



**Business
Ombudsman
Council**

Analytical Note

Centralized Procurement Organization:

**New Approaches to Recovery-Related
Procurement Issues**



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This document was prepared based on an analysis of Ukrainian legislation, international experience, the Council's practice of considering complaints and appeals, as well as discussions with business representatives.

At the same time, only the authors of the analytical note are responsible for views and opinions expressed herein.

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Abbreviations

Restoration Agency	State Agency for Infrastructure Restoration and Development of Ukraine
VRU	Verkhovna Rada of Ukraine
SRMAU	State Reserves Management Agency of Ukraine
SE	State enterprise
USESCS	Unified State Electronic System in the Construction Sector (USESCS)
CMU	Cabinet of Ministers of Ukraine
KPIs	Key performance indicators
MinDefence of Ukraine	Ministry of Defence of Ukraine
SME	Small and medium-sized enterprises
Council	Business Ombudsman Council
CPO	Centralized procurement organization (singular) and centralized procurement organizations
CPO For Restoration	Centralized procurement organization under the State Agency for Restoration and Infrastructure Development
CEA	Central executive authorities

Introduction

In September 2024, the Council launched a focus team related to engaging the private sector in the recovery processes of Ukraine, particularly critical infrastructure facilities. The main tasks of the team are to create fair and transparent conditions for companies participation in recovery processes, improve regulatory mechanisms, attract investment in recovery initiatives, as well as consider business recovery related appeals (the portfolio of appeals as of November 2025 is UAH 3.844 bn). For recovery projects, professionally conducted public procurement is an equally important component along with the preparation of concepts and feasibility studies. It is public procurement that largely determines success of future project implementation and builds stakeholders' trust in the state.

Ensuring effective, professional and competitive public procurement for recovery and reconstruction tasks after large-scale destruction caused by the war is one of the main challenges facing Ukraine. The Council's report "[Challenges in Protecting and Restoring Critical Infrastructure Through Private Sector Engagement](#)" identified key problems for business participation in public procurement in Ukraine in 2024:

- **discriminatory conditions for participation:** in tender documentation, customers often set overly narrow technical or qualification requirements, which effectively limits new, honest players participation;
- **reluctance of businesses to participate in public procurement due to reputational risks associated with possible criminal prosecution:** participation in public procurement, unfortunately, is often accompanied by subsequent launch of criminal cases against tender winners. The reasons for initiating criminal proceedings can be different. Most often, they are associated with accusations of overstating the cost of works or materials – even when the price is objectively determined by market conditions: shortage of goods, inflation or contract specifics. As a result, such proceedings carry serious reputational risks for businesses, cause additional costs for legal remedies and generally negatively affect the business activity of the tender winner. This results in business low interest in participating public procurement in the future;
- **procurement policy fragmentation:** the lack of a coordinated and systemic vision of procurement needs and requirements at the public customers' level leads to a lack of systematization, duplication of powers and delays in project implementation;
- **lack of conditions for open competition:** in 2024, over 85% of electronic tenders and 97% of purchases outside the system were carried out with a single participant. It ruins the idea of competitive procedures, hinders fair pricing and contributes to inefficient use of public funds;
- **opaque mechanisms for selecting contractors:** decisions are often made manually", without clearly documented procedures, thus creating the basis for abuse;
- **lack of appropriate procurement specialists on the part of customers:** customers often do not have specialists with the appropriate qualifications in the public procurement field, which negatively affects process preparation, requirements and formation of technical specifications for the object of procure-

¹ The Business Ombudsman Council (Council) is an independent advisory and consultative body established in 2014 with the participation of the Government of Ukraine, leading business associations, the EBRD and the OECD. The Council reviews business appeals regarding unfair behavior of state bodies free of charge, provides recommendations and prepares systemic reports to improve the regulatory environment. Over 10 years of its operation, the Council has considered over 14k complaints, helped businesses protect their legal rights, and the direct financial effect for enterprises exceeded UAH 31.6 bn. A significant part of the Council's systemic recommendations has been integrated into legislation.

ment. As a result, documentation often contains excessive or disproportionate requirements, which, on the one hand, increase the expected cost, and on the other hand, create the basis for increased interest from law enforcement bodies.

The challenges listed show the urgent need for systemic changes in approaches to public procurement in reconstruction. In this regard, it was decided to prepare this document to analyze key problems existing in public procurement related to reconstruction, as well as to provide recommendations for their resolution using the example of the newly established CPO for Restoration.

1. The need for creating a CPO in the recovery sector

In Ukraine, public procurement using the [Prozorro system](#) is decentralized. Almost 40 thousand customers are registered in the system: some of them independently conduct purchases (particularly local governments, hospitals, schools, enterprises), and the rest – through the CPO. In 2024, as a result of competitive bidding, 19.21k public customers concluded over 379k contracts for UAH 793.04 bn².

In turn, CPOs in Ukraine are divided into those established by the CMU and by local governments. Among the CPOs determined by the CMU, the most well-known in Ukraine are: “Professional Procurement” (carries out centralized procurement and procurement under framework agreements for CEA, as well as procurement for the SR-MAU), “Medical Procurement of Ukraine” (carries out procurement in health care), “Ukrainian Special Systems” (specializes in procurement in information technologies, communications and security). On a separate track, it is worth noting “The Defence Procurement Agency” and “The State Rear Operator” state enterprises – specialized organizations ensuring procurement activities of the MinDefence of Ukraine. In general, CPOs are not a new phenomenon for Ukraine – they officially began operating in Ukraine in 2018, and a pilot project in this area started back in 2016.

Despite the increase in the number of CPOs, including specialized ones, until recently there was no agency in Ukraine that would be responsible for the procurement of works, goods and services for Ukraine’s reconstruction and restoration needs. Such procurements have their own specific features: they are characterized by urgency, complex nature and complex financing structure (often with the participation of international partners), which requires elevated transparency and accountability standards. Accordingly, for the effective implementation of procurement in restoration, there is a need for specialized comprehensive expertise – of technical (construction, engineering, energy), legal (international procurement standards application) and managerial (large-scale infrastructure project management). Unlike traditional procurements, for instance, the construction of a separate road or bridge, restoration projects cover several sectors at once and require complex coordination. Thus, there is a need to create a CPO in Ukraine that could optimize procurement of goods, services and/or works by introducing uniform standards and control, increase the competition level and save state budget funds without deterioration of public procurement and effectiveness.

² <http://surl.it/nmdzcv>

In our report [“Challenges in Protecting and Restoring Critical Infrastructure Through Private Sector Engagement](#), the Council emphasized the need to create a Centralized Procurement Organization as a mechanism to overcome systemic challenges related to procurement in reconstruction and recovery area.

Creating the aforementioned CPO is intended to promote the professionalization of procurement, reduce the administrative burden on customers, ensure a professional approach, enhance trust in the state, and ensure the effective use of resources during wartime and during the post-war recovery period.

2. Overview of the Restoration Agency’s proposed CPO model

On April 1, 2025, the Cabinet of Ministers of Ukraine, by Decree No. 362, approved the “Procedure for the Implementation of an Experimental Project Concerning the Activities of a Centralized Procurement Organization with the Remit of the State Agency for Restoration and Development of Infrastructure”³. SE “Infrastructure Projects” Falling Under the State Agency for Restoration and Infrastructure Development is defined as the CPO (hereinafter **“CPO for Restoration”**)⁴.

The Restoration Agency is the project coordinator for creating the CPO for Restoration. The project is subject to implementation within 2 years from the date of entry of the above-mentioned CMU Decree into force, and the Agency ensures monitoring of its implementation. The participants in the project for the creation of the CPO for Restoration are: the Restoration Agency, the CPO for Restoration (SE “Infrastructure Projects”) itself and customers. Using the CPO for Restoration is mandatory for regional services for infrastructure restoration and development (as well as the Automobile Roads Service in the Autonomous Republic of Crimea and the Automobile Roads Service in the city of Sevastopol). For other customers, using the CPO for Restoration is carried out on a voluntary basis, and the organization itself may deliver its services on a commercial basis.

The following purchases are planned to be made through the CPO for Restoration:

- construction project expertise;
- technical supervision during facility construction;
- consultant engineer services (construction), including technical supervision;
- construction works (new construction, reconstruction, restoration, major repairs) particularly with the development of project documentation, infrastructure modernization, public residential real estate facilities, production complex, social sphere, housing and communal services, settlement improvement, household waste management (waste treatment facilities, landfills), energy infrastructure, civil defence protective structures, other facilities affecting the life of the population, military facilities and property, facilities in aviation, railway, sea and inland water transport sectors, public road transport, urban electric transport, in the field of ensuring energy efficiency of buildings, as well as defence and special purpose facilities and structures; work on the of project documentation development for such facilities;
- state importance roads operational maintenance;

³ <https://zakon.rada.gov.ua/laws/show/362-2025-%D0%BF#Text>

⁴ Para 3 of the CMU Decree No. 362 dated April 1, 2025 [“Some Issues of Implementing a Pilot Project Regarding the Activities of the Centralized Procurement Organization Under the State Agency for Restoration and Infrastructure Development»](#)

- material resources (goods) to perform construction works.

A peculiarity of the activities of the CPO for Restoration is that it neither concludes contracts, nor makes payments. The CPO for Restoration is supposed to carry out procurement in the interests of customers through open tenders in accordance with the requirements of Resolution of the Cabinet of Ministers of Ukraine No. 1178 of October 12, 2022 “On Approval of the Specifics of Public Procurement of Goods, Works and Services for Contracting Authorities Provided for by the Law of Ukraine “On Public Procurement”, for the period of the legal regime of martial law in Ukraine and for 90 days from the date of its termination or cancellation”⁵ and procurement under framework agreements in accordance with terms specified by the Law.

On May 16, 2025, the Restoration Agency approved the Corporate Governance Concept for the CPO for Restoration – a document laying down the foundation for formation of professional management of the institution. The Concept is based on international practices, particularly OECD recommendations and defines strategic principles of the functioning of the centralized procurement organization. The document provides for the setting up of a Supervisory Board, separation of management and control functions, as well as provision of reporting mechanisms. Implementing the corporate governance model aims to increase procurement

effectiveness, reduce corruption risks, and ensure better process management. It is expected that this will allow for:

- **minimizing corruption risks:** by using open bidding and centralized procurement, increasing transparency and providing better control over processes;
- **optimizing costs and improving effective use of budget funds:** through real competition, reducing costs and improving the quality of procurement, as well as procurement consolidation to obtain better prices through large-scale orders;
- **increasing professionalism in procurement and reducing administrative burden:** procurement will be carried out by highly qualified procurement specialists in the construction sector, which will directly affect their quality;
- **unifying procurement procedures:** by introducing a single approach and rules for arranging and conducting procurement processes to be applied to all participants;
- **engaging a wider range of participants and implementers in recovery and reconstruction processes,** including SME representatives, large businesses, and international companies;
- **ensuring proper control** by CPO bodies.

⁵ <https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF#Text>

3. Relevant public procurement issues in the recovery sector

Introducing the CPO for Restoration opens up a number of new horizons, but at the same time is accompanied by significant challenges. The analysis of the main problematic points in public procurement made it possible to distinguish two main categories, which: 1) relate to the CPO for Restoration activities directly and can be resolved by making appropriate changes at the level of the organization itself (tactical level); 2) systemic public procurement problems in recovery, solution of which requires amendments to special legislation at the CEA and VRU level (strategic level).

3.1. Relevant public procurement issues at the CPO for Restoration level

- 1. Lack of centralized procurement expertise.** Prior to the establishment of the CPO for Restoration in Ukraine, there was no dedicated organization capable of conducting professional public procurement for reconstruction needs. The newly established institution is expected to become a professional and effective organization with the necessary competence, capable of conducting such procurement centrally.
- 2. Lack of regulation of the mechanism for monitoring the implementation of contracts and works.** The pilot project for the creation of a CPO for Restoration does not define its role in monitoring performance of contracts and works and their compliance with the subject of procurement. It is necessary to provide for a clear mechanism for such monitoring in model contracts to ensure proper quality and transparency of obligations fulfillment.
- 3. Lack of unified approaches to qualification of participants.** The issue of qualification of participants remains one of the most problematic in public procurement, thus creating room for abuse. Among the most common problems one can single out:
 - 1) overestimated or unclear qualification requirements due to lack of their standardization;

2) formalism in evaluating documents;

3) subjectivism of customers. Introducing a unified approach to qualification of procurement participants can be considered one of the CPO for Restoration priority tasks. It also applies to the possibility of participation in procurement by a wide range of participants, including international ones.

- 4. Fragmentation of approaches to preparing procurement documentation.** Currently, there are no unified forms of documents (tender documentation, contracts, reports) for the procurement process. Their introduction will simplify preparation and verification of documents, as well as minimize corruption risks and other abuses.
- 5. Undefined division of responsibilities between the CPO for Restoration and the customer.** The Concept for the creation of the CPO for Restoration stipulates that it neither concludes contracts, nor makes settlements. At the same time, the CPO for Restoration is responsible for determining the type of procurement, preparing tender documentation, arranging for procurement and determining its winner. The customer, in turn, concludes a contract with the winner, ensures performance of the contract, and makes payments. The question remains open as to whether the customer can refuse concluding a contract with the tender winner, as well as determining the party responsible for defining the contract terms and conditions. If the customer does not have such a right, this may be considered a limitation of its powers and, of course, will not contribute to attracting a larger number of customers. Meanwhile, granting the right to completely refuse to conclude a contract will actually nullify the results of the tender. We believe that the customer should have the right to refuse to conclude a contract with the winner of the tender held with the participation of the CPO for Restoration. Herewith, an exhaustive list of grounds for which such a refusal is permitted must be clearly defined.

6. The problem of staffing and financing the CPO for Restoration to perform its assigned tasks. Given the importance and scope of the tasks facing the CPO for Restoration, the question of the possibility of attracting a sufficient number of specialists and ensuring adequate financing of its activities arises. The Draft Law of Ukraine “On the State Budget of Ukraine for 2026” does not provide for separate financing of the CPO for Restoration activities from budget funds, which creates risks for the sustainable performance of its assigned functions and planned procurements. Under such conditions, there is a need to determine a stable source of financing – both from the state budget and through self-sufficiency and profit from its activities.

7. Complexity of determining the final cost of works procurement. The CPO for Restoration powers include procurement of not only goods and services, but also works. It is worth noting that in Ukraine, until the introduction of the CPO for Restoration for Restoration pilot project, there was no works procurement centralized practice. Unlike procurement of goods, procurement of works has its own specifics: it is considered completed not at the time of concluding a contract with the contractor, but at the time of signing the delivery and acceptance certificate of completed works. Such a period of time can last several months, and sometimes years, which significantly affects the final cost of works. A specific feature of works procurement is that in many cases, at the time of concluding the contract, it is impossible to determine the final cost of works at the site due to the long-term nature of works, as well as the impact of inflation risks, changes in material prices, currency fluctuations and other risks associated with the war. Therefore, when forming and agreeing on the terms of contracts with CPO for Restoration contractors, it is necessary to take into account specifics of such projects and foresee provisions for determining the final cost of works embracing protection of the customer’s interests and the contractor’s price risks.

8. Uncertainty of approaches to assessing the CPO for Restoration activities effectiveness. Currently, there are neither tools for assessing the CPO for Restoration activities, nor performance indica-

tors. It is advisable to refer this issue to the competence of the CPO for Restoration Supervisory Board.

3.2. Relevant public procurement systemic issues in the recovery sector

1. Financing and budget planning issues. Implementing large infrastructure projects usually takes several months or even years. It must be taken into account when planning the customer’s budgets and ensuring stable funding (especially when the project is financed from public funds). Unfortunately, when fulfilling state orders, financing is often limited to one budget period. It results in downtime during re-approval or even to complete cessation of works due to lack of funds or proper planning on the part of the state customer. That is why, in the public procurement field of infrastructure recovery projects financed from public funds, it is important to ensure the possibility of mid-term budget planning.

2. Limited opportunities to engage international participants and apply international practices in public procurement. In most cases, when implementing projects at the expense of international financial organization funds, procurement procedures are carried out according to their rules and procedures. Such projects are based on international standards, particularly FIDIC, which are unified and understandable for international participants. In addition, projects financed at the expense of the state budget do not provide for the involvement of consulting engineers, while in international projects their participation is a mandatory condition. Thus, two procurement markets are actually formed – “international” and “local”, which does not contribute to creating a single space of rules in this area.

3. Lack of a single database of prices for materials and works. Creating a single database of prices for materials and works is an important prerequisite for ensuring transparent and competitive procurement in restoration and reconstruction. Such a database will contribute to: 1) preventing price inflation – it will allow for comparing contractors’ offers and avoiding situations where the same ma-

materials are purchased at different prices; 2) ensuring competitiveness – the winner will be selected by compliance with the set of tender requirements, and not only by the lowest price formed as a result of possible manipulations estimates; 3) unification of approaches – a single methodology for calculating the cost to ensure transparency of estimates for the state and market participants; 4) increasing transparency and accountability – public and regulatory authorities will be able to monitor whether prices in contracts correspond to real market indicators; 5) flexibility and adaptability – regular database

updating will allow customers to take into account current market fluctuations⁶.

4. **Lack of recovery legislation and proper regulatory framework** – currently, Ukraine lacks a specific law that would clearly regulate the concept of “recovery” and recovery procedures. Its adoption would eliminate many misunderstandings and provide both uniform legal regulation and clear conditions for all participants in the recovery and reconstruction process.

4. Council’s Recommendations

Considering the above, the Council recommends:

4.1. Recommendations for improving the CPO for Restoration activities in public procurement

1. To ensure creation of the necessary institutional, legal and organizational conditions for the CPO for Restoration to be used as a procurement organization by a wide range of participants, including international ones, as well as engagement of foreign companies in the reconstruction process of Ukraine.
2. To ensure unified approaches to qualification of participants and centralized formation of model contracts terms and conditions. At the same time, it is necessary to define technical specifications, the estimated cost of goods, works and services and introduce the practice of preliminary consultations with the market when announcing the tender. It will allow for identifying and eliminating potentially discriminatory requirements even before starting the procurement procedure.
3. To standardize documents and introduce the use of template forms (tender documentation, contracts, reports) to simplify preparation and verification of documents, as well as minimize corruption and abuse risks.
4. To introduce unified rules for conducting tenders, which provide for establishing clear and uniform procedures – from procurement planning to conclusion of contracts and control over their fulfillment. To ensure the right of the customer to refuse concluding a contract with the winner of the tender held with the participation of the CPO for Restoration, provided there is a specific exclusive list

⁶ On November 19, 2025, the Cabinet of Ministers of Ukraine adopted the Decree No. 1512 “Some Peculiarities of Determining the Cost of Construction under Martial Law” providing for creation of a price base for building materials, which should be included in the USESCS and contain data on market prices for materials from various sources, including the Prozorro system, customs and tax statistics, and manufacturers’ price lists. The Council is awaiting this government decision implementation and launch of the said price base. Until then, this Council recommendation will be considered relevant.

of grounds for which such a refusal is allowed.

5. To introduce tender proposal assessment taking into consideration not only price, but also other criteria such as quality, energy efficiency, environmental friendliness, and life cycle cost.
6. To consider improving procurement procedures, including by using FIDIC conditions for recovery projects as a standard common for international donors and market participants.
7. To ensure conditions for quality control and contract execution: model contracts should include a clear control mechanism.
8. To introduce tools for assessing the CPO for Restoration activities and determining its performance indicators.

4.2. Recommendations for improving public procurement procedures in recovery sector at the national level

1. To ensure stable funding to support long-term public investment projects by amending budget legislation and introducing mid-term budget planning. It is important to formulate financial forecasts taking into account the fact that most works go beyond one budget year

and their actual cost may change under the influence of inflation, price, fluctuations for materials and other risks, including those related to military operations.

2. To create and maintain a unified database of current prices for building materials and construction works cost.
3. To unify the Construction Products Classifier (CPC) in order to harmonize the subject of procurement and construction products technical properties.
4. To bring the regulatory framework in line with the current needs of reconstruction, including by adopting special legislation and a legislative definition of the “recovery” concept. Also, to provide for amendments to legislation, particularly the Law of Ukraine “On Public Procurement” and the Civil Code of Ukraine, regarding the possibility of using FIDIC conditions when performing restoration and recovery works.
5. To ensure adoption of urban planning documentation developed and provided by local authorities.
6. To ensure harmonization of the regulatory framework with international standards (EU, WTO, etc.) to ensure compatibility of procedures and attract foreign players.

Conclusions

Establishing the CPO for Restoration is a necessary step to ensure effective and transparent procurement in the field of recovery and reconstruction. Meanwhile, the CPO for Restoration currently does not have the full toolkit required to implement this function. To overcome the existing challenges, it is necessary to make changes to both the public procurement system as a whole and the work of the CPO for Restoration itself, as well as to update and adopt the relevant regulatory framework. In this document, the Council analyzed key challenges in recovery and reconstruction facing the newly established CPO for Restoration and proposed recommendations for improving its activities in public procurement. At the same time, the Council formulated recommendations for improving public procurement procedures in recovery and reconstruction at the national level.

It is important to implement the following steps:

- To ensure unified approaches to qualification of participants and centralized formation by the CPO for Restoration of model contracts terms and conditions;
- To create a single database of prices for materials and works, which should be accompanied by the adoption of appropriate codifiers;
- To standardize documents and use sample forms;
- To introduce a clear mechanism for quality control and contract execution in model contracts;
- To develop a tool for assessing the activities of the CPO for Restoration and determine its performance indicators;
- To implement a tender evaluation system that will take into account not only the price, but also other criteria (quality, energy efficiency, environmental friendliness, life cycle cost);
- To use the practice of preliminary consultations with the market when announcing tenders;

- To implement mid-term budget planning and mechanisms for taking into consideration inflationary and material risks.

Therefore, without transparent quality control mechanisms, clear performance KPIs for the CPO, and adequate staffing capacity, it will be difficult to achieve the expected results.

One of key components of such a regulatory and institutional environment is the regulation of pricing in the construction sector. At the regulatory level, it is expedient to align the rules with international standards (EU, WTO, etc.), adopt special recovery legislation and ensure the availability of up-to-date urban planning documentation. This will allow for removing regulatory barriers, increase predictability, and attract foreign players to the recovery market.

The Council supports the decision of the Government of Ukraine envisaging the creation of a Building Materials Price Database to be included in the USESCS, and the introduction of a Construction Products Codifier, and expects the earliest possible implementation of this initiative. To prevent corruption abuses in the construction sector, the Council emphasizes the need to create a price database for construction works, as well as to unify and update the classifier of works.

The recommendations prepared by the Council highlight existing challenges and suggest ways to address them, with the aim of expanding access for business (national and international), increasing competition and transparency, reducing costs through centralized tools, unifying procedures, introducing KPIs and clear control mechanisms, as well as separating procedures for priority projects. Their implementation will ensure more effective use of budget and donor funds, accelerate project implementation, and build trust of business, society, and partners in the newly created institution.

While supporting the establishment of the CPO for Restoration, the Council would like to point out that the success of this initiative depends on actual implementation of recommendations and a systemic approach

to filling the identified gaps. It is also important to ensure proper staffing and stable funding for the CPO for Restoration activities, which is currently not provided for in the 2026 State Budget of Ukraine. Market-oriented salaries are necessary to attract specialists with appropriate education and experience in the field of procurement, recovery and experience in infrastructure projects, as well as proper technical support for the effective work of the organization. Only through comprehensive regulatory framework improvement, a stable source of funding, expansion of opportunities for

business participation, unification of procedures and transparent control of results, will the CPO for Restoration succeed in becoming a professional and trusted tool for the recovery of Ukraine.

Implementing these steps will provide clear and transparent rules, open the recovery market for a wide range of participants, and allow achieving real results – reducing project implementation time frames, saving budget funds, attracting a wide range of participants and investors, and enhancing trust of business, society, and donors.



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