



Terms of Reference for MONITORING EXPERT - LEGAL EXPERT

1. Background

Transparency International (TI) is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

In 2016 - 2019, TI is running a project which entails the planning, implementation and monitoring of Integrity Pacts (IPs) for public sector projects co-financed by the EU Structural and Cohesion Funds across 11 Member States (BG, CZ, EL, HU, LT, LV, SI, PT, RO, IT, PL). This project, financed by the European Commission, is being implemented by the TI National Chapters and other CSOs as project partners in these countries, and coordinated by the Transparency International Secretariat (TI-S).

IPs aim to reduce corruption by creating public demand for accountability in the allocation of public funds. IPs will achieve this by establishing a CSO-led monitoring mechanism and by ensuring transparency of the monitored public procurement processes, thus creating opportunities for citizens to hold both public authorities and private companies to account. At the same time, public officials and business entities will become more aware of the main corruption risks in public procurement and have a greater understanding of how to apply best practice promoted by the IP approach.

The IP in Bulgaria involves the public procurement procedure for engineering design and construction of the road tunnel Zheleznitsa within the Struma motorway. The monitoring component of the project entails all phases of the bidding and contracting process, as well as the contract execution phase. Thus, in addition to technical expertise, supplementary capabilities in law and public procurement are needed. The monitoring experts will work closely with TI - Bulgaria, being the national chapter, which coordinates the project in Bulgaria, validates the assessment findings and advises the expert monitoring team on presenting appropriate recommendations.

The monitoring will be guided by a Methodology for monitoring of public procurement procedures at national level developed by TI - Bulgaria, which is designed in accordance with the current legislation. The monitoring will be qualitative in nature based largely on desk research and complemented with in-depth interviews with key stakeholders and on-spot observations. The monitoring experts will be responsible for delivery of the key components of the project – initial report, interim reports and the final monitoring report on the above-mentioned tender.

2. Objectives

The project's **goal** is to explore and promote the use of Integrity Pacts for safeguarding EU funds against fraud and corruption, and as a tool to increase transparency and accountability, enhance the integrity of the public contracting process, bring cost savings and improve competition through better procurement.

In order to foster public demand for accountability in public spending the project will aim at achieving the following **specific objectives**:

- To ensure integrity and accountability in the above-mentioned project co-financed by Cohesion Fund;
- To ensure transparency and access to information in the public procurement procedure;
- To draw lessons for future replication and mainstreaming of Integrity Pacts in Bulgaria and the EU.

The purpose of the present call is to secure highly professional experts to take part in the IP monitoring team and to help achieving the above mentioned project objectives.

Please be aware that as Independent Observer under the Integrity Pact to the public procurement procedure "Design and build of Struma motorway Lot 3.1 Zheleznitsa tunnel", Transparency International - Bulgaria applies the Conflict of Interest policy to all internal and external staff involved in the project activities. TI-Bulgaria Ethics Code, which generally applies, can be accessed [here](#). Specific Ethics and Conflict of Interest policies related to the project can be provided upon request.

3. Scope of Services

The primary **tasks** of the monitoring experts are to:

- Perform the monitoring of IP implementation being a member of the monitoring team by following the Methodology for monitoring of major infrastructure projects including:
 - Participate in meetings with Contracting Authority, the Bidders and the Contractor;
 - Conduct interviews with the Contracting Authority, the Bidders and the Contractor where appropriate;
 - Conduct research and assess the compliance of monitored procedure with the legislation, best practices and IP regulations;
- Participate in monitoring team meetings and discussions in regard with the monitoring activities;
- Write and deliver draft reports within the agreed timetable;
- Revise reports' draft based on feedback from TI - Bulgaria;
- Contribute to promotional events surrounding the launches of the reports;
- Contribute towards the elaboration of advocacy-related materials on the topic;

- Contribute to promotion of civil engagement and training of civil society representatives for implementation of basic monitoring activities.

All the above-described services are detailed in TI - Bulgaria's Monitoring Methodology. Targeted training in IPs and monitoring methodology will be provided to all contracted experts. Nonetheless experts, interested in applying within the present call, are highly advised to get familiar with the methodology (available [here](#)) and the monitored tender (details [here](#), [here](#) and [here](#)), prior to application.

4. Outputs

Based on the scope of services, the legal researcher/ expert will submit final draft of the monitoring report/s considering the accordance of the particular public procurement phase to current national legislation as the ultimate output under his/hers contract.

5. Timeline & Reporting

The legal researcher/expert will complete the tasks according to the following tentative timeline¹. In conducting his/her work, the expert will report to TI - Bulgaria.

Tasks	Role of Researcher	Timeline
Interim report, monitoring of bidding phase of the terminated tender		
Signing of contract	Sign	May 2017
Desk research, key informant interviews	Conduct	May 2017
Full first draft report	Draft	May 2017
Updated draft report	Draft	May 2017
Finalization of report	Draft	May 2017
Launch of report	Present & Participate	June 2017
Initial report, monitoring of new tender preparation phase		
Desk research, key informant interviews	Conduct	May - June 2017
Full first draft report	Draft	July 2017
Updated draft report	Draft	August 2017

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¹ Due to the high complexity of the tender, the timeline for delivery of monitoring reports is subject to further confirmation in accordance with the schedule of the Contract Authority and the Contractor for public procurement implementation. Also, having in mind all risk encountered so far, the scope of work might need restructuring in accordance with the actual tender phases.

Tasks	Role of Researcher	Timeline
Finalization of report	Draft	September 2017
Launch of report	Present & Participate	September 2017
First interim report, monitoring of bidding and contracting phase		
Desk research, key informant interviews	Conduct	August - December 2017
Full first draft report	Draft	December 2017
Updated draft report	Draft	January 2018
Finalization of report	Draft	January 2018
Launch of report	Present & Participate	January 2018
Second interim report, monitoring of execution phase		
Desk research, key informant interviews	Conduct	January 2018 – September 2018
Full first draft report	Draft	August 2018
Updated draft report	Draft	September 2018
Finalization of report	Draft	November 2018
Launch of report	Present & Participate	November 2018
Final report		
Desk research, key informant interviews	Conduct	November 2018 – May 2019
On site checks	Conduct	November 2018 – May 2019
Full first draft report	Draft	June 2019
Updated draft report	Draft	August 2019
Finalization of report	Draft	August 2019
Launch of report	Present & Participate	September 2019

6. Minimum requirements:

- University degree (MA) in law;
- Substantial experience (minimum 5 years) of conducting legal research and/or practice in the areas of public procurement, good governance, public policy, public accountability, anti-corruption;

- Experience of working in research-based advocacy projects;
- Good knowledge of the legal, administrative and political background of Bulgaria;
- Good knowledge of and experience with transparency principles and legal instruments to counter corruption in public procurement;
- Excellent command of Bulgarian language;
- Good command of English.

7. Selection Criteria and Weighting

To ensure best value for money, the applications received will be assessed as follows:

Criteria	Points
Knowledge of national and EU legal framework in the public procurement field	
Demonstrated excellent knowledge of national and EU legal framework in the public procurement field, as well as extended experience on their application in the CV	30
Demonstrated good knowledge of national and EU legal framework in the public procurement field, as well as experience on their application in the CV	15
Demonstrated fair knowledge of national and EU legal framework in the public procurement field, as well as limited experience on their application in the CV	8
No demonstrated knowledge and experience of national and EU legal framework in the public procurement field	0
Knowledge of transparency principles and anti-corruption instruments	
Demonstrated excellent knowledge of transparency principles and anti-corruption instruments, as well as extended experience on their application in the CV	30
Demonstrated good knowledge of transparency principles and anti-corruption instruments, as well as experience on their application in the CV	15
Demonstrated fair knowledge of transparency principles and anti-corruption instruments, as well as limited experience on their application in the CV	8
No demonstrated knowledge and experience of transparency principles and anti-corruption instruments	0
Experience in implementation of research-based projects	
Over 5 implemented research-based projects	10

Criteria	Points
2-5 implemented research-based projects	8
1 implemented research-based project	5
No proof of implemented research-based projects	0
Experience in drafting of research-based papers (analyses, reports, articles, etc.)	
Over 5 publications (including as co-author), at least two of which are extended legal analyses or reports	10
2-5 publications (including as co-author), at least one of which is extended legal analysis or report	8
1 publication (including as co-author)	4
No publications	0
Fee	
20 % discount (of the maximum budget available) or more	20
Between 5 and 20 % discount (of the maximum budget available)	5 - 20
Equal to maximum budget available or proposed discount up to 5%	5
Over budget	0
Total maximum points:	100

Please note, that receiving 0 points for any of the evaluation criteria will exclude the application from further consideration!

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Applicants will be ranked according to total points received and selected short-listed candidates will be invited for interview. Final decision would be reached after interviews. Contract might be offered to more than one candidate.

8. Submission of Applications

Applications in English must be sent by the applicant by email to ecaterina@transparency.bg no later than May 2, 2017. Please include "Integrity Pacts Project Legal Expert Application" in the subject line.

Applications should contain:

1. Curriculum Vitae with:

- Full description of the applicant's profile and professional experience;

- Description of applicant’s experience in dealing with public procurement issues;
- List of implemented research-based projects (if any) with outlining the exact role in the project;
- List of relevant publications, incl. books, analyses, articles, etc. if any.

Please use the Euro pass CV template available at:

<https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>.

2. Cover letter, stating daily fee requested by the applicant. Please note that the requested daily fee may not exceed 220 BGN. The maximum man days for the implementation of each activity under the contract would be fixed by TI Bulgaria, in agreement with the expert, depending on the respective activities complexity and the expert’s involvement.

Additional questions and requests for clarifications should be addressed to:

Ms Ecaterina Camenscic

E: ecaterina@transparency.bg

Please include “Clarifications Integrity Pacts Project Legal Expert Application” in the subject line.