



IV Constitutional Government

DECREE-LAW NO. /2011

OF

NATIONAL DEVELOPMENT AGENCY

The IV Government of Timor-Leste has been promoting a set of initiatives seeking to establish, reform and strengthen the organic structures of Public Administration, so as to make them more adequate to national reality and to provide them with greater capacity to make an efficient and effective contribution towards the promotion of economic and social development in the Country, both at national and district level.

Therefore the present diploma creates the National Development Agency (NDA), which will be responsible for the strict reviewing of capital development projects, based on the analysis of their respective cost-benefits, as well as for monitoring the implementation and execution of projects through a quality certification system, thus contributing to the rationalization of the available financial resources and to national development and economic activity, both at national and local level.

This is a service that is integrated in the direct administration of the State, provided with a flexible organic structure that seeks to facilitate, with gains in terms of efficiency and security, the contracting of capital development projects, the management and monitoring of projects integrated in district and local development programs, and the correct control over the respective costs.

Thus, under section 115.3 of the Constitution of the Republic, the Government decrees the following, to prevail as law:

CHAPTER I
NATURE, SCOPE AND ATTRIBUTIONS

Article 1
Nature

The National Development Agency, henceforth NDA for short, is a service under the Prime Minister that integrates the direct administration of the State.

Article 2
Scope

1. The NDA is responsible for designing, coordinating, executing and evaluating the policy set and approved by the Council of Ministers in what concerns the evaluation, management, monitoring and verification of capital development projects.
2. The NDA is guided by the following principles:
 - (a) Promoting national development and economic activity, particularly in the districts, sub-districts and sucos;
 - (b) Rationalizing the available financial resources through a rigorous assessment of the projects, based on a cost-benefits analysis;
 - (c) Controlling the costs and quality of capital development projects.

Article 3
Attributions

The NDA is responsible for:

- (a) Reviewing the merit and feasibility of capital development projects;
- (b) Supervising, verifying and certifying capital development projects, as well as their execution, in coordination with the relevant ministry;
- (c) Managing construction projects up to two hundred and fifty thousand American dollars allocated to local companies in the sub-districts, within the scope of the District Development Program II (DDP II);
- (d) Providing support to the Millennium Development Goals Program for the Sucos (MDG Sucos).

CHAPTER II
STRUCTURE AND COMPETENCES

Article 4
Leadership

1. The NDA is headed by a Director, who is the equivalent to a Director-General, and is assisted by four team Coordinators, who are equivalent to National Directors.
2. The Director and Coordinators are seconded through dispatch by the Prime Minister, according to the law.

Article 5
Tasks of the director and the coordinators

1. The NDA Director is responsible for:
 - (a) Heading and superintending all NDA activities;
 - (b) Drafting and submitting annual and multiyear activity plans;
 - (c) Drafting and submitting activity reports to appreciation from above;
 - (d) Proposing the staffing profile;
 - (e) Approving project certification and subscribing the opinions with relevance for the NDA;
 - (f) Promoting any other actions needed for pursuing the mission of the NDA.
2. The coordinators are responsible for organizing, coordinating and participating in the work to be done by the respective teams.

Article 6
Operational structure

The NDA includes the following teams:

- (a) Project Assessment Team;
- (b) Quality Verification and Certification Team;
- (c) DDP II Management Team;
- (d) MDG Suco Support Team.

Article 7
Project Assessment Team

The Project Assessment Team is responsible for:

- (a) Pronouncing over the Infrastructure Plan, as requested by the relevant entity;

- (b) Issuing opinions on the merit and feasibility of projects submitted to it, both during the pre-project and project stages;
- (c) Carrying out a detailed review in terms of project quality, verifying all technical aspects, including cost and quantity estimates, and if necessary suggesting changes;
- (d) Verifying whether the project complies with the applicable rules;
- (e) Issuing previous opinions on the awarding of contracts in the project stage.

Article 8
Quality Verification and Certification Team

The Quality Verification and Certification Team is responsible for:

- (a) Supervising and monitoring the evolution of the project's construction or implementation;
- (b) Ensuring the verification of projects;
- (c) Assessing, verifying and recommending necessary changes or adjustments in the construction or implementation stages;
- (d) Recommending project payments in view of the execution level and required quality;
- (e) Proposing quality certification concerning the construction, infrastructure or other project type;
- (f) Drafting or proposing the adoption of special quality certification standards and rules;
- (g) Issuing previous opinions on the awarding of contracts for the physical education, construction and verification of projects.

Article 9
DDP II Management Team

The DDP II Management Team is responsible for:

- (a) Ensuring the management of projects integrated in the DDP II, according to the respective legal regime;
- (b) Participating in the special procedure to classify and select companies and to award the construction works integrated in the DDP II;
- (c) Monitoring the evolution of projects and approving progress and quality reports, so that payments can be made;
- (d) Requesting opinions from the Project Assessment Team and the Quality Verification and Certification Team, when convenient.

Article 10
MDG Suco Support Team

The MDG Suco Support Team is responsible for:

- (a) Providing support to the implementation of projects integrated in the MDG Suco Program;
- (b) Promoting and monitoring the procedure for executing low cost projects under the direct administration of local authorities, heads of suco or heads of village;
- (c) Monitoring project execution and ensuring control over the respective payments;
- (d) Requesting opinions from the Project Assessment Team and the Quality Verification and Certification Team, when convenient.

CHAPTER III
ASSESSMENT AND CERTIFICATION

Article 11
Assessment Criteria

Project assessment should consider the following criteria:

- (a) Estimated impact of the project on the development of the country, region, district, sub-district or suco;
- (b) Cost-benefit analysis for the project, considering namely:
 - i. estimated usage rate for the infrastructure;
 - ii. benefitting population;
 - iii. employment creation;
 - iv. promotion of national or local business activity;
 - v. technology transfer;
 - vi. training and capacity building opportunities.
- (c) Budget impact of the project, taking into account the respective overall cost and its multiyear projection, as well as ancillary costs, including maintenance, capital and operation;
- (d) Compliance of the project with applicable quality standards or rules;
- (e) Technical, commercial and financial capacity of the executor.

Article 12
Certification Criteria

Both during the execution and construction stages, project quality certification is done according to quality standards or rules set in specific legislation.

CHAPTER III
STAFF

Article 13
Staffing Profile

The staffing profile of the NDA is approved through ministerial diploma by the Prime Minister and the Minister of Finance, after hearing the opinion of the Civil Service Commission.

CHAPTER IV
FINAL AND TRANSITORY PROVISIONS

Article 14
Articulation with other services and bodies

Ministries and other State bodies shall cooperate with the NDA and articulate their activities so as to promote a streamlined and integrated action by the Government policy in the areas listed in article 3.

Article 15
Transitory Provision

The NDA may request staff members to be seconded from other State bodies, as well as hire national or international advisors or specialized companies.

Article 16
Repeals

All rules contradicting the provisions of the present diploma are hereby repealed.

Article 17
Entry into force

The present legal diploma enters into force on the day after its publication.

Approved by the Council of Ministers on 19 February 2011.

The Prime Minister,

Kay Rala Xanana Gusmão

Promulgated on

Publish it.

The President of the Republic,

José Ramos-Horta