russia in Ukraine in February 2022 created challenges for the Ukrainian education community. Among them were ensuring the displaced universities have the necessary resources to continue their educational and scientific activities, creating safe conditions for offline learning - building bomb shelters, enhancing the quality of teaching disciplines in English, and strengthening the innovative capabilities of Ukrainian higher education institutions. Yet,

MoES aims to continue with the higher education reform envisioned in the Strategy for Development of Higher Education in Ukraine 2022-2032¹. Current challenges encompass, i.e.:

- non-compliance between HEIs network and modern society development requirements,
- lack of legal framework and economic incentives for university-business collaboration, and
- ineffective management and utilization of resources in the higher education system, insufficient demonstration of social responsibility, and limited autonomy of higher education institutions.

As set in the Vision on Education and Science of Ukraine², these specific predicaments are expected to be eliminated through reaching the strategic objective 5 of higher education reform 'Governance in higher education is based on principles of autonomy and responsibility'.

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

This assignment aims to support MoES to strengthen strategic planning, change management and financial management in terms of preparing and introducing changes to laws and by-laws for the implementation of higher education reform.

III. SCOPE OF SERVICES

The Scope of services to be provided by the Consultant shall cover the following key directions and includes but is not limited to:

- Analysis of the current legal framework for higher education sector financing at national level.
- Identification of gaps and barriers which presents obstacles to the reform of higher education sector financing
- Preparing draft amendments to the existing legal and regulatory framework, and developing new approaches to the legal-normative base of higher education financing in close cooperation with MoES, in particular: shifting from "state orders" paradigm to state financing through grants, scholarships and/or tuition waivers.
- Support MoES in coordinating and fulfilling requirements for adopting the relevant laws and by-laws in an efficient and quality manner.
- Take part in developing the conceptual framework for reforming the public and private funding mechanism of higher education in Ukraine.
- Take part in evaluating expected economic impact of the proposed new higher education financing policy.
- Advise on the regulatory and legal framework in the sector of higher education financing.
- Execution of other assignments and activities related to the project implementation within his/her competence upon request of the Project Coordinator(s), Deputy Minister for higher education, and the Project Manager - Lead of a group of consultants.

IV. REPORTING

¹ <https://zakon.rada.gov.ua/laws/show/286-2022-%D1%80#Text>

² <https://mon.gov.ua/ua/viziya>

Specialist in Legislative Development for Higher Education Reform will report to the Project Coordinator, Deputy minister for Higher education and Project Manager – Lead of group of consultants, and act under the supervision of Project Coordinator(s), the Deputy minister for Higher education and 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 and time sheets.

V. PROVIDED RESOURCES

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

VI. QUALIFICATION REQUIREMENTS

Minimum requirements (mandatory):

- At least a Master's Degree in Law or a similar complete higher education degree;
- At least 5 years of work experience as legal specialist/consultant in education sector, higher education will provide an advantage;
- At least 3 years of work experience in IFI projects, education projects will provide an advantage;
- 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 of cooperation with public authorities;
- Practical knowledge on the current state of higher education in Ukraine.

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 until February 29, 2024 with the possibility to extend the contract and workload.

The Consultant is expected to provide the services based on the part-time workload with a fixed daily rate. Expected workload 18 days per month. The Employer and the Consultant will negotiate workloads, given the actual Scope of the assignment.

The services can be rendered remotely.

Particular contract 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 and oleksandr.radchenko@uiherp.org indicating the email subject: «P171050: Specialist in Legislative Development for Higher Education Reform: [NAME]».

The deadline for submission of the documents is 11:00 AM local time on November 15, 2023.

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