

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

TERMS OF REFERENCE

National Legal Specialist

I. 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 Trust Fund.

In July 2016, the Government of Moldova approved the Public Administration Reform Strategy for 2016-2020¹, that kept the modernization of public services delivery process among its main objectives.

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

In 2021, the new Executive issued its governing Programme "Establishing Good Times for Moldova"² and set modernization of at least 100 administrative services and access of 100% of active population to electronic public services as some of its objectives. The Government Action Plan 2021 – 2022³ through its envisaged actions reconfirms the determination of the Government to modernize the administrative service delivery system by improving access to public 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.

MGSP continues to play a very important role in achieving the high level objectives set up by the Government. The project aims to improve access, efficiency and quality of delivery of selected administrative services through the following 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 administrative services; piloting of one-stop-shops for public service delivery in selected locations and rolling out at national level; increasing public awareness on and advocacy for administrative services, with a particular highlight on e-services.

2. Digital Platform and Services

The main objective of this component is to digitize selected re-engineered government 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. The component finances the procurement of additional shared computing infrastructure elements, digitization of services needed to deliver Government services

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

² https://www.gov.md/sites/default/files/document/attachments/programul_de_activitate_al_guvernului_moldova_vr_emurilor_bune.pdf

³ https://www.gov.md/sites/default/files/document/attachments/pag_2021-2022_ro.pdf

electronically, as well as the development of a learning management system to mainstream the new digital infrastructure and the modernized services within the government.

3. Service Delivery Model Implementation

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.

4. Project Management

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

Current situation in the sector

Even though some progress has been made over the last decade, citizens still view corruption as a significant problem. While business process and e-governance reform efforts have to some extent improved business services, such measures have not yet been applied to administrative services.

Although the Government has launched the reform of public services in 2014-2016 and has committed to digitize and provide online access to all public services by 2020, lack of capacity and expertise to perform re-engineering and process optimization remains a problem that prevents achieving this. Also, there is room for rationalization to over 688 existing public services⁴ by withdrawing from use the obsolete services and business processes.

Specific background for the assignment

e-LPA⁵ – bridging the gap between public services provided at local and central levels

Currently the shared e-Governance infrastructure implemented in Moldova, though available for both central and local Governments, is mostly focused and used at the central level, aiming at using technology mainly to support operations of the central level authorities and delivery of central administrative services. At the same time, despite advancements with digital transformation at the central level, fast internet penetration and high uptake of the mobile devices in the country, at the local level the interaction between the public authorities and citizens and the provision of local services is done mostly in a traditional physical way. To bridge this gap, MGSP will be implementing a common digital platform (e-LPA) for all local public authorities, which will allow to connect the LPAs with the central level platforms, deliver local and central digital services, as well as facilitate digital interaction with citizens and business at the local level. Additionally, implementation of such solution would enhance LPAs' transparency and accountability by disclosing publicly LPAs' budgets, financial and activity reports. The implementation of the e-LPA Information System as a shared platform will increase solution's reliability, while reducing implementation and maintenance costs. Besides the implementation of e-LPA, an entire digital agenda is going to be determined at the local level, with the participation of other development partners along with World Bank. It will include development and update of a roadmap for digital transformation at local level and coordination of various stakeholders involved in implementation of digital transformation initiatives at local level.

CUPS⁶ – bringing central government services closer to citizens

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

⁴ Government Decision [670/2020](#) (legis.md)

⁵ e-LPA – generic name given to an integrated information system aimed to automate processes at Local Public Administration (LPA) level. It will include processes related to provision of public services, both local and central, as well as processes related to functional activities of the LPA (document management, local normative acts, tax administration etc.)

⁶ CUPS, abbreviated from Unified Service Provision Centers (Romanian term *Centre Unificate de Prestări 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.

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.

At the end of 2021 – early 2022, following the provisions of the Government Decision No. 322 of 10-11-2021 regarding piloting of CUPS, eGA established CUPS in 17 LPAs. CUPS in 9 Moldova diplomatic missions and consular offices, although, included in the list for piloting, are still under consideration, being in the process of identification of the best solution for Moldovan diaspora access to public services from abroad. Initially, 30 services provided by the Public Services Agency (PSA) and the National House of Social Insurance (NHSI) will be piloted through CUPS, with the possibility to expand the list of services providers and services. It is expected that the piloting process will take about 6 months and, in case the legal, technical, and economic feasibility of CUPS is demonstrated during the piloting period, an additional number of at least 54 CUPS will be rolled out throughout the country.

Starting with February 2022, all 17 CUPS (operating at LPA level) are fully functional. Considering the continuous increase in the number of requests from mayors wishing to establish similar centers, eGA intends to speed up the process of the CUPS model replication at the country level, and potentially even enlarge the total number of CUPS by June 2023.

II. THE OBJECTIVES

The objective of the assignment is to support eGA in:

- a) developing the necessary legal and normative framework for gradual digitalization of LPAs (through electronic access to local services, use of e-LPA platform, digital skills for using e-services) and
- b) efficient piloting and replication of the CUPS concept.

III. SCOPE OF WORK

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

Cluster 1 – tasks related to e-APL platform:

1. Review existing applicable legal and regulatory framework related to LPAs activities, functions, and services and draft the normative acts leading to their digitalization.
2. Draft normative acts related to development and implementation of the e-LPA platform.
3. Provide legal expertise and support the implementation of the e-LPA platform and contribute to the digitalization of the local public services.
4. Draft Government Decision on the revision of the normative framework for the functioning and use of the Register of local acts.
5. Design Framework Regulations for the provision of local public services (for the digitized services).
6. Draft Government Decision and other documents for the functioning and use of the e-LPA Platform.
7. Provide legal expertise/ Draft normative acts required to support the new service delivery models for the digitalized local public services and the ones related to the e-LPA platform, including informative notes.
8. Provide legal expertise and develop eGA opinions on *associated* drafts of normative acts submitted for coordination by the Agency, related of the public services delivery under digitalization of the local services, LPAs activities and functions.
9. Participate in capacity building activities organized by the eGA for the representatives of the local public authorities.

Cluster 2– tasks related to CUPS piloting and replication:

1. Analyze legal gaps identified during CUPS piloting and develop proposals/ amendments to the regulatory framework;

2. Develop necessary normative framework for the CUPS replication process, including draft of the Government decision on the establishment and functioning of CUPS, framework collaboration Agreements, etc.
3. Review and update operational procedures for each of the public services selected to be provided through CUPS. Develop operational procedures for new services.
4. Support eGA in the process of approval of the operational procedures for selected services provided by the Public Services Agency, National House of Social Insurance.
5. Review the legal and regulatory framework applicable to the selected services to be provided through CUPS open in diplomatic missions and consular offices. .

IV. OUTPUTS

The main outputs of the Legal Specialist include, but are not limited to:

For e-LPA:

1. Final versions of the drafted normative acts leading to the digitalization of LPA activity, function and services.
2. Existing service passports/ as is maps of the local public services, reviewed (from the legal perspective) and improved (if needed). Legislative and normative recommendations to support new service delivery model of public services, included in to-be reports.
3. Final versions of the drafted normative acts, including Government Decisions related to the development and implementation of the e-LPA platform and new service delivery models of digitized local services (Services Regulations) .
4. Final version of the drafted Government Decision on the revision of the normative framework for the functioning and use of the Register of local acts.

For CUPS:

1. Final versions of the drafted normative acts and informative notes required to validate/approve amendments, new regulations related with CUPS piloting and replication.
2. Final versions of the drafted normative framework for CUPS replication process, including final version of the drafted of the Government decision on the establishment and functioning of CUPS, framework collaboration Agreements, etc.
3. Updated operational procedures for service delivery through CUPS;
4. Review of the legal and regulatory framework applicable to the selected services to be provided through CUPS open in diplomatic missions and consular offices.

V. DURATION OF THE ASSIGNMENT

This is a full-time assignment expected to commence in June 2022 with a three-month trial period and will end in June 2023.

VI. REPORTING ARRANGEMENTS

The Consultant will report to and work under the direct supervision of the LPA Portfolio Manager and in coordination with the Legal Officers. The Consultant will undergo an internal evaluation of performance using an individual standard Performance Evaluation Form that will be completed and updated by the Consultant, discussed with, and approved by eGA, every 12 months. The first evaluation will cover the trial period.

All deliverables will be provided electronically in the 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 (constitution, government law, civil service act, public procedural law);
- Experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations;
- Prior professional experience working in the area of 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 would be an asset.