

UNDP MOLDOVA
„CHISINAU MUNICIPALITY DEVELOPMENT” PROJECT
TERMS OF REFERENCE
Public Assets Management Assessment Mission

GENERAL CONTEXT:

The UNDP-Government of Moldova Country Program Action Plan for the period 2007-2011 foresees interventions that actively support sustainable local development and promote democratic local governance. Within this broad agreement about the collective priorities of UN assistance in Moldova, UNDP is implementing the Chisinau Municipality Development Project aiming to strengthen institutional and financial capacity of local public authorities to operate in a more effective and transparent manner.

The Municipality of Chisinau has been experiencing a slow transition to become an effective service provider for its citizens. Both municipal officials as well as general public opinion believe that its administrative procedures are overly bureaucratic and, thus, costly and ineffective. There are three gaps which impede the implementation of any development efforts of the capital city of the Republic of Moldova:

- § The management gap refers to the lack of explicit skills, techniques and systems for policy design and policy execution. Symptoms of the management gap are the absence of objectives and performance measurements in relation to most work of the public sector, absence of “value of money” tests applied to outputs, absence of team work, excessive reliance on law and authority for getting things done, the lack of responsibilities assumed at lower levels, and poor co-ordination across organizations.
- § The comprehension gap applies to those inside the system, meaning existing public servants and refers to the difference between the understandings of the administration as it is now done, and public management as it might be done. This leads to an effort of implementing the necessary changes to make the public administration reform effective.
- § The confidence gap exists among those inside the system and outside the system as well, namely the public at large, the private sector, and other key stakeholders. This is mainly related to trust and therefore actions should be done to increase transparency, accountability, and measures to prove that there are not secret agendas.

The organizational framework of Chisinau Municipality public administration inherits main traits of the former soviet administrative system. Despite numerous reorganization attempts undertaken in the past, the administration of Chisinau Municipality still encounters serious institutional problems that undermine the overall management effectiveness. The existing management of the competences and administrative functions does not provide efficient coordination and subordination mechanism, as a result performing public services to meet the needs of citizens and business in Chisinau Municipality is an immense challenge to the whole administrative system, subordinated institutions and municipal enterprises.

SPECIFIC CONTEXT:

Among the major priorities on the reform agenda of Chisinau Municipality General Mayor and Municipal Council is the performance of public assets management function within the Mayoralty, aiming to qualitatively transform the municipal public administration and to enhance the local autonomy and city competitiveness, following the principles of efficiency, effectiveness, transparency, responsibility and accountability. Moreover, in the context of economic crisis and deficit of public finances, the financial opportunities related to public assets management became more important and urgent.

An important finding of 2008-2009 in-depth functional review of Chisinau Mayorality (performed with the assistance of UNDP) was the excessively fragmented, disorganized and confused nature of public assets management.

Despite the fact that the General Division of Economy, Reform and Property is theoretically mandated by the Municipal Council to execute the general management of the municipal property inventory, clear delimitation of competences and rights between different mayorality's divisions and public entities is still lacking. The municipality is repeatedly failing to elaborate a comprehensive property management strategy and amalgamation of the disjointed inventory. As a result, every individual division of the municipal public administration implements its own property management system and property rent practices. The executive and technical coordination among different divisions and public institutions with regard to the assets management is almost lacking. Furthermore, there is evidence of occurred functional conflicts between them (e.g. General Division of Architecture, Urbanism and Land Management deals with land property registration, rent and privatization issues).

The diffusion of responsibilities and competences led to the creation of such a scenario, where an important part the municipal property is not yet inventoried and registered within the national cadastre system. As consequence, the ownership of many apparently public real estate units became legally disputable.

OBJECTIVE OF THE ASSESSMENT:

The objective of the mission is to make an assessment of the Chisinau Municipality public assets (real estate) management, emphasizing the administration impasses and problems, and to further provide recommendations for road-mapping required public property management reforms. The Expert will also analyze the Economy and Property Division of Chisinau Mayorality, its approach and activities, and will provide recommendations in order to better organize the municipal function of local public assets management.

More specifically, the assessment will include:

- I. Assessment of the public assets management function within Chisinau mayorality**
 - Review the national legal framework regulating the public assets (real estate) management at municipal level (competences, responsibilities, rights and constrains) and the possibilities for improvement [the assessment will follow the dual approach – how to settle the limitations in the short period and how to settle the problems in the medium run]
 - Assess the problems and opportunities regarding the current municipal policy and mechanisms of the public assets (real estate) management
 - Assess the current status and mechanisms of public assets (real estate) inventory [assess the causes of inventory fragmentation and not-inclusiveness, and the solutions in short and medium run]
 - Review the municipal institutional organization of public assets (real estate) management function (power of decision, responsibilities, competences and horizontal managerial interactions)
 - Assess the capacities and competences of Division of Economy, Reforms and Property to coordinate the public assets (real estate) activity [assess the managerial, human, regulatory, informational and financial needs and requirements]
- II. Conceptual 'road-mapping' of the requested improvements of the assets management function within Chisinau Mayorality**

- Formulate the vision and performance indicators for an efficient and effective management of public assets at municipal level
- Formulate the main directions of public assets (real estate) management function improvement (short, medium and long term)
- Design the performance indicators and benchmarks for the improvement of assets management function (short and medium term)
- Formulate the recommendations for the institutional organization of the public assets (real estate) management function within the municipal public administration
- Elaborate a Concept Note 'Public Real Estate Assets Management within Chisinau Mayorality: problems, opportunities and development road map.

INSTITUTIONAL ARRANGEMENTS:

The subscriber will activate under the direct supervision of the UNDP "Chisinau Municipality Development" Project Manager, and in collaboration with the chief of Chisinau Mayorality's Economy and Property Division.

EXPECTED OUTPUTS:

- A comprehensive Concept Paper describing the major problems of public assets management function with Chisinau Mayorality, and recommendations in defining the road map for the improvement of the existing situation. The main issues addressed by the Concept will be focused on the following aspects:
 - (a) What are the major problems, dysfunctions and needs of the public assets (real estate) management function within Chisinau Mayorality?
 - (b) What improvements in the national legislation and municipal regulative framework are required in order to improve the efficiency of public assets management within Chisinau Mayorality?
 - (c) What should be the most efficient organization of the public assets management function within Chisinau Mayorality (in the short run and long run)?
 - (d) What should be the stages and optimal timeframe for the process of public assets (real estate) management function improvement in the short and medium period?
 - (e) What are the estimated costs of the required reforms (financial, human, informational, and managerial)?
 - (f) What are the opportunities of the municipality to attract international assistance in the process of public assets management improvement (potential donors/programs and funding schemes)?
- A half day seminar on modern public assets management approaches and best practices in CEE and former Soviet cities for the Mayorality's representatives.

REQUIREMENTS TO CANDIDATES:

- § An international expert, with at least 10 years of proven experience in the field of public assets management reforms in CEE
- § Extensive knowledge and expertise in reforming the local public assets management in post-Soviet cities
- § Advanced university degree in public administration, economics, law, or related fields

- § Robust analytical skills
- § Excellent report writing skills
- § Demonstrated interpersonal and diplomatic skills, as well as the ability to present ideas clearly and effectively
- § Demonstrated capacity of team-orientation work
- § Proficiency in computer applications (Windows, MS Office suit of applications)
- § Fluency in English and Russian/Romanian

DURATION OF THE WORK:

The assessment shall be carried out within 10 workdays (excluding week-ends) in the period March-April 2010 (to be determined at the moment of contract signing).