

The Strengthening Public Resource Management Project
(EUroPAF TF Grant #TF0A5324)

**EU Programme for the Reform of Public Administration and Finances
(EUroPAF; EU ref.385-741)**

Terms of Reference

**Preparation of the normative acts for HRMIS use
(HRMIS legal expert)**

NCSA-IC-10

1. BACKGROUND

The Government of Ukraine approved the 2016-2020 Public Administration Reform (PAR) Strategy in 2016, which envisages the implementation of a Human Resource and Payroll Management Information System (HRMIS) in civil service and its phased roll out until 2020 (Priority 6, Action 18). The revision of PAR Strategy in December 2018 prolong the implementation of HRMIS until 2021.

The HRMIS is called to automate all HR and payroll business process and to become an efficient and transparent tool for human resource and payroll management in public administration institutions of Ukraine. HRMIS will have modules related to personal records of civil servants, payroll calculation, and analytics. The System shall cover all state administration entities at the central, oblast and local level that employ civil servants. The System will be implemented in two phases, the first phase of which is to be completed by mid-2020. Phase I “HRMIS implementation. Pilot project” includes implementation of main part of functionality for 1 000 users for core functions and up to 40 000 users for self - service in pilot civil service bodies at central level (up to 3 central governmental bodies and 15 ministries). Phase II “HRMIS implementation in central authorities and regional and rayon administrations” includes implementation of functionality envisaged by elaborated in Phase 1 modules and new modules of informational system for 9 000 users for core functions and 250 000 users for self - service in civil service bodies countrywide.

The Strengthening Public Resource Management Project, executed under the Grant Agreement #TF 0A5324 between the World Bank, who acts as an administrator of the grant funds¹ provided by the European Commission on behalf of the European Union under the EC – World Bank Partnership Program for Europe and Central Asia Programmatic Single-Donor Trust Fund (EU Program for the Reform of Public Administration and Finances in Ukraine (EUroPAF, EU ref.385-741), and Ukraine,

¹ These grant funds come from the EU program “Support to comprehensive reform of public administration” (ref. ENI/2016/039-569) supporting the PAR implementation.

supports HRMIS/Payroll implementation activities under the Project's Part A "Strengthening Human Resource Management in Public Administration Institutions" (Project). The National Agency of Ukraine for Civil Service Agency (NACS) is Project's responsible implementing agency in part of HRMIS activities.

More information about the project can be found at <http://projects.worldbank.org/P161586?lang=en> .

As a result of the Bidding procedure the Contract for Implementation of Human Resources and Payroll Management Information System for the Phase 1 (hereinafter – HRMIS Contract) has been awarded to the joint venture of the three companies and signed in February 2019 and become effective in the beginning March 2019. The first phase of HRMIS/Payroll implementation shall be completed by July 2020. The scope of the Contract includes (but not limited to) to the development and adaptation of the COTS solution, development of the design and detailed technical specifications, data migration, roll-out and trainings.

Recently Supplier of HRMIS developed Organizational structure, Personnel and Orders functional blocks as well as Self-service and Public portal functional blocks and started trial operation in three pilot governmental bodies, namely NACS, Ministry of Finance and Ministry of Digital Transformation.

The Project implementation team from NACS side consists of Technical supervisor (Techlead), Business analyst, Procurement specialist and Infrastructure architect who support the NACS in HRMIS Contract implementation.

The Project also envisages developing of the normative act(s) regulating the use of HRMIS in governmental bodies.

Currently, the NACS is looking for a legal expert (the Consultant) possessing knowledge of HR related legislation and procedures in public sector in order to analyze and prepare a matrix of the HRM legal and regulatory framework with the reference or status of each document and then propose related changes with draft amendments aimed at the neglecting of constraints for the smooth implementation and use of the HRMIS in public institutions including the transition to paperless public administration.

The Consultant will be contracted through a competitive selection. This TOR defines the purpose, scope and duration of the consulting services required and qualification requirements to the Consultant.

2. OBJECTIVE

The objective of this assignment is to analyze and amend the existing legal and regulatory framework and instruments that have the potential to constrain the smooth implementation and use of the HRMIS in public institutions including the transition to paperless public administration.

3. SCOPE OF SERVICES

The scope of services to be provided by the Consultant (Legal expert) shall cover the following key directions and include but not limited to:

- Analysis of the current legal framework and instruments that regulate HRM issues and document workflow in the civil service and align them to the functional coverage of the HRMIS;
- Identification of changes to be introduced into existing legal framework to enable the smooth use of HRMIS to facilitate government administrative operations; and
- Development of draft amendments to existing legal and regulatory framework for harmonization of civil service HR administration aspects with HRMIS use in governmental bodies.

4. QUALIFICATION REQUIREMENTS

The Consultant shall meet the following core qualifications criteria:

Qualification and skills

- At least Bachelor's Degree or equivalent related to the assignment

Professional experience

- At least 5 years' experience in sector of HR for civil service
- At least 5 years' experience in development of legal acts and regulations of national level
- Knowledge of HR related procedures / legislation
- Experience working in/with central governmental or legislative bodies is an advantage
- Fluent Ukrainian

submitting CV and cover letter (statement of interest), Consultants shall provide information confirming their experience in the areas specified in this section. Reference letters detailing the results of the projects implemented are welcomed. The NACS may at its discretion invite the potential Consultant to an interview to get prove of Consultant's skills and qualifications.

5. DELIVERABLES AND REPORTING

During the Project implementation, the Consultant shall prepare following deliverables:

- **Not later than ten (10) working days** after the date of Contract signing the Consultant shall submit the **Main report (D1) on Analysis of compatibility of the current legal acts and instruments**

that regulate HRM issues and document workflow in the civil service and align them to the functional coverage of the HRMIS .

This report shall include but not limited to

- analysis of legal acts and instruments that regulates/will regulate HRMIS functioning in governmental bodies;
- compatibility of current legal acts on HR management and documentary workflow with HRMIS functional;
- list of the legal acts and regulations to be amended and/or newly developed to ensure efficient HRMIS use;
- a separate Report on the draft recommended amendments

Final content of the report shall be coordinated and approved by the Project coordinator within the first week after Contract signature.

- **Not later than twenty (20) working days** after the date of Contract signing the Consultant shall submit the **(D2) Set of amended and developed drafts of legal acts and regulations** as indicated in relevant sections of the **D1**. Expected number of such acts is around 10 – 15. The assignment does not include preparation of Explanatory notes.

#	Deliverables	Delivery period
D1	Main report (D1) on Analysis of compatibility of the current legal acts and instruments that regulate HRM issues and document workflow in the civil service and align them to the functional coverage of the HRMIS	10 working days
D2	Set of amended and/or developed drafts of legal acts and regulations	20 working days

The Consultant shall provide presentations / clarifications on the topics of deliverables at the request of the NACS in any appropriate for the NACS form and participate / initiate the necessary meetings with relevant stakeholders.

All deliverables shall be submitted to and approved by the NACS's Project Coordinator. The representatives of legal department will review and comment the documents produced by the Consultant, before these are submitted to the NACS's Project Coordinator.

The Consultant shall prepare deliverables and other documents in a format and details satisfactory to the NACS, in Ukrainian, in two copies, in a printed form and electronically. The texts of electronic documents are submitted in Word or PDF.

Each document submitted by the Consultant should be accompanied by the certificate of transfer-acceptance of the provided consulting services.

Any reporting document made under the Contract shall not be shared by the Consultant with third parties without prior written agreement from the NACS. The Consultant shall follow the conditions of confidentiality regarding performance of all work under this ToR and the respective Contract to be signed with the NACS.

6. PLACE, DURATION OF THE ASSIGNMENT, AND REMUNERATION

The Consultant is expected to provide the services in the city of Kyiv starting from March 2020 through May 2020. Total time for completion of the assignment is 6 weeks (30 working days), unless agreed differently through amendments to the contract.

Given the nature and magnitude of the assignment, the Consultant is expected to have a remuneration under a lump-based contract with following payment terms:

- 40% of the Contract price upon provision of Approved by NACS **(D1) Main report on Analysis of the current legal acts that regulate the issues of personnel management in the civil service** based on **bilaterally signed handover act and Consultant's invoice;**
- 60% of the Contract price upon provision of Approved by NACS **(D2) Set of amended and/or newly developed drafts of legal acts and regulations** based on **bilaterally signed handover act and Consultant's invoice.**

7. PROCEDURE OF WORK

The Consultant shall work closely with the Legal specialists of the NACS and government agencies to be covered within the Phase 1 of the Project as well as all NACS project team and HRMIS Supplier developing HRMIS under the Contract ref. # NACS-RFB-1 (as needed) and report directly to the NACS's Project Coordinator.

Any comments and/or claims to the Consultant regarding the provided deliverables should be expressed by the NACS in writing not later than within 5 working days from the date of submission of the reporting documentation by the Consultant. In case the comments and claims from the NACS are missing during that time then the deliverables of the Consultant shall be considered as approved.

Subject to NACS's comments to the deliverables the Consultant shall address and incorporate the comments and re-submit the deliverables not later than 5 working days after receiving the NACS comments.

8. CLIENT'S INPUT

The NACS shall, within its competence, provide the Consultant with all necessary support to enable the Consultant to fulfill this assignment. In particular, in the course of the assignment the NACS provides the Consultant with

- i. regulated access to relevant legal documents, including the Project and HRMIS contract related / technical documents, and other task related information materials as will be required; and
- ii. list of all relevant to the assignment legal acts;
- iii. access to the NACS's systems and premises.