

**Modernization of Government Services
in the Republic of Moldova
Project ID No. P148537**

TERMS OF REFERENCE

National Legal Consultant

**to support reengineering of public services
and CUPS piloting**

I. BACKGROUND

General country background

The Government of Moldova is determined to fundamentally change the way how public services are provided in Moldova through a variety of interventions for modernization of service delivery, which combat corruption, foster a customer care culture, enhance access, as well as increases efficiency in the Moldovan public administration. From 2006 to 2013, Moldova modernized its civil service legislation and administrative processes under the Central Public Administration Reform (CPAR), supported by the World Bank's administered CPAR Multi-donor Donor Trust Fund. In July 2016, the Government of Moldova has approved the Public Administration Reform Strategy for 2016-2020^[1], that keeps the modernization of public services delivery process among its main objectives. This fact reconfirms Government's determination in the modernization of the administrative service delivery system by improving access to these services through various channels, their efficiency, reduction of unnecessary administrative burdens and cost of services for both beneficiaries and service providers, ensuring a stable level of quality of administrative services.

To achieve the stated objectives, the Government has requested the World Bank's assistance for a PAR operation, that became effective in June 2018, called Modernization of Government Services Project (MGSP, the Project).

The design of the project takes into account the Government of Moldova's vision, stated in the Public Administration Reform Strategy 2016-2020 and makes extensive use of institutional and technological achievements of Governance e-Transformation Project (GeT) implemented by the Government of Moldova and World Bank in the period between November 2011- December 2016. The project aims to achieve improvements in access, efficiency, and quality of delivery of selected administrative services through the following four components:

1. Administrative Service Modernization

The key activities under this component focus on re-engineering a group of government to citizen and government to business public services; piloting of one-stop-shops for public service delivery in selected locations and explore the possibility of rolling out at national level; increased awareness of citizens on public services and availability of e-services.

2. Digital Platform and Services

The main objective of this component is to digitize selected re-engineered governmental services; complete and strengthen a common infrastructure and mechanisms for rapid deployment of ICT-enabled public services; introduce government-wide IT Management and Cyber Security standards and procedures. Moreover, it will finance the acquisition of additional shared computing infrastructure elements, digitization of services needed to deliver Government services electronically, development of IT Management and Cyber Security standards and procedures as well as development of a learning management system to mainstream these within the government.

3. Service Delivery Model Implementation

^[1] <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=366209>

The objective of this Component is to ensure that the institutional capabilities of key government agencies are aligned with and support the new model of public services delivery. Technical assistance will be provided to all institutions responsible for the delivery of public services re-engineered and digitized under MGSP, as well as partner entities participating in **Unified Public Services Centers (CUPS)** pilots. The Component will also address the capabilities of structural units in the government responsible for public services modernization reform management and coordination.

Under MGSP, the Government undertakes a multilayered reform that focuses on key administrative central government public services to reduce time and burden for citizens and businesses and improve service delivery quality, transparency and efficiency by using innovative solutions and ICT. Its key pillars are: i) modernization of the public services so that they are more accessible to any citizen and business; ii) service provision standardization, simplification through business process re-engineering and digitization, with a focus on on-line services; iii) citizen feedback and performance monitoring on service delivery for on-going improvement.

4. Project Management

This component supports the Project Implementation Unit (PIU), based in the e-Governance Agency, and functioning of the core eGA team.

Specific assignment background

1. Reengineering of administrative public services

As part of the 1st component of MGSP, a selected Consulting Firm (*Reengineering Company*), in consultation with the service providers (*Beneficiary institutions*), e-Governance Agency (*eGA*), State Chancellery and other stakeholders is currently performing, the re-engineering of a number of public services, that includes among others:

- *As-is mapping* – mapping and analysis of the current situation of the selected public services, including the list of full legal basis (primary, secondary and tertiary legislation), documents and information needed to obtain the services, identified gaps (legal, organizational etc.) that can prevent efficient service delivery;
- *To-be mapping* – designing of a new effective and efficient delivery processes of the selected public services, including development of the tools required to support the implementation of the new service delivery model. As part of this specific stage, the Consultant will draft changes to the current legal framework and internal procedures required to support the new service delivery model.

As the quality and completeness of the proposed changes to the legal framework in order to implement the new models of service delivery must be thoroughly checked, eGA seeks to recruit an experienced legal consultant to assist in this matter.

2. CUPS¹ – bringing central government services closer to citizens

In order to bring government services closer to the citizens, the e-Governance Agency (eGA) has conducted a feasibility study for outsourcing the front-office segment of service provisions (this includes but is not limited to receiving applications for services and delivering the results of the service). As target institutions for outsourcing, the local public administration (LPA) has been deemed as the most appropriate from the point of view of legal framework readiness, infrastructure, capabilities and geographical coverage. Due to high number of citizens which are abroad, Moldovan diplomatic missions and consular offices (MDOC) have been deemed a feasible complementary option to the local public administration. The CUPS concept includes existing Multifunctional Centers operated by Public Services Agency, however, formally, they will not be included in the piloting.

The National Council for Public Administration Reform has approved the public policy proposal on CUPS and has tasked the eGA to pilot the CUPS concept in 22 locations (a mix of 17 LPAs

¹ CUPS, abbreviated from Unified Service Provision Centers (Romanian term *Centre Unificate de Prestari Servicii*) is a concept of omni-channel strategy of public service provision through one-stop-shops, whereby access to public services will be provided, on one side, online (via the portal of public services servicii.gov.md) and, on other side, by locally-deployed service centers.

and 5 MDOCs). It is expected that the piloting process will take about 12 months. In case the legal, technical and economic feasibility of CUPS will be demonstrated during the piloting period, an additional number of at least 58 CUPS will be rolled out throughout the country and in diplomatic missions. Based on the inventory of administrative public services, performed through the feasibility study², 22 services that are feasible for piloting in CUPS (from legal, process (front- and back-office separation), CUPS staff capability etc.) were selected.

II. THE OBJECTIVES

The objective of the assignment is to support eGA in developing the necessary legal and normative framework for the reengineering of public services and CUPS piloting, including:

- a. review proposed adjustments to the legal and normative framework, developed by the Reengineering Company, to ensure the quality, completeness and fitness for the purpose of such deliverables
- b. develop the operational procedures (instructions) for the provision of selected public services (see Annex 2) through Unified Service Provision Centers (CUPS) established in selected municipalities (see Annex 3), as part of the CUPS piloting process.

III. SCOPE OF WORK

The Legal Consultant's activities will include the following major tasks, grouped in two clusters:

Cluster 1 – tasks related to reengineering of public services:

1. Review the as-is maps, to understand the analysis of the existing normative framework performed by the reengineering company;
2. Analyze the draft legislative and normative acts required to support the new service delivery model of public services under re-engineering, in terms of their correspondence to the to-be report recommendations;
3. Provide legal expertise of draft normative acts required to support the new service delivery model of public services under re-engineering to ensure:
 - the full regulation of the social relations addressed in the drafts;
 - framing the provisions of the drafts in the normative framework in force;
 - the correspondence of the draft normative acts to the norms of the legislative technique;
 - the correspondence to the goals and priorities of the Modernization of Governmental Services and Governance e-Transformation Agenda;
4. Develop the final version of draft normative acts required to support the new service delivery model of public services under reengineering and informative notes regarding the respective drafts to be presented to the Beneficiary to be promoted, according to the established procedure, for examination by the Government;
5. Provide the legal expertise and develop eGA opinions on *other* draft normative acts submitted for coordination by the Agency, related of the provision of public services under reengineering.

Cluster 2– tasks related to CUPS piloting:

1. Review existing applicable legal and regulatory framework related to the selected services for the outsourcing (i.e. piloting service provision through CUPS) and the CUPS feasibility study.
2. Design detailed operational procedures for each of the public services selected to be provided through CUPS. The operational procedures must clearly indicate the overall workflow and detailed steps as well as the split of responsibilities between the service providers and the CUPS.

² *Feasibility Study on Enhancing Citizen's Access to Administrative Services at Local Level* was prepared for the purposes of performing a comprehensive assessment of the current situation, opportunities and challenges in outsourcing the front-office of the selected administrative services of the institutions included in the scope of the MGSP project. The study was conducted by PricewaterhouseCoopers Management Consultants SRL for the e-Governance Agency, May 2019

3. Based on the agreed operational procedures, develop, in consultations with selected municipalities, a generic CUPS regulation (rom. *Regulament-tip de activitate al CUPS*) and job description for CUPS staff (rom. *Fișa postului*)
4. Develop 1-2 generic flows (one per service provider or a single one, if appropriate), including a workflow diagram and associate narrative in a textual and schematic form) to illustrate service provision process for selected services via CUPS and to make it easier for CUPS beneficiaries to understand the split of responsibilities between the CUPS and the service providers. The workflow should include manual as well as automated steps and the linkages with shared government infrastructure operated by eGA.
5. Support eGA in facilitating the approval by the Public Services Agency and National House of Social Insurance of the operational procedures for selected services, after coordination with selected municipalities.

IV. DELIVERABLES

The outputs of the Legal Consultant will include the following:

No.	Deliverable	Tentative timeframe
1.	eGA opinions developed on behalf of and in accordance with eGA mandate on draft normative acts related of the provision of public services under reengineering	Batch 1 ³ : December 2020 Batch 2 ⁴ : January 2021
2.	Final versions of draft normative acts required to support the new service delivery model of services under reengineering and informative notes regarding the respective drafts	March 2021
3.	Operational procedures for selected services to be piloted via CUPS, adjusted according to feedback from service providers and selected municipalities	Draft – November 2020 Final – January 2021
4.	Generic CUPS regulation and CUPS staff job description	December 2020
5.	Generic workflow for service provision of selected services via CUPS	December 2020

V. DURATION OF THE ASSIGNMENT

This is a short-term assignment expected to start in October 2020 and the contract will be signed for 9 months with an estimated level of effort of 90 man-days. The contract could be extended beyond the original term, if necessary and for objective reasons, subject to Consultant's satisfactory performance and the same fee rate.

VI. REPORTING ARRANGEMENTS

The Consultant will report to and work under the direct supervision of the e-Governance Agency Chief Reengineering Officer and in coordination with the Legal Officer.

All deliverables will be provided electronically in Romanian language.

The Consultant will work in cooperation with eGA legal team and legal experts of the Beneficiary institutions.

VII. QUALIFICATION REQUIREMENTS

- University degree in law or related fields from a leading locally or internationally recognized and accredited university;
- Minimum of 5 years of relevant work experience;
- Knowledge of the Moldovan Government setup and good knowledge of legislation and legal regulations on government operations;

³ Services 1-7 from Annex 1

⁴ Services 8-12 from Annex 1

- At least three (3) years of demonstrated experience in legal expertise and drafting legal instruments (including bills, regulations etc.), with special reference to public service delivery and/or public institution management is required;
- Prior professional experience working in e-governance would be a strong asset;
- Ability to work effectively with ministries, other leading policymakers in the Government, high-ranking national and regional government officials, to advise and interact with all levels of management and staff;
- Ability to effectively communicate and write in the Romanian language. Knowledge of English and/or Russian would be an asset.

SERVICES SELECTED FOR REENGINEERING (2ND BATCH)

1. Birth registration and granting social benefits for childbirth and childcare;
2. Issuance of the duplicates for civil status certificates, with or without changes;
3. Granting retirement pensions for different categories of beneficiaries;
4. Registration of marriage;
5. Registration of divorce;
6. Registration of death and granting social benefits in connection with the death of close persons;
7. Registration of legal entities, individual entrepreneurs, patent holders and non-commercial organizations;
8. Granting pensions, other than retirement pensions under point 3 above
9. Granting social allowances
10. Granting social indemnities
11. Granting social compensations and aids
12. Issuance of social insurance-related certificates

SELECTED PUBLIC SERVICES TO BE PILOTED THROUGH CUPS

Services provided by the Agency for Public Services (“ASP”):

1. Duplicate of the civil status certificate;
2. Extract from the civil status document;
3. The multilingual extract from the civil status document;
4. Notice on the changes made in the civil status documents;
5. Civil status certificate;
6. Certificate of domicile registration;
7. Certificate regarding the entries in the Real estate register;
8. Cadastral plan at the level of a cadastral sector;
9. Information from the central data bank of the cadaster about the goods belonging to individuals/ legal entities
10. Extract from the supplementary chapter of the Real Estate Register on the value of the real estate;
11. Extract from the Real Estate Register;
12. Extract from the State Register of Legal Entities and Individual Entrepreneurs.

Services provided by the National House for Social Insurance (“CNAS”):

1. Disability pension
2. The state social allowance for people with disabilities
3. Allowance in the event of death
4. The form regarding the contribution period
5. Certificate on registration of the payer at BASS
6. Information on the payment of state social insurance contributions
7. Information on the personal social insurance account
8. Certificate on the receipt of pensions and social benefits
9. Certificate regarding the benefit of balneo-sanatorial treatment tickets
10. Information on receiving a state allowance for children

List of selected municipalities for CUPS piloting

1. Albota de Sus, Taraclia district
2. Biliceni Vechi, Sîngerei district
3. Chiperceni, Orhei district
4. Colibași, Cahul district
5. Corjeuți, Briceni district
6. Holercani, Dubăsari district
7. Lăpușna, Hîncești district
8. Limbenii Noi, Glodeni district
9. Lozova, Strășeni district
10. Mereni, Anenii Noi district
11. Parcova, Edineț district
12. Pânășești, Strășeni district
13. Pepeni, Sîngerei district
14. Persecina, Orhei district
15. Pîrjolteni, Călărași district
16. Sculeni, Ungheni district
17. Taxobeni, Fălești district