

TERMS OF REFERENCE

Service Title:	Open data policies and practices comparative analysis in selective countries
Project number and title:	00123513 – Institutional Support to the Astana Civil Service Hub / 00127858 – Capacity Building for Innovation in Governance and Digitalisation of Public Services
Contract Type:	Contract for Services (UNDP Format)
Location:	Home-based, with one mission to Nur-Sultan, Kazakhstan
Contract Duration:	3 calendar months from the signing of the UNDP-format Contract (expected date of signing late August 2022)

A. Background

The Astana Civil Service Hub (ACSH) – a joint development initiative of the Government of Kazakhstan and the United Nations Development Programme - was established in 2013 by 25 countries and five international organisations. Nowadays, it encompasses 42 countries and over 70 regional and international organisations – stretching from the Americas and Europe, through the CIS, the Caucasus, and Central Asia to ASEAN countries, demonstrating that partnership for civil service excellence is a constant and universal need for all nations.

The ACSH is a multilateral institutional platform for the continuous exchange of knowledge and experience in the fields of governance, public administration, civil service development, and public service delivery. It aims at supporting its participating countries through fostering partnerships; organising and delivering capacity development and peer-to-peer learning activities; providing technical support to government organisations; and by producing comprehensive evidence-based research in the form of research papers, case studies, books, etc, covering topics that are relevant and pertinent to the development efforts of its participating countries and beyond.

One such topic is open data policies and practices around the world, an important topic nowadays, as effective open data policies and practices have the potential to increase transparency of government information, thus contributing to enhancing citizens' rights to public access to information, and to expand the participation, interaction, and social inclusion of citizens. They also have the potential to generate direct and indirect economic gains through the varied use of open government data.¹

A preliminary overview of open data policies and practices indicates that they treat the provision and use of open data in different ways. Thus, it appears that a comparative analysis of open data practices across the world provides an opportunity for learning from each other. In this context, the ACSH is interested to engage a consultancy firm to study open data policies and practices in selective countries, and in Kazakhstan and to provide recommendations for their improvement, as well as to disseminate such information through workshops for government officials in Kazakhstan and from the countries of the region.

B. Objectives

- To disseminate knowledge and experience on open data policies and practices from countries across the world.
- To enhance and reinforce knowledge of government officials on open data policy implementation and practices in line with international standards and practices.

¹ Bertot et al. (2010) and McDermott (2010) on Open Public Sector Information; Civic commons (2012), Huijboom and Broek (2011), European Commission (2011b), Open Government Initiative (2012), Cameron (2010), Tweede Kamer (2011) on open data policies of individuals countries; Jaeger & Bertot (2010) and Allen (1992) on transparency of government information; Janssen (2011) and Borzacchiello & Craglia (2012) on open data policies and economic and social growth.

C. Scope of the work

1. Research

- 1.1 Overview of open data policies and practices in Estonia, Canada, the European Union (EU), and Kazakhstan. It will include an analysis and evaluation of the:
 - (i) legal framework on open data availability and access and whether such legislation allows for proper implementation of open data policy, particularly in Kazakhstan;²
 - (ii) open data government portals and whether such portals are appropriately designed for serving their purpose best;³ and
 - (iii) Unified Lists of Open Data, and criteria for classifying government information as open data and include in the List.⁴
- 1.2 Overview of open data policies and practices in several policy areas, i.e. education, health care, labour and social protection, environment, culture, trade, etc; presented in the form of case studies; highlighting at the same time specific data sets by policy area that could be classified as open data and have the potential to generate significant economic and social benefits, thus, clearly demonstrating what the overall value of open data is for policy making by government entities and for businesses in the private sector.
- 1.3 Provision of recommendations on:
 - (i) how to define and select criteria for classifying government information as open data, taking the local context into consideration;
 - (ii) tools for monitoring and analysing the relevance and popularity of open data provided, as well as for enriching open data portals with additional data that may be of considerable demand by individuals and business;
 - (iii) potential revisions of the open data portal in Kazakhstan to adhere to open data portals international standards; and (iv) potential amendments to legislation to accommodate any limitations for fully utilising open data for research and commercial purposes;
 - (iv) next generation of developing open data solutions; including steps and implementation of open data with regards to better interconnection to citizens' and business' needs.
- 1.4 Preparation and delivery of an analytical report that will contain:
 - (i) the preceding analyses;
 - (ii) good practices from around the world for classifying and disseminating open data;
 - (iii) lessons learnt from existing practices across the world on managing open data; and
 - (iv) recommendations for improvements of open data policy implementation in Kazakhstan; as well as conclusions that may be drawn from the workshops for Kazakh government officials.

² In the case of Kazakhstan, the consultant would be expected to analyse and assess legal acts of the Republic regulating the issues of definition and placement of open data, i.e. Law "On Access to Information", Rules of Placing Information on an Open Data Web Portal, [Rules](#) of Analysis of Data, Exceptions for Information with Limited Access, Contained in Information Objects of State Bodies, and provide their assessment whether they comply with international practices and standards.

³ This task will include the evaluation of the Kazakhstani portal "Open Data" (<https://data.egov.kz/>) for compliance with international best practices.

⁴ This task will include the analysis and evaluation of the Unified List of Open Data of the state bodies of the Republic of Kazakhstan placed on the Open Data Web Portal for compliance with international practices and determine the demand by businesses, people, the media, the scientific community, etc for government data, so they may be included in the Unified List of Open Data and be made available.

2. Workshops for capacity building and policy recommendations

The Contractor will conduct a number of workshops dedicated to presentations of results of the research improving capacity and stimulating thinking in the area of open data.

2.1 For Kazakh government officials

Preparation of material stemming from the research and its findings to be presented by the Contractor during two off-line workshops – master classes – of 8 hours duration each, for state bodies' personnel (30-50 persons maximum).⁵ These workshops will utilise practical cases in the context of the state bodies' policy areas and demonstrate the differences among countries. In addition to the content delivery, as described above, the workshops will focus on issues specific to Kazakhstan. For example, what data are provided by the Ministry of Agriculture of the Republic of Kazakhstan and what data are provided by the corresponding government entity in Estonia, Canada, etc. The workshops shall support cooperation of government officials from different bodies mapping out open data options and improving inter-agency efforts. Workshop leaders will guide participants to conclude next actions for Kazakhstan. The workshops will take place in Nur-Sultan, Kazakhstan, over the time period starting on Monday 7 November 2022 and ending no later than Wednesday 16 November 2022.

2.2 Workshop for government officials from countries in the region

Preparation of relevant materials to be presented by the Contractor during an off-line one-day workshop on design, formulation, and implementation of open data policies and practices principles involving case studies from Estonia, Canada, and the EU.⁶ This event will gather high-level officials, and practitioners involved with the design, formulation, and implementation of open data policies and/or innovation and digitalisation from the seven participating countries and the Republic of Korea, Korean experts from MOIS and NIA, members of the ACSH P2P Alliances for "Transformation and Innovations in Governance", "E-government development", and for "Public Services Delivery". The workshop will also include sharing Kazakhstan's experience and supporting member countries in sharing their state of affairs of open data solutions. The workshop leaders will support the participants in catching up as well, with next generation ideas and implementation. This workshop is scheduled to take place in Nur-Sultan, Kazakhstan, for one day over the time period starting on Monday 7 November 2022 and ending no later than Wednesday 16 November 2022.

D. Deliverables and Payment Terms

The payments shall be made in accordance with the schedule below. Timing of tasks and payments shall be made according to the following table:

No	Deliverables	Deadline	Terms of Payment	Approval and authorisation
1	Draft report as per description contained in section C, 1, 1.4 (excluding the recommendations)	60 days after signing the contract	100% Upon full completion of the assignment	Project Manager
2	Preparation and delivery of knowledge sharing material on open data policies and practices across the world to be delivered	5 November 2022		

⁵ These workshops will include personnel of central and local government agencies in Kazakhstan, as well as from the National Information Technologies JSC, and of the Zerde National Infocommunication Holding JSC, that are involved with the open data portal and the analysis of data contained in the information systems of government agencies, respectively.

⁶ It is expected that during this workshop, Korean experts will also present their country's experience and good practices in the open data policy area. Furthermore, representatives of the participating countries, including Kazakhstan, will present the status of open data policy implementation in their respective countries.

	by the Contractor at a workshop to be held in Nur-Sultan, Kazakhstan between 7 and 15 November 2022			
3	Preparation and delivery of training material on open data policies and practices across the world, as well as open data implementation and practices in the Republic of Kazakhstan to be delivered by the Contractor at two workshops to be held in Nur-Sultan, Kazakhstan between 7 and 15 November 2022 ⁷	5 November 2022		
4	Final report including recommendations and other information from the workshops	No later than 90 days after signing the contract		

E. Payment Schedule

The Contractor's proposal shall be submitted with a lump sum payment as specified in "Deliverables and Payment Terms". The price offer shall include all indirect and direct costs (VAT, if applicable, and other mandatory payments). The Contractor must specify if it pays the VAT or not.

This contract sets a fixed price based on the achieved result, regardless of the extension of its specified period.

The payment shall be made in full (100%) after satisfactory completion of each item under the Scope of work and authorisation of the deliverables by the Project Manager upon submission of the Statement of Completed Work and the Invoice.

F. Institutional arrangements

The Contractor will work within the overall knowledge objectives of the ACSH and is responsible for substantively implementing the assignment according to the terms of reference in close consultation with and under the direct guidance of the ACSH Steering Committee Chairman and Project Manager/Operation and Legal Affairs.

The Contractor will ensure the timely and quality execution of the Terms of Reference and will carry out unconditionally the requirements of this Contract.

G. Duration

The assignment is expected to commence on 1 September 2022 approximately and be completed no later than 30 November 2022.

H. Location

The work is primarily performed at the home location of the Contractor.

However, considering the TOR requirement on preparing and delivering three workshops in Nur-Sultan, the Contractor should add the necessary travel costs to and from Nur-Sultan, as well as accommodation and subsistence costs for its personnel that will deliver the workshops in Nur-Sultan. It is estimated that the duration of this mission is approximately 9 calendar days.

⁷ The training delivery approaches to be used should include, but not limited to, the following: (i) presentation of the research results; (2) discussion and elaboration of joint recommendations in working groups with trainer facilitation; (iii) drawing up a road map for actions to be taken for improving the content and presentation of data in the open data portals.

I. Mandatory conditions

- The Contractor should fully accept and agree with the TOR requirements and the General Terms and Conditions for UNDP Contract;
- The Contractor shall be responsible for the timely and rational planning, execution of activities and achievement of the expected deliverables in accordance with these Terms of Reference;
- The Contractor shall bear responsibility for the accuracy and legality of the materials and information provided;
- The Contractor shall not be entitled to distribute, transfer data, materials, reports collected/prepared under these terms of reference to third parties without permission of UNDP;
- When carrying out all types of work, the Contractor shall ensure full safety of materials and reports in soft and hard copy. All materials and reports shall be executed in a manner that ensures their safety;
- In the course of the work, the Contractor shall independently hold working meetings on the stages of the work as necessary;
- The work shall be performed in a quality and timely manner, in accordance with the Contract requirements and these Terms of Reference. In case of poor quality of the Contractor's work (not in accordance with the terms of reference), UNDP reserves the right to submit proposals and comments for rectification within a certain period of time;
- UNDP reserves the right to make amendments in the Terms of Reference (up to 25% of the content) but will not allow changes in the overall essence of the Services and the cost of services under the Contract. The Contractor shall ensure the safe and lawful execution of the required deliverables (reports, finished products, except for the creation of counterfeit products) in all activities that may be required in the execution of this task;
- It is necessary to ensure compliance with the laws and regulations of the Republic of Kazakhstan on copyright (and related rights). It is also required to comply with the laws and regulations of the Republic of Kazakhstan in the execution of this task;
- In the course of work the Contractor is accountable to the UNDP Project Manager in charge of this work. All actions related to the implementation of this work shall be mandatorily agreed with the specified employees of the Project.

IMPORTANT!!! COVID-19. The Contractor is committed to providing all necessary protective equipment for its employees and to comply with all WHO standards and recommendations of local authorities to carry out work during the epidemic. The service provider is responsible for ensuring that its employees involved in this Terms of Reference are properly and promptly provided with all necessary personal protective equipment in accordance with current WHO guidelines (masks, gloves, disinfectants, COVID-19 test (if necessary)) for the entire period of work on this assignment.

J. Qualification requirements for the service provider

The prospective contractor must be a duly registered company/organisation that meets the following requirements:

1. Have civil legal capacity to enter into contracts (certificate of registration/re-registration, constituent documents);
2. The organisation shall be solvent, not subject to dissolution, its property shall not be seized, its financial and economic activities shall not be arrested in accordance with the legislation (certificates, statements confirming no debts to the tax authorities and at servicing banks);
3. To have at least 3 years of cumulative experience on the scope of the assignment;
4. To possess inventory, methodological, regulatory and software tools for execution of all works stipulated by the current Terms of Reference; (including a quality control mechanism in place, such as an ISO);

5. Availability of qualified personnel with the necessary work experience and qualifications according to the table below:

List of qualified key personnel to be involved in the implementation of this assignment:

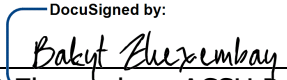
#	Team member title	Educational level and field of study	Special skills / work experience
1	Team Leader / Chief Researcher	At least a bachelor's degree in management, IT, or any other relevant field	<ul style="list-style-type: none"> – At least five years' experience in managing and implementing projects related to digitalisation of government operations and services, including monitoring and evaluation of digital platforms; – Implementation experience in interoperability or open data solutions in the private and the public sector at the national and international levels; – Language skills: English and/or Russian;
2	Data and Analytics Expert	At least a master's degree in IT or any other relevant field	<ul style="list-style-type: none"> – At least three years' experience in implementing IT related projects; particularly with data engineering, architecture, and analytics; – Professional or industry certifications in data analytics or data science; – Language skills: English and/or Russian;
3	Digital systems expert	At least a bachelor's degree in IT or any other relevant field	<ul style="list-style-type: none"> – At least three years' experience in designing and implementing IT related projects; particularly with data modelling and integrity; – Professional or industry certifications in IT systems architecture; – Language skills: English and/or Russian; –
4	Legal expert	At least a bachelor's degree in law or any other relevant field	<ul style="list-style-type: none"> – At least three years' experience in harmonising laws in government operations and data related matters; – Experience in implementing data related legislation; – Language skills: English and/or Russian;

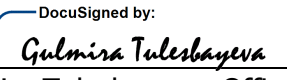
K. Recommendations for submitting an offer (documents to be provided)

1. Duly completed signed and sealed forms of UNDP format: Annex 2a, Annex 2b (Annex 2 b must be password protected);
2. Company profile with detailed activity information describing the nature of the business, area of expertise, confirming possession of at least 3 years of experience in consultancy and in open data policy analysis and evaluation;
3. Certificate of company registration and latest financial accounts, i.e. balance sheet and profit and loss account statement for the period 2020-2021;
4. Certificates confirming the absence of debts in the tax authorities and at servicing banks. Certificate of VAT, if applicable. If the company is not a VAT payer, written confirmation to be provided;
5. A list of services rendered over the last 3 years in the field of software development, maintenance, modification, technical support with indication of the Customer, name of services / works, year of service provision, contract name and customer contact details (e-mail, phone number and full name of contact person);
6. A list of publications that the Contractor has prepared on various topics pertaining to digitalisation, open data policies and practices and in any other related field;
7. Written confirmation of the facilities (Internet connection, computers, office equipment) necessary to perform this Terms of Reference;
8. Written confirmation that the company has a quality assurance system in place to ensure

- the quality of the work it produces;
9. Methodology and work plan: this should clearly communicate what approach will be taken and how the assignment will be performed, accompanied by a detailed execution plan. It should also include the team composition description and their assignment of responsibilities, and brief description of methods and procedures for performing the work involved;
 10. Detailed resumes, diplomas, and certificates of the proposed key personnel, as well as written confirmation from each employee that they will be available for the entire validity of the Contract;
 11. Written confirmation that the proposal shall be valid for at least 90 days;
 12. A written (free form) declaration attesting that the company is not on the UN Security Council List 1267/1989, UN Procurement Division List, or other disqualification lists;
 13. All other documents proving qualifications and experience according to the requirements specified in the Vendor Requirements section.

This TOR has been approved

Signature: 
 Name and Designation: Bakyt Zhexembay, ACSH Project manager operations & legal affairs
 Date of Signing: 26-Jul-2022

Signature: 
 Name and Designation: Gulmira Tulesbayeva, Officer-In-Charge, Head of the Governance Unit
 Date of Signing: 26-Jul-2022