

## TERMS OF REFERENCE

Project Name:	Smart Government II Project, Mongolia
Project Number:	P176631
Terms of Reference:	Consultancy services to re-engineer the processes of special permit required activities associated with the municipal level local governors for the development of a functional design of Integrated Electronic Licensing System
Reference Number:	2.1.3.4
Date:	

### A. BACKGROUND

Through World Bank's support, the Smart Government II Project aims to improve the usability and efficiency of online public services to citizens and businesses and to increase digital skills and digital-enabled jobs.

The Smart Government II Project has five components that collectively contribute to building a whole-of-government approach for public services and public sector transformation, and the development of Mongolia's digital economy:

- Component 1: Enabling Environment for Digital Transformation: strengthens digital-related policies, regulations, and institutional frameworks, manages change and stakeholder engagement, and promotes online citizen engagement/participation.
- Component 2: Transforming Digital Government: improves the usability and efficiency of digital public services, upgrades the national and disaster recovery data centers, and strengthens the Cybersecurity Incidence Response Team (CIRT) and security of state registration data.
- Component 3: Growing the Digital Economy: enhances digital skills training for civil servants and citizens, creates 3,000 digital-enabled jobs for youths, and supports small and medium enterprises (SMEs) in adopting digital solutions.
- Component 4: Project Management Support: provides technical and operational assistance for project management, including financial management, procurement, environmental and social risk management, grievance redress mechanisms, and monitoring, reporting, and evaluation.
- Component 5: Contingent Emergency Response: ensures the provision of immediate response to an eligible crisis or emergency as needed.

The Smart Government II Project is implemented by the Ministry of Digital Development, Innovations and Communications (MDDIC) as well as identified beneficiary agencies under the Project. The MDDIC as lead implementing agency will be responsible for overall implementation, fiduciary, Environmental, and Social Framework (ESF) compliance for the project.

Under Component 2, sub-component objective stands for supplying, installing, commissioning, and maintaining an E-Licensing/E-Permits system. The desired outcome from the sub-component is increased citizens' and public servants' satisfaction with the sophisticated. An Integrated Electronic Licensing System is to-be a set of web-based tools and services that automate and streamline the license application and issuance processes. The intent of electronic application is to reduce processing time, improve customer service, increase efficiency, and enhance quality. The anticipated advantages of such system include:

- I. All users can view the progress of an application in real time.
- II. Single point of reference for applicants, decision makers and regulators.
- III. Improved record keeping and reliable archiving of permitting activities.
- IV. One-stop-shop for all guidelines and guidance materials, forms, contacts, templates, and associated legislation for those participating in aquaculture activities.
- V. Single point of contact and single-entry location for data to an application where it can then be accessed by all involved in decision making.
- VI. Enhanced communication between applicant and regulator that produces higher quality plan submissions and reviews, permit applications, and customer service.
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- VIII. A list of frequently asked questions or user-friendly tips.

## **B. OBJECTIVE OF THE ASSIGNMENT**

The main objective of this assignment is to assess the processes associated with granting special permits to determine whether the current processes are in compliance with all applicable laws and regulations, if not, prepare legal documents to improve the quality of respective legal environment.

## **C. SCOPE OF THE WORK**

The scope of work has the tasks as follows:

- 1) Task 1: Carry-out legal assessment to determine whether the current processes are in compliance with all applicable laws and regulations on selected processes associated with granting special permits by the municipal level local governors.
  - Consult the coordinating consultant and the analyst consultants in executing as-is process mapping by giving of a professional or formal opinion regarding the substance or procedure of the law in relation to a particular factual situation associated with granting special permits.
  - Do document analysis on all legal acts associated with granting special permits.
  - Describe the legal processes in graphical ways with respective notes.
  - With mapped business processes by the rest of his or her team, carry-out process quality analysis on whether the current processes executed in practice (founded on receiving feedback from process stakeholders by the rest of his or her team) are in compliance with all applicable laws and regulations.
- 2) Task 2: Write recommendations of amendments or equivalents
  - Identify essential legal amendments or equivalent actions designed to improve the quality of law in the course of granting special permits and write a recommendation paper.
- 3) Task 3: Modify the designed to-be processes.
  - Consult the coordinating consultant and the analyst consultants in executing to-be process mapping by giving of a professional or formal opinion regarding the substance or procedure of the law in relation to a particular factual situation associated with granting special permits.
  - Analyse the designed to-be processes by the rest of his or her team, and modify them according to the amendments introduced to the proposals of legal acts.

- 4) Task 4: Prepare set of the drafts for relevant legal documents for applying the designed to-be processes associated with granting the special permits by the municipal level local governors in practice.
  - Within the legislative framework, draft and develop a set of laws with the supporting documents that are designed to put those to-be processes associated with granting the special permits by the municipal level local governors into practice.
  - Prepare a set of documents to be sent to the government entities for their feedback on the draft laws which are designed to put the to-be processes associated with granting the special permits by the municipal level local governors into practice.
  - With feedback from the government entities, edit the draft laws and prepare the final draft laws for the submission to the cabinet and the parliament.
- 5) Task 5: Administrative tasks of the sub-project
  - Assist the Coordinating Consultant to prepare quarterly reports for the Project Implementation Unit (PIU).

#### **D. DELIVERABLES**

The key deliverables include but not limited to the reports<sup>1</sup> for all tasks as specified under “Scope of Work” as follows:

- 1) 3 preliminary legal mapping reports in which process quality analysis is carried-out to determine whether the current processes executed in practice are in compliance with all applicable laws and regulations associated with granting the special permits by the municipal level local governors in practice. The 1<sup>st</sup> preliminary legal mapping report covers up to 15 processes. The 2<sup>nd</sup> preliminary legal mapping report covers also up-to 15 processes, whilst the remaining processes are to be studied and legally illustrated in the 3<sup>rd</sup> report.
- 2) A recommendation paper that identifies essential legal amendments or equivalent actions designed to improve the quality of law in the course of granting special permits in detail.
- 3) 3 legal mapping reports in which designed to-be processes are modified according to the amendments introduced to the proposals of legal acts. The 1<sup>st</sup> legal mapping report covers up to 15 modified processes. The 2<sup>nd</sup> legal mapping report covers also up-to 15 modified processes, whilst the remaining processes are to be modified in the 3<sup>rd</sup> report.
- 4) A set of draft laws with the supporting documents that are designed to put those to-be processes associated with granting the special permits by the municipal level local governors into practice.
- 5) A set of documents to be sent to the government entities for their feedback on the draft laws which are designed to put the to-be processes associated with granting the special permits by the municipal level local governors into practice.
- 6) A set edited draft laws to be submitted to the cabinet for the parliament discussion.
- 7) Progress reports on assistance to the MED to submit such documents to the cabinet for approval.

#### **E. REQUIRED QUALIFICATIONS**

*Education:* A suitable candidate should have the master’s degree from an accredited academic institution in the field of legal studies, and other relevant areas.

*Experience:* At least 10 years’ experience of legal services. Previous experience in law making is essential.

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<sup>1</sup> The all reports must be written in Mongolian.

- Excellent interpersonal skills with the ability to function effectively and collaboratively in a team environment is essential.
- Experience in performing contracts of a similar scope and nature can be desired.
- Experience in working on projects or assignments funded by IFIs can be one's advantage.
- Previous professional experience associated with BPM is an advantage.

*Language skills:* A candidate should have excellent legal writing skills in the Mongolian language and advanced level of English proficiency in reading.

*Other skills:*

Proven analytical and research skills to assess legal issues in the public service sector.

Proven ability to interact effectively with the MED staff.

## **F. SUPERVISION AND REPORTING**

The legal consultant will work under the supervision of MED. He or she will also report to the MED on activities set in the Scope of Work. In addition to the reports required, it is his or her obligation to report all significant project events to the PIU via the Coordinating Consultant.

## **G. CONTRACT DURATION AND PAYMENT REQUIREMENTS**

The assignment is expected to commence in August, 2024. The duration of the assignment is up to 10 months.

The payment will be released upon Client's approval of the Deliverable Acceptance Form submitted by the Consultant based on reports covering progress made on the specified deliverables as well as the actual completed deliverables as per the work plan agreed and endorsed at the outset of the assignment.

## **H. INSTITUTIONAL ARRANGEMENTS**

The MED will provide office space with furniture, internet access, computer and printers.

If you possess the above qualifications, please submit the following documents via email to [zolzaya@smart.gov.mn](mailto:zolzaya@smart.gov.mn):

1. Cover letter indicating why she/he considers her/himself suitable for the position.
2. Detailed CV highlighting relevant skills/experience.
3. Copy of diplomas or certificates; and,
4. Two (2) reference letters from the previous two employers no later than 14:00 PM, October 11, 2024.

The submitted documents will not be returned to the applicants. Please note that incomplete applications will not be considered for evaluation. Only selected candidates will be contacted. Address for submission of Expression of Interest: Ms.Zolzaya, Senior Procurement Specialist, Smart Government II project, #301, 6th sub-district, Sukhbaatar district, Ulaanbaatar.