



Annex I

Terms of reference

GENERAL INFORMATION

Title: National Consultant to Revise Public Service Complaint Handling Regulation

Project Name: SP4N-LAPOR!

Reports to: National Project Manager for SP4N-LAPOR!

Duty Station: Home based, with visits to Jakarta Particularly to The Ministry of Administrative and Bureaucratic Reforms (KemenPAN-RB) and UNDP CO Indonesia

Expected Places of Travel (if applicable): on request basis and please refer to the travel plan

Duration of Assignment: 40 working days within four (4) months from April 2022

REQUIRED DOCUMENT FROM HIRING UNIT

<input checked="" type="checkbox"/>	TERMS OF REFERENCE
<input checked="" type="checkbox"/>	(5) CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:
	(1) Junior Consultant
	(2) Support Consultant
	(3) Support Specialist
	(4) Senior Specialist
	(5) Expert/ Advisor
<input checked="" type="checkbox"/>	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	CV / P11 with three referees
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

☒ partial (for offline discussion and consultation on request basis)

☐ intermittent: the works doesn't require a full attendance of the staff, but advisory and consultation on regular basis during the contract.

☐ full time/office based

Provision of Support Services:

Office space: ☐ Yes ☒ No

Equipment (laptop etc): ☐ Yes ☒ No

Secretarial Services ☐ Yes ☒ No

If yes has been checked, indicate here who will be responsible for providing the support services: SP4N-LAPOR! Indonesia Project

I. BACKGROUND

The United Nations Development Programme (UNDP) in Indonesia is initiating a new programme with the Korean International Cooperation Agency (KOICA) to support the Government of Indonesia in strengthening government capacity to handle civil petitions that can improve public service provision over time. In doing so, UNDP and KOICA established a tripartite collaboration with the Ministry of Administrative and Bureaucratic Reforms (KemenPAN-RB) to develop a comprehensive and integrated national strategy on the public service complaint handling management system. This collaboration is also intended to capacitate respective agencies responsible for the management and operation of SP4N-LAPOR!.

SP4N-LAPOR! is an online citizen complaint handling management system and was designed to increase public participation in the supervision of programs and government performance as well as the provision of public services. LAPOR! is an integrated online system that is easily accessible through various online platforms including 1) text messaging 1708 (based on Indonesia's Independence Day on 17 August), 2) mobile application (LAPOR!) on Android and Blackberry – IOS still under development, (3) the internet (www.lapor.go.id), 4) Facebook (facebook.com/LayananPengaduanOnlineRakyat), 4) Twitter (@LAPOR1708 or #LAPOR), 5) YouTube (@LAPOR1708), and 6) Instagram (@LAPOR1708).

SP4N-LAPOR! project aims to enhance the e-governance system in Indonesia's government by strengthening the national complaint handling system (SP4N-LAPOR!). In achieving the objective, three main outputs are expected to be performed:

1. Develop master plan and roadmap for a comprehensive national complaint handling system (SP4N-LAPOR!).
2. Enhance institutional capacity on complaint handling at the level of national and subnational governments, through invitational and local training.
3. Increased government and public awareness on SP4N-LAPOR!, and citizen participation to improve the system, with particular attention to women, youth, Persons with Disabilities (PwDs) and other marginalized groups of the population through Workshops and Promotions.

This project will conduct benchmarking with other e-governance success stories to accommodate public complaints and aspirations to improve public service quality, such as E-People in the Republic of Korea. Through these online platforms, citizens can submit their petitions and complaints to uncover internal issues or in-service provisions highlighting existing challenges. KemenPAN-RB is the responsible agency for managing daily operations and administration of LAPOR!. As of March 2017, SP4N-LAPOR! had attracted more than 560,000 users and continues to receive, on average, 460 daily reports through the platform. To this end, SP4N-LAPOR! has become the forerunner of national integrated complaints management systems.

KemenPAN-RB has recently renewed the Memorandum of Understanding (MOU) with other agencies as national partners in managing SP4N-LAPOR! As a result, as of 2021, there are five official national agencies, namely KemenPAN-RB, the Executive Office of the President (KSP), Ombudsman RI, Ministry of Home Affairs (Kemendagri), and Ministry of Communication and Informatics (Kominfo), with the role as leading institutions in managing national public complaint handling management system. Following this new MOU, the five leading institutions are also renewing the service agreement specifying the role and function of each institution to manage the public service complaint handling system.

With much progress in managing SP4N-LAPOR!, the mechanism of SP4N-LAPOR! interoperability and management have changed. Therefore, an adjustment in the regulation of SP4N-LAPOR! is required. One of SP4N-LAPOR! legal basis is the Ministerial Decree PAN-RB (PermenPAN-RB) no 62/2018 on complaint handling the management of public services. To align the new focus of Roadmap SP4N-LAPOR! and the new role between five leading institutions of SP4N-LAPOR!, this existing Ministerial Decree PAN-RB no 62/2018 is suggested be revised. This adjustment will update the aspect of governance, management, and business process of SP4N-LAPOR! following several changes on those aspects.

Building on that background and further consultation with KemenPAN-RB, UNDP-KOICA for SP4N-LAPOR! project has expressed its commitment to continue supporting KemenPAN-RB in providing strategic support for the development of SP4N-LAPOR! through a National Consultant to Revise Public Service Complaint Handling Regulation. The national consultant will provide substantive support and input in revising the existing regulation on improving the public service complaint handling management system. Furthermore, given that the context is about enhancing the existing regulation, the national consultant will coordinate with KemenPAN-RB and other SP4N-LAPOR! Leading institution as peer reviewers, as required.

II. SCOPE OF WORK, ACTIVITIES AND DELIVERABLES

The overall objective of this consultancy service is to provide: (1) review of the relevant documents; (2) draft of the regulation; (3) advisory service by providing substantive inputs and facilitating several meetings.

For this purpose, the selected consultant is required to coordinate, collaborate and engage with the Administrative and Bureaucratic Reforms (KemenPAN-RB), and other SP4N-LAPOR! Leading institutions as required, as well as with SP4N-LAPOR! Project through UNDP Indonesia (SP4N-LAPOR! PMU) as lead/coordinating Agency in Indonesia, for providing review to the Consultant's outputs.

Under the direct supervision of National Project Manager of SP4N-LAPOR!, overall objective of this consultancy service is to revise the existing PermenPAN-RB No.62 which consist of:

- a. Provide a work plan with detailed timeline to complete all deliverables, present it to the key partner in a kick-off meeting.
- b. Carry out a review of the relevant documents and regulations to understand the context, existing policies and regulation of SP4N-LAPOR!. These will include the existing regulations on public service and public complaint handling (ministerial decree including PermenPAN-RB No.62/2018 or UU No 25/2019, etc.), roadmap of public service complaints management system (PermenPAN-RB No 46/2020), and other relevant documents such as public complaint management regulations in Kemendagri and Kominfo. UNDP will provide the documents (or the regulations can be accessed via <https://jdih.go.id/>).
- c. Organize and facilitate consultation meetings, a FGD, and a stakeholder hearing to obtain feedback. The consultant must coordinate with key partners on the target participants of each meeting.
- d. Provide substantive inputs in every meeting.
- e. Provide an initial report and minutes of meetings.
- f. Revise the existing PermenPAN-RB No.62/2018 and ensure the alignment of this regulation with other public service complaint handling management regulations across SP4N-LAPOR! leading institutions.

According to the scope of work above, the major outputs for this assignment will be:

1. Detailed workplans and an inception report including findings on:
 - a. Background, objective, output, theoretical framework, methodology.
 - b. Current institution arrangement of SP4N-LAPOR!, management and business process of complaint handling mechanism, and current policy and regulations of complaint handling mechanism across institutions.
 - c. Gap analysis (substantive challenges/issues that needs to be added into the revision).
 - d. Information on detailed process of the draft to be enacted as a ministerial decree (in line with national, technical and procedural requirements).
2. The initial draft revision of PermenPAN-RB No 62 by incorporating some information and feedback from consultation meetings and FGD.
3. Activity report.
4. Second draft of PermenPAN-RB No 62 based on feedback from a stakeholder hearing.

Expected Deliverables	Estimated Numbers of Working Days	Indicative Submission/Timelines Deliverables
1st payment will be made upon submission of the following output/s: <ol style="list-style-type: none"> 1. Final workplan with detail timeline. 2. An inception report (in English and Bahasa) covering findings on the existing regulations/documents, identified substantive challenges/issues on the regulation, substantive description of the proposed draft revision, and detailed process of the draft to be enacted as a ministerial decree. 3. Minute of relevant meetings as an annex. 	10 working days	April 2022

<p>2nd payment will be made upon submission of the following output/s:</p> <ol style="list-style-type: none"> 1. First draft of revised PermenPAN-RB by incorporating findings from the inception report and feedback from two online consultation meetings and a FGD. The draft must include the outlines, complete general provision(s) of the regulation (Pasal 1 – Ketentuan Umum), and draft chapters and articles. 2. Minute of relevant meetings as attachments. 	15 working days	June 2022
<p>3rd payment will be made upon submission of the following output/s:</p> <ol style="list-style-type: none"> 1. Second draft of revised PermenPAN-RB by incorporating feedback and input from the stakeholder meeting. The draft includes the complete regulations of each chapter and article. 2. One final activity report including one-page report summary (in English and Bahasa) with all minutes of relevant meetings as attachments. 	15 working days	July 2022

III. WORKING ARRANGEMENTS

Institutional Arrangement

The selected consultant is required to coordinate, collaborate and engage with the Administrative and Bureaucratic Reforms (KemenPAN-RB), and other SP4N-LAPOR! Leading institutions as required.

SP4N-LAPOR! Project Management Unit (PMU) UNDP Indonesia as project assurance, will provide review to the Consultant's outputs. Besides, UNDP/SP4N-LAPOR! PMU will facilitate the selected consultant to coordinate with other line ministries, if required.

The selected consultant has responsibility to submit the expected deliverables according to the agreed timeline, obtain technical clearance from KemenPAN-RB, and seek approval from SP4N-LAPOR! PMU through UNDP Indonesia on each deliverable. **It is important to keep the active response of the selected consultant for any request/feedback from the Ministry and/or PMU.** Further, the selected consultant will present report results/outputs to the audience as required/asked.

The selected Consultant will work closely with the Deputy of Public Services KemenPAN-RB including other SP4N-LAPOR! Leading institutions. All deliverables should be submitted in English unless requested differently as stated in the deliverables.

Duration of the Work

The assignment will be delivered within four (4) months in partial scheme with total of 40 days. The payment will be made to the consultant at each payment schedule, upon technical clearance National Project Manager, SP4N-LAPOR! Project UNDP Indonesia.

Duty Station

The selected consultant may be requested to visit those key partners in Jakarta to coordinate with the Ministry of Administrative and Bureaucratic Reforms/KemenPAN-RB and PMU SP4N-LAPOR!/UNDP Indonesia. The consultant will be based at home, with partially attend meetings in the Deputy of Public Services KemenPAN-RB or UNDP if required. Virtual/hybrid arrangement is possible subject to discussion with/agreement by KemenPAN-RB or UNDP PMU.

Travel Plan

There is no foreseen travel plan for the duration of the assignment and if there is a travel/mission, PMU SP4N-LAPOR! Project will assist it under the supervision/request from PMU. UNDP will provide all the travel expense using agreed rate prior any travelling.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications

- Master's degree in law, public policy, public administration/management.

Years of experience

- Master's degree with at least 13 years' experience with developing policy papers/recommendations/draft regulations (such as draft ministerial decree or ministerial regulation), institution's work plan such as Technical Action Plan (Renaksi), Government/Local Government Mid Term Planning (RPJMD/RPJMN) or Annual Workplan (RKT).
- Experience with public complaint handling management.
- Experience working with the Government of Indonesia.
- Experience working with International Organization will be an advantage.

Competencies and skill requirements

- Sound familiarity with government administrative procedure and mechanism, public service management, and public complaint handling management.
- Fluency in English with excellent communication and writing skills.
- Strong motivation & ability to work & deliver under short deadlines.
- Focuses on impact & result for the client & responds positively to critical feedback.
- Able to work independently with little or no supervision.
- Previous experience in conducting gender sensitive research is strongly desired.

V. EVALUATION METHOD AND CRITERIA

Individual consultants will be evaluated based on the following methodologies:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

** Technical Criteria weight; 70%*

** Financial Criteria weight; 30%*

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

Criteria	Weight	Maximum Point
Technical	70%	100
Criteria A: qualification requirements as per TOR:		70
<ul style="list-style-type: none"> • Master's degree in law, public policy, public administration/management. 		15
<ul style="list-style-type: none"> • At least 13 years' experience with developing policy paper/recommendations/draft regulations (such as draft ministerial decree or ministerial regulation), institution's work plan such as Technical Action Plan (Renaksi), Government/Local Government Mid Term Planning (RPJMD/RPJMN) or Annual Workplan (RKT). 		20
<ul style="list-style-type: none"> • Experience with public complaint handling management. 		15
<ul style="list-style-type: none"> • Experience working with the Government of Indonesia. 		10
<ul style="list-style-type: none"> • Experience working with International Organization will be an advantage. 		10

<i>Criteria B: Brief Description of Approach to Assignment</i>		70	
<ul style="list-style-type: none"> • <i>Understands the task and applies a methodology appropriate for the task?</i> 		10	
<ul style="list-style-type: none"> • <i>Important aspects of the task addressed clearly and in sufficient detail?</i> 		10	
<ul style="list-style-type: none"> • <i>Is planning logical, realistic for efficient project implementation?</i> 		10	