**National Agency of Ukraine for Civil Service**

**Project:** Public Finance Management Support Programme for Ukraine/ Grant # TF0B6630

**Part A.** Country-wide Launch of the HRMIS

**Part D.** Project Management and Implementation Support

**TERMS OF REFERENCE**

for Consulting Services (Individual Consultant)

**Lawyer Consultant**

(contract reference: NACS-IC-2/3)

**1. BACKGROUND**

Ukraine has received financial assistance from the International Bank for Reconstruction and Development and International Development Association (“World Bank”), acting as administrator of the grant funds provided by the European Commission on behalf of the European Union (“Donor”) under the EC - World Bank Partnership Program Part III for Europe and Central Asia Programmatic Single-Donor Trust Fund (TF073423) in an amount of three million eight hundred nine thousand Euro (EUR 3,809,000) (“Grant”) toward the cost of Public Finance Management Support Programme for Ukraine Project. The Letter Agreement regarding the Grant TF0B6630 was signed between the Ukraine and the World Bank on 09.02.2022 (“Letter Agreement”).

The Project is aimed to better manage public resources. This is to be achieved through, inter alia, implementation of Phase 2 of Human Resource Management Information System (HRMIS) as foreseen under Part A “Country-wide launch of the Human Resource Management Information System (HRMIS)” (Project`s Part A). The National Agency of Ukraine for Civil Service (NACS) is responsible for the implementation of Project’s Part A activities. Project’s Part D “Project Management and Implementation Support” covers relevant expenses of the NACS and the Ministry of Economy of Ukraine, another Project’s implementing entity.

The development and implementation of the HRMIS is mandated by the Government’s 2016-2021 and 2022-2025 Public Administration Reform Strategies and other government resolutions[[1]](#footnote-1). European Commission in partnership with the World Bank provides financial and technical support for these activities under technical assistance projects. The implementation of the HRMIS follows a two-phased approach with incremental functional and institutional coverage and enlargement.

Phase 1 of HRMIS covering design and development of HRMIS basic functionalities and limited lunching of the system at the central ministerial level was carried out under the Strengthening Public Resource Management Project (Grant Agreement #TF0A5324 between Ukraine and the World Bank financed by EU Program for the Reform of Public Administration and Finances in Ukraine (EURoPAF) during August 2017 - March 2021. NACS procured HRMIS solution through an international bidding as a commercial-off-the-shelf solution that was customized by the vendor in line with NACS’s technical and functional system requirements. As the result of Phase 1, HRMIS has been developed in its core functionalities (*Management of government agencies; Position management; Employee personal file management; Competitive recruitment to civil service vacancies; Length of civil service; Entry to and termination of civil service; Official career; Transfer; Business trip; Working and rest time; Documents; Payroll; Payroll report; Public portal, and Self-service cabinet*) and launched in 19 central executives bodies (including territorial ones) covering 20 973 end-users. [The Public Portal](https://public.nads.gov.ua/) provides basic information regarding HRMIS and its current deployment status among government institutions.

Phase 2 of HRMIS implementation covered by the new Public Finance Management Support Programme for Ukraine Project includes: i) functional enlargement of the HRMIS with performance appraisal, development of professional competences, and analysis and reporting modules; ii) country-wide roll-out of the system; iii) end-user training; iv) improvement of policy and methodological framework for HRMIS implementation and use (“Project”).

HRMIS country-wide roll-out considers two stages. Stage 2a will include public institutions with 100 percent coverage of staff, including civil servants and other staff subject to the Labor Code. Phase 2b should cover the public institutions with mixed staffing (including both civil service employees and other public employees in civil service institutions not regulated by the Law on Civil Service) and will be subject to the Project Steering Committee decision. HRMIS Phase 2 activities are to be completed by May 31, 2023.

The NACS, to strengthen its implementation capacity and ensure efficient execution of HRMIS’s Phase 2, will contract, though a competitive selection, a group of individual consultants - technical and HRMIS support specialists, as well as specialists on project management and fiduciary procedures – to NACS’s project implementation team. Currently, the NACS is looking for a highly experienced and qualified Lawyer Consultant to support improvement of policy and methodological framework for HRMIS implementation and use. This Terms of Reference (ToR) defines the purpose, scope and duration of consulting services required and qualification requirements to the Consultant.

**2. OBJECTIVE**

The objective of this assignment is to provide the NACS with legal services to support improvement of policy and methodological framework for HRMIS implementation and use.

**3. SCOPE OF SERVICES**

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

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| --- | --- |
| 1) | Participate in the preparation of contracts and contract amendments concluded within Project, and provide approval thereof by the structural units of NACS; |
| 2) | Cooperate with other Project consultants and structural units of NACS on analyzing aspects, identifying and processing obstacles of the current legislation of Ukraine on human resources management issues, provision of relevant legal clarifications and consultations to ensure the implementation and use of HRMIS; |
| 3) | Directly prepare drafts of legal acts and participate in the approval of regulatory acts, in order to amend the conditions of the current legislation of Ukraine on human resources management to ensure the implementation and use of HRMIS; |
| 4) | Cooperation with the relevant structural units of the Secretariat of the Cabinet of Ministers of Ukraine and central executive bodies on the adoption of subordinate legal acts on human resources management for the purpose of implementing and using HRMIS; |
| 5) | Advise members of the NACS’s implementation project group (individual consultants) on the current legislation of Ukraine, provide assistance in the registration of documents and acts of property law related to Project; |
| 6) | Perform other tasks of the Project Coordinator and Team Leader, as maybe required during the Project implementation. |

**4. DURATION AND PLACE**

Services under this assignment are expected to be provided during the period from February, 2023, through May 31, 2023. Aprobation period willapply for the first three months.Subject to unsatisfactory performance of the Consultant during the probation period the contract may be terminated.

The Consultant shall provide his/her services on a full-time basis.

The Services shall be provided to NACS remotely and/or directly in the office in Kyiv, only if security conditions permit.

The level of remuneration and payment modalities will be defined upon negotiations with the selected individual.

Upon a need in further services and availability of appropriate resources and legal grounds, and provided the Consultant`s satisfactory performance, the scope of services as foreseen in the Section 3 of the ToR could be revised and/or the assignment can be extended further upon the mutual written agreement between the NACS and the Consultant.

**5. REPORTING AND IMPLEMENTATION ARRANGEMENTS**

Consultant shall keep records of the time spent on this assignment (worksheet) and report to the NACS’s Project Coordinator through monthly reports. These reports in form and details agreed with the Client shall cover brief description of the tasks performed by the Consultant during the reporting period and results achieved, and to be submitted in 5 working days after the end of the reporting period. Consultant’s reports approved by the NACS’s Project Coordinator provide the base for payments to the Consultant for services provided.

All analytical and methodological documents the Consultant will prepare within the scope of the assignment during the reporting period shall be attached to his/her relevant monthly reports. The Team Leader will review and comment the documents produced by the Consultant, including reports, before these are submitted to the NACS`s Project Coordinator.

The Consultant shall prepare reporting and other documents in a format and details satisfactory to the NACS, in Ukrainian and English (as the case may need), in two copies, in a printed form and electronically. However, during the martial law in force, all reporting and other documents may be submitted only electronically. The texts of electronic documents shall be submitted in Word or PDF formats.

The Consultant shall work under the guidance of the Team Leader and in close coordination with all NACS project implementation team. The Head of NACS IT Department will supervise overall performance of the Consultant. The Consultant shall closely cooperate with the HRMIS Supplier and relevant civil service bodies and report directly to the NACS’s Project Coordinator.

In the absence of the Team Leader, his defined above duties are performed by the Head of NACS IT Department, unless otherwise specified by the NACS`s Project Coordinator.

Any comments and/or claims to the Consultant with regard to the provided services should be expressed by the NACS in writing not later than within 7 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 then the services of the Consultant shall be considered as approved.

All documents concerning provision of the services under this ToR prepared by the Consultant during the assignment shall be subject to discussions with the NACS`s officials responsible for implementation of the Project.

The Consultant shall be responsible for all expenses he/she incurs in relation to rendering the services and not provided by the NACS as indicated below.

**6. CLIENT’S INPUTS**

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 will provide the Consultant with the following:

1. regulated access to the Project and HRMIS contract related documents, and other task-related information materials as will be required;
2. access to NACS’s premises and systems;
3. a workplace in the office with computer, access to internet, printer, photocopier, and scanner, consumables and stationery;
4. contact persons of Project’s stakeholders.

**7. QUALIFICATIONS REQUIREMENTS**

The Consultant shall meet the following qualification requirements:

Mandatory requirements:

1. Education of Master's degree in Law or similar field;
2. At least 5 years of professional experience;
3. Experience in contracts, agreements and other legal documents developing;
4. Work experience with national government authorities;
5. At least 3 years experience of normative legal acts developing, providing consultations on the current legislation of Ukraine and its changes;
6. Fluent Ukrainian, written and spoken English (at least Pre-Intermediate level);
7. Advanced level of computer skills, knowledge and practical skills of using standard Microsoft packages (Word, Excel, Power Point), email and databases.

Desirable requirements:

1. Education or/and work experience specialization in human resources management and/or accounting and/or administrative law is an advantage;
2. Experience of approval of normative legal acts projects with other central executive authorities and committees of the Verkhovna Rada of Ukraine is an advantage;
3. Work experience in legal unit of central executive authorities on position at least of the main legal adviser or similar is an advantage.

The selection of the consultant will be performed in accordance with the Bank’s “[Procurement Regulations for IPF Borrowers](http://pubdocs.worldbank.org/en/178331533065871195/Procurement-Regulations.pdf)”, dated November 2020.

Interested applicants should submit their CVs in Ukrainian at the following e-mail address: [sosnovskyi@nads.gov.ua](mailto:sosnovskyi@nads.gov.ua) with mandatory copy to [hrmis\_zagal@nads.gov.ua](mailto:hrmis_zagal@nads.gov.ua), indicating the subject of the letter: “TF0B6630: NACS-IC-2/3: Lawyer Consultant”. The deadline for submission of CVs is 15:00on 16.02.2023**.**

1. Concept on HRMIS Implementation with Action Plan (Cabinet of Minister’s Resolution #844 dated December 1, 2017 as amended on May 20,2020; Cabinet of Minister’s Decree “On Regulation on the HRMIS in Government Institutions” #1343 dated December 28, 2020. [↑](#footnote-ref-1)