

## REQUEST FOR EXPRESSION OF INTEREST

**Ministry for Communities, Territories and Infrastructure Development of Ukraine  
Housing Repair for People's Empowerment Project (HOPE)  
Project Management Team (PMT)  
Consultancy Services**

**Country:** Ukraine  
**Project:** Housing Repair for People's Empowerment Project (HOPE)  
**Assignment Title:** Legal Consultant  
**Project ID No.:** P181200  
**Reference No.** (as per Procurement Plan): HOPE-C3-11

Ukraine has received financing from the International Bank for Reconstruction and Development (the "Bank" or IBRD) for the implementation of the project "Housing Repair for People's Empowerment Project (HOPE)" (the "Project") and intends to use part of these funds to make eligible payments for the consulting services for which this Invitation to Express Interest has been issued.

The consultancy services (hereinafter referred to as the "Services") shall comprise the services of Legal Consultant of the Project Management Team (PMT) for the purposes of the Project. Detailed information on the scope and duration of Services is provided in the attached Terms of Reference.

Ministry for Communities, Territories and Infrastructure Development of Ukraine invites eligible consultants (the "Consultants") to express their interest in providing the Services. Eligible Consultants shall provide information confirming that they have the qualifications and experience required to perform the Services. The selection of most qualified and experienced Consultant for the assignment will be based on the following criteria:

**Required:**

- University degree in law;
- The right to practice law as an attorney;
- At least 3 years of legal experience in the field of housing/infrastructure/energy;
- At least 3 years of experience in providing legal support to IFI-financed projects;
- At least 5 years of experience in providing legal support of contracts, in particular for works, provision of consulting services and design;
- Experience in processing of claims, preparation of legal opinions (within the scope of competence and authority of the project) and other procedural documents;
- Knowledge of the World Bank procedures;
- Fluency in Ukrainian.

**Desired:**

- Experience in preparation of materials for consideration of contractors' claims by Dispute Resolution Boards, arbitration tribunals;
- Fluency in English.

The attention of interested Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank's "Procurement Regulations for IPF Borrowers" November 2020, setting forth the World Bank's policy on conflict of interest.

CVs must be delivered to the following e-mail: [HOPE@mtu.gov.ua](mailto:HOPE@mtu.gov.ua) with the subject: "**HOPE-C3-11 Legal Consultant**" in English and Ukrainian languages by **16:00 (Kyiv Time) February 09, 2024**.

A consultant will be selected under IC selection procedure as set out in the Procurement Regulations.

## Ministry for Communities, Territories and Infrastructure Development of Ukraine

**Housing Repair for People's Empowerment (HOPE)**

## TERMS OF REFERENCE AND SCOPE OF CONSULTING SERVICES

for the **Legal Consultant** of the Project Management Team (PMT)

## I. BACKGROUND

1. Russia's invasion of Ukraine continues to impose a severe humanitarian and economic toll. Between February 24, 2022 and April 9, 2023, 22,734 civilians were killed and injured. The invasion also triggered one of the largest human displacement crisis in the world where approximately 5.4 million people (or one-eighth of the population) were displaced within Ukraine, and over 8.1 million people fled to neighboring countries.
2. Damage to infrastructure, housing, and public services continues to grow, with funding needs for recovery and reconstruction estimated at US \$411 billion as of February 24, 2023, with US \$135 billion sustained in direct damage to buildings and infrastructure. According to estimates in the Rapid Damage and Needs Assessment (RDNA) update for the period of February 24, 2022, to February 24, 2023, the most affected sector was housing. Donetsk, Kharkiv, Luhanska, Zaporizka, Odeska, Mykolaivska, Sumska, Chernihivska, Kyivska, and Khersonska oblasts were those sustained the greatest direct damage.
3. The Housing repair for People's Empowerment (HOPE) Project forms part of the World Bank (WB)'s package of emergency financing that has been mobilized to help the Government of Ukraine (GoU) sustain essential government service delivery to the Ukrainian people and repair critical infrastructure. This package includes the IDA-IBRD blended financing for the Public Expenditures for Administrative Capacity Endurance (PEACE) Project (P178946), allowing the GoU to optimize its fiscal space and maintain health, education and social protection services during the wartime, and the Ukraine Relief, Recovery, Reconstruction and Reform Trust Fund (URTF) launched by the World Bank Group (WBG) to activate rapid transfer mechanisms to channel international donor contributions. The first three framework projects have been approved over the last six months for emergency repairs and support in the health, transport, and energy sectors with financing through the URTF. The HOPE Project will be the fourth framework operation and will help affected households to urgently regain adequate housing through emergency repair of damaged housing stock. The components of the HOPE are:
  - Component 1: Repair of residential units with partial damage;
  - Component 2: Design and capital repair of partially damaged Multi-Family Buildings (MFBs);
  - Component 3. Project management and capacity strengthening.
4. The Project is implemented by the Ministry for Communities, Territories and Infrastructure Development of Ukraine (MCTID) through a Project Management Team (PMT) at the central level to oversee the execution of all Project activities.
5. Implementation of the Project is regulated by the decree of the Cabinet of Ministers of Ukraine No. 70 dated January 27, 2016 "On the Procedure for Preparation, Implementation, Monitoring and Completion of Economic and Social Development Projects of Ukraine Supported by International Financial Organizations", other legal acts of the Cabinet of Ministers of Ukraine, orders of MCTID, and relevant Project documents including the Project Operations Manual.
6. The activities of the PMT are directly regulated by the provisions of the Procedure for the Activities of the Management Groups for Economic and Social Development Projects of Ukraine Supported by International Financial Institutions, approved by the Order of the Ministry of Finance of Ukraine, the Ministry of Economy and European Integration of Ukraine, the Ministry of Labor and Social Policy of Ukraine, the Ministry of Justice of Ukraine dated October 29, 2002 No. 905/308/550/93/5, registered with the Ministry of Justice of Ukraine on October 29, 2002 № 853/7141, Project Agreement, and the Project Operations Manual.

## II. OBJECTIVES

7. The Legal Consultant (the “Consultant”) shall work closely with the Team Leader and other Consultants involved in the Project implementation and provide legal support to ensure strict compliance of all project activities with the required laws and regulations, facilitate dispute resolutions, and provide legal support to the Local Project Implementation Units (LPIU) involved in the Project, as needed.
8. The Consultant shall perform the functions and powers defined by this Terms of Reference with the required diligence, quality, efficiency and economy in accordance with generally accepted professional standards and practices, adhere to high-quality and best practices of legal management/support of investment projects and contracts concluded within such projects, etc. The Consultant shall always act on any issue related to the scope of services as a true advisor to the Team Leader and the Client (the MCTID), always support the legitimate interests of the Project in relations with third parties.
9. The Consultant shall perform the duties and act:
  - a. *to show* the Consultant's own initiative;
  - a. *urgently* in response to requests from the Client of the Services, the Head of the PMT or other parties, if it is directly or indirectly provided for by these Terms of Reference;
  - b. *continuously*, in compliance with the terms of the contract.

## III. SCOPE OF SERVICES

10. To reach the set objectives, the Legal Consultant shall perform the following tasks:
  - a. Review all the project related documentation including Legal Agreement(s), Project Appraisal Document, Project Operations Manual, and relevant legislation governing all processes under the Project;
  - b. Contribute to the monitoring and control of the performance of contracts under the Project;
  - c. Propose and lead capacity building activities in terms of professional development and training on the WB's requirements and policies for the PMT, MCTID, and LPIU, as relevant;
  - d. Provide legal support to the Project team for smooth project implementation in accordance with the WB's guidelines, rules, and procedures;
  - e. Review all Project documents for compliance with the legislation, Project objectives and documents, policies and regulations of the IBRD (where possible);
  - f. Take a lead with the prepare of draft agreements between the Ministry of Finance of Ukraine and the responsible executor (the MCTID) and/or beneficiaries under the Project, as necessary;
  - g. Prepare draft documents related to the amendments related to the Project;
  - h. Support the preparation and signing of beneficiary contracts under the Project in accordance with the project requirements;
  - i. Provide necessary legal expertise to the LPIU, employees of the MCTID and the PMT during the implementation of the Project (preparation and maintenance of documents, problematic legal issues, litigation risks and cases, claims and lawsuits, etc.);
  - j. Take a lead with the preparation of letters, legal clarifications and recommendations for the PMT and the MCTID;
  - k. Maintain databases and archive all documents related to legal issues of the Project;
  - l. Provide overall monitoring of the contracts and their implementation, in particular by processing correspondence received by the PMT;
  - m. If non-compliance or violation of the contract clauses by the parties is discovered, immediately prepare reference information for the Team Leader and include recommendations for eliminating such non-compliance/violation. If necessary, prepare drafts of the necessary legal documents (letters, requests, clarifications, etc.);
  - n. Draft contracts to be concluded under the Project, assist LPIUs in preparation of special conditions of the contracts

- o. Support the procurement team in the negotiations with successful bidders;
- p. Assist LPIUs in responding to delays/disruptions occurring under the contracts, and, if necessary, provide support with drafting response documents;
- q. Assist LPIUs in processing claims under the Contracts, and, based on the results, provide recommendations to LPIU on how to resolve disputes, and, if necessary, help with drafting relevant contractual documents;
- r. Process draft amendments/supplements to the contracts for their compliance with the contract terms, in case of discrepancies/violations of the contract terms - provide relevant analytical/reference information to Team Leader;
- s. Perform other legal tasks for the benefit of the Project in close coordination with the Team Leader.

#### IV. REPORTING

- 11. The Consultant shall report to the Team Leader of the PMT.
- 12. The Consultant shall provide monthly reports to the Team Leader covering the results of the implementation of these Terms of Reference during the period of service. The monthly reports shall include, inter alia, sufficiently detailed information on the services provided by the Consultant during the reporting period. The Team Leader may request submission of supporting documentation prepared by the Consultant during the course of this assignment.

#### V. PROVIDED RESOURCES

- 13. The Client shall provide access for the Consultant to the following:
  - a. A workplace equipped with a PC and a telephone;
  - b. Access to Internet, photocopier, printer and scanner;
  - c. Project-related documentation, including the relevant IBRD documentation.

#### VI. MINIMUM QUALIFICATION CRITERIA:

- 14. Required:
  - a. University degree in law;
  - b. The right to practice law as an attorney;
  - c. At least 3 years of legal experience in the field of housing/infrastructure/energy;
  - d. At least 3 years of experience in providing legal support to IFI-financed projects;
  - e. At least 5 years of experience in providing legal support of contracts, in particular for works, provision of consulting services and design;
  - f. Experience in processing of claims, preparation of legal opinions (within the scope of competence and authority of the project) and other procedural documents;
  - g. Knowledge of the World Bank procedures;
  - h. Fluency in Ukrainian.
- 15. Desired:
  - a. Experience in preparation of materials for consideration of contractors' claims by Dispute Resolution Boards, arbitration tribunals;
  - b. Fluency in English.

#### VII. PLACE AND DURATION

- 16. The term of this assignment is from January 2024 to December 2025 and includes a probation period of 3 months. In case of unsatisfactory performance of the functional duties defined by this ToR during the probation period, the contract may get terminated.
- 17. This is a full-time consultancy assignment, and the Consultant shall be based in Kyiv with possibility of remote provision of services (subject of decision of MCTID).