

REAL ESTATE CADASTRE & GEOSPATIAL INFRASTRUCTURE PROJECT (REGIP)

Terms of Reference for:

Probity Assurance Auditor for Data Improvement/Correction Services in the Kosovo Cadastral Land Information System Project

A. Purpose and Project Background

The Government of Kosovo has received a Credit from the International Development Association (IDA) in the amount of EUR 14.60 million to finance the Real Estate Cadastre & Geospatial Infrastructure Project, expected to be implemented within a five-year period. The project proposed aims to assist the Government of Kosovo in enhancing transparency and quality in land administration, geospatial data and services. The Kosovo Cadastral Agency (KCA) is the implementing agency for the REGIP project, within which the Project Implementation Unit (PIU) will be established. The PIU will be staffed with the Head of PIU, Procurement Specialist, Financial Management Specialist, Public Relations and Communications Specialist, Legal Specialist, and other technical staff such as GIS/Cadastre Experts, etc. The PIU will be responsible for the day-to-day implementation of the project and ensuring specific technical oversight for project activities. It will oversee all aspects of the project, including procurement, financial management, monitoring and evaluation, and project safeguard measures.

The Project Development Objective is to increase the quality and availability of land administration and geospatial data and services. The design of the REGIP project aims to build on the progress made under the previous Kosovo Real Estate Cadastre and Registration (RECAP) project and make new investments to increase access to public services and make the property market safer.

Component B of REGIP is Cadastre Modernization. The main purpose of this component is the implementation of the cadastre strategy such; continuation of the reconstruction of cadastral information, and also activities related to the utility cadastre, building register and improving the quality of cadastral data in KCLIS.

One of the important activities is Data Improvement/Correction Services in the Kosovo Cadastral Land Information System – KCLIS. For this purpose KCA/PIU is looking for recruiting a Probity Assurance Auditor.

B. Objectives of the Assignment

The Probity Assurance Auditor will provide probity assurance services in relation to the procurement process of the contract for Data Improvement/Correction Services in the Kosovo Cadastral Land Information System – KCLIS to ensure that:

- The procurement process is consistent with the applicable World Bank Procurement Regulations, the Procurement Documents as issued to the Bidders and any applicable national policies or procedures;
- The procurement process as conducted is fair, balanced, transparent and conducted with integrity, so that no party is treated unfairly;
- Risks are identified and mitigating actions are taken in a timely, effective manner; and Probity principles are applied and probity practices are applied with integrity.

C. Scope of Work

The Probity Assurance Auditor shall:

- Examine and evaluate documentation, information and processes;
- Review the procurement process, identify probity risks and provide an independent review and recommendations on the process. At each stage, the Probity Assurance Auditor will also review and provide recommendations on all relevant procurement documents;
- Review the procurement documents and advise the client on any identified aspects therein that may compromise probity;
- Observe the Bid opening and signing of the minutes of opening;
- Confirm that the price and other information as evaluated by the Client fully reflects the Bidders prices and information as observed at the opening and that the bids/proposals and the evaluation is in accordance with the procurement document. Observe that no undue advantage was given to any Bidder during the procurement process;
- Observe that the Client maintained appropriate confidentiality throughout the procurement process;
- Act as an independent observer of the procurement process, including written and other communications between the Client and Bidder;
- Scrutinize the procurement process to determine whether the applicable World Bank Procurement Regulations and policies are followed;
- Ensure that the process has been impartial and fair, with no party being given advantage over another or unfairly discriminated against;
- Ensure that participants in the process are aware of their responsibilities to disclose any potential or actual conflicts of interest;
- Review and assess all relevant documentation to ensure accountability. For example, check that

the Client's decisions have been correctly recorded, that participating officials are duly authorized to make decisions and commit their part(ies) to agreements reached with the Bidder, check that any departures from applicable Regulations or procedures have been correctly recorded and approved, as necessary. Check that clearances are obtained from the Bank, as and when required;

- Monitor the procedures used by the Client to protect confidential information;
- Advise on the management of probity issues that may arise.
- Conduct a risk assessment and identify possible probity issues that may arise (for more detailed information on risk assessment, refer to the ICAC's publication Practical Guide to Corruption Prevention: Module 2 - Corruption Risk Assessment and Management) ;
- Provide impartial probity advice to the Client, as necessary or as requested, on how emerging issues can be resolved or managed, for example, conflicts of interest. Please note that the Probity Auditor is not part of the decision-making process;
- Assist with improving the level of decision-making, if the circumstances require;
- Observe and document the process followed and document and report on any probity issues that may arise;
- Liaise with other entities and institutions of the Client, if appropriate, for example, tax authorities, Auditor General, Procurement Oversight agencies, etc.
- Obtain, analyze, interpret and document information to support the outcomes of the probity assurance process.
- Submit reports to management or, when considered necessary, provide a record of the process confirming that probity has been observed.
- Document matters, obtain sufficient and appropriate information to support any conclusions on which reports are based, and identify any areas where information has been withheld by either party.
- Prepare a signed, written final report describing the Client's performance when conducting the process.

The report should present the purpose, scope and results of the probity assurance audit and include an expression of the Probity Auditor's opinion regarding the Objective of Assignment . Reports should highlight significant findings and recommendations and inform management of any major deviation from the applicable Procurement Regulations and the reason for those deviations.

D. List of Reports and Deliverables

The Probity Assurance Auditor shall submit a draft and final reports KCA/PIU for the assignment and sent copy of the reports to the World Bank, including:

- Final internal review report and recommendations, including recommendations for future contracts.
- Proposed report for publication and recommendations.

E. Data, Documents, Local Services, Personnel and Facilities to be Provided by the Borrower

KCA will provide office space, administrative support and all relevant information to the Probity Assurance Auditor.

F. Institutional and Organizational Arrangements and Reporting Relationship

The Probity Assurance Auditor will report directly to Head of KCA/PIU.

G. Timeframes

It is expected that the duration of the service of the Probity Assurance Auditor shall be 15 working days (within procurement process)

I. Qualification Requirements

The Probity Assurance Auditor should meet the following requirements:

- Bachelor's degree in a related field including law, procurement, contract management, engineering.
- Minimum of 10 years of demonstrated experience of working knowledge of procurement policies and regulations. Experience with World Bank Procurement Regulations is an advantage.
- Minimum of 5 years of demonstrated relevant auditing/probity experience covering large infrastructure projects could be an advantage.
- Fluent in English and preferably Albanian language