

## GENERAL INFORMATION

**Title of Consultancy:** Public Procurement in Kyrgyzstan

**Application Closing Date:** 5 January 2024

**Consultancy Start and End Date:** 01.02.2024 – 31.03.2024

**Location of Consultancy:** remote (no travel required)

## BACKGROUND

Transparency International (TI) is the global civil society organisation leading the fight against corruption. Through more than 100 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.

Digital Technologies for civic empowerment (DT4CE) project is funded by the European Union (EU) and is implemented by Transparency International Secretariat (TI-S) and Transparency International Kyrgyzstan (TI-K). DT4CE aims to empower civil society through digital technologies. To achieve its expected impact, it focuses on improving and making accessible direct and interactive digital tools that empower 'rights-holders' (citizens) to hold duty bearers to account and claim their legitimate interest and strengthening capacities of CSOs and youth to use digital technology to advance public policy. As part of the Action, DT4CE will create e-platforms and mobile applications on public procurement.

The Kyrgyz Republic's public procurement system, inaugurated in 1997, underwent a major transformation in 2015 with the introduction of electronic procurement through the Public Procurement Portal. Recent 2022 reforms simplified public procurement procedures and introduced contract administration. In addition, in 2012, the World Bank Office in the Kyrgyz Republic conducted a comprehensive Country Procurement Status Review (CPSR). The review highlighted an observation: a lack of capacity impedes effective public procurement across all sectors. Consequently, the Government of the Kyrgyz Republic, with support from the World Bank, established the Independent Interagency Complaints and Protests Commission in March 2016. To create a platform on public procurement, DT4CE requires an analysis that includes an inventory of procurement laws, identification of gaps in the legal framework, analyse the effectiveness of the complaint system, as well as the development of recommendations to improve the public procurement system.

The TI-S is seeking a consultant to prepare two reports:

- (1) Conduct a comprehensive assessment of the alignment of current public procurement laws with international standards, identification of gaps, as well as the development of recommendations to improve the public procurement system.
- (2) Review and evaluate the effectiveness of the Independent Complaints Commission and the procuring entity through an analysis of complaints for 2022-2023.

## OBJECTIVES

### 1. Evaluating Consistency of Public Procurement Law in Kyrgyzstan with International Standards

Conduct a thorough review of the inventory of existing laws, identification of legal framework gaps, and the development of recommendations aligned with international agreements like the WTO Agreement on Public Procurement and UNCITRAL.

The consultant will be responsible for the following:

- Review existing international standards, such as the Agreement on Public Procurement WTO, UNCITRAL, United Nations Convention against Corruption.
- Conduct an inventory of existing legal and regulatory acts in the field of public procurement of the Kyrgyz Republic.
- Identify inconsistencies and gaps in the current legal framework governing public procurement of the Kyrgyz republic with the norms of each of the existing international legal acts.
- Develop recommendations on harmonizing the existing legal and regulatory acts in the field of public procurement of the Kyrgyz Republic with the norms of the existing international legal and regulatory acts.
- Identify in the course of legal analysis normative errors (if any).
- Prepare a report on the results of the developed analysis of draft laws and regulations and recommendations.

## **2. Analysis of complaints in Procurement Procedures in Kyrgyzstan**

Review and evaluate the effectiveness of the Independent Complaints Commission and the procuring entity through an analysis of complaints for 2022-2023 (approximately 1,000 complaints in total).

The consultant will be responsible for the following:

- Analysis of complaints not considered reasons by the Independent Commission.
- Analysis of the terms of consideration of complaints.
- Evaluation of the objectivity of decisions regarding received administrative complaints.
- Analysis of administrative complaints considered only on the merits and on the basis of the facts stated in the application.
- Formulation of recommendations to enhance the efficiency of the Independent Commission in reviewing complaints and protests.

### **EXPECTED DELIVERABLES AND TIMELINE**

- Draft report 1 by 20<sup>th</sup> February 2024
- Final report 1 by 29<sup>th</sup> February 2024
- Draft report 2 by 20<sup>th</sup> March 2024
- Final report 2 by 31<sup>st</sup> March 2024

All reports should be submitted in English, in electronic form, in accordance with the deadlines stipulated above. The Consultant is responsible for editing and quality control of language. The TI Secretariat retains the sole rights with respect to all distribution, dissemination, and publication of the deliverables.

### **SELECTION CRITERIA**

The Consultant should have the following qualifications:

- University degree in law, international relations, or equivalent experience related to procurement, contract law, or strategic management.
- At least 7 years of proven relevant professional experience in legal analysis, with a focus on procurement and contract law, in an international development environment.
- Substantial experience in conducting comprehensive evaluations, demonstrating the ability to assess and analyse complex legal frameworks.
- Experience working in Kyrgyzstan.
- Excellent drafting and report writing capacities, demonstrated through past reports.

### **REMUNERATION AND COSTS**

The Consultants should provide their estimated total fee as a lump sum.

**For candidates based in the EU, EEA, UK, and Switzerland**

Transparency International e.V. (Secretariat), (TI-S) is registered as a Business Entity in Germany with VAT identification number DE273612486. EU reverse charge applies. Service providers should issue invoices with zero VAT.

Candidates who are based in Germany and do not charge German VAT must confirm their small entrepreneur status.

## HOW TO APPLY

The application should include the following documents in English:

- Proposal with quote
- Motivation letter and Curriculum Vitae
- One sample of relevant previous work (confidentiality guaranteed).

Please indicate the name of the consultancy: **“Public Procurement in Kyrgyzstan”** in the subject line of your email application. Applications should be sent in English by email to [dt4ce@transparency.org](mailto:dt4ce@transparency.org) by close of business of 05/01/2024.

Please note that only shortlisted applicants will be contacted.

The Transparency International Secretariat is committed to creating an inclusive work environment where diversity is valued and where there is equality of opportunity. We actively seek a diverse applicant pool and therefore welcome applications from qualified candidates of all regions, countries, cultures, and backgrounds.

Selection of candidates is made on a competitive basis, and we do not discriminate based on national origin, race, colour or ethnic background, religious belief, sex, gender identity and expression or sexual orientation, marital or family status, age, or ability. We kindly ask applicants to refrain from including in their application information relating to the above as well as from attaching photos.

## Data protection

*When you respond to this tender and submit your application, you provide consent that Transparency International e. V. keeps your application materials for the period of ten years according to German legal requirements. Afterwards Transparency International will delete your application and any personal data included in it. If you have any questions, please reach out to [dataprotection@transparency.org](mailto:dataprotection@transparency.org).*