



# Technical Assistance Report

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Project Number: 51063-001  
Transaction Technical Assistance Cluster (C-TRTA)  
November 2017

## Democratic Republic of Timor-Leste: Policy and Planning Development for Public Investments

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Asian Development Bank

## CURRENCY EQUIVALENTS

The unit of currency in Timor-Leste is the US dollar.

## ABBREVIATIONS

ADB	–	Asian Development Bank
NDPCEI	–	National Directorate of Pollution Control and Environmental Inspection
ELL	–	Environmental Licensing Law
ICS	–	individual consultant selection
MPS	–	Major Projects Secretariat
PATE	–	Pacific Transport, Energy, and Natural Resources Division
PAUS	–	Pacific Urban, Social Development, and Public Management Division
PARD	–	Pacific Department
PIM	–	Public Investment Management
PPP	–	public-private partnership
QCBS	–	quality- and cost-based selection
SDG	–	Sustainable Development Goals
TA	–	technical assistance

## NOTE

In this report, "\$" refers to US dollars.

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## TRANSACTION TECHNICAL ASSISTANCE AT A GLANCE

Project Classification Information Status: Complete

### TRANSACTION TECHNICAL ASSISTANCE AT A GLANCE

1. Basic Data		Project Number: 51083-001	
Project Name	Policy and Planning Development for Public Investments	Department /Division	PARD/TLRM
Nature of Activity	Project Preparation, Policy Advice	Executing Agency	Ministry of Finance
Modality	Cluster		
Country	Timor-Leste, The Democratic Republic of		
2. Sector		ADB Financing (\$ million)	
✓ Transport	Transport policies and institutional development		0.50
Education	Education sector development		0.55
Energy	Energy sector development and institutional reform		0.50
Water and other urban infrastructure and services	Urban policy, institutional and capacity development		0.55
<b>Total</b>			<b>2.10</b>
3. Strategic Agenda		Climate Change Information	
Inclusive economic growth (IEG)	Pillar 2: Access to economic opportunities, including jobs, made more inclusive	Climate Change impact on the Project	Low
Environmentally sustainable growth (ESG)	Environmental policy and legislation		
4. Drivers of Change		Gender Equity and Mainstreaming	
Governance and capacity development (GCD)	Institutional systems and political economy	Some gender elements (SGE)	✓
Knowledge solutions (KNS)	Knowledge sharing activities		
Partnerships (PAR)	Civil society organizations Implementation		
Private sector development (PSD)	International finance institutions (IFI) Conducive policy and institutional environment		
5. Poverty and SDG Targeting		Location Impact	
Geographic Targeting	No	Nation-wide	High
Household Targeting	No		
SDG Targeting	Yes		
SDG Goals	SDG6		
6. Risk Categorization Low			
7. Safeguard Categorization Safeguard Policy Statement does not apply			
8. Financing			
<b>Modality and Sources</b>		<b>Amount (\$ million)</b>	
<b>ADB</b>		<b>2.10</b>	
Transaction technical assistance: Technical Assistance Special Fund		2.10	
<b>Cofinancing</b>		<b>0.00</b>	
None		0.00	
<b>Counterpart</b>		<b>0.00</b>	
None		0.00	
<b>Total</b>		<b>2.10</b>	

## I. THE TECHNICAL ASSISTANCE CLUSTER

### A. Analysis of Key Issues

1. As the youngest country in Asia and the Pacific, Timor-Leste has made excellent progress in peace building and state building. However, efforts to improve service delivery have been hampered by weaknesses in the systems for public investment management (PIM) and gaps in sector policies and plans. This Technical Assistance Cluster (TA) will provide carefully targeted support for the strengthening of PIM systems and the policies and plans for transport, energy, water and urban services and education. These sectors were identified as priorities in ADB's Timor-Leste country partnership strategy 2016-2020. TA activities will be linked to ongoing and planned ADB transactions and will support feasibility studies and due diligence for at least two investment projects that have been identified as shared priorities of the Government of Timor-Leste and the Asian Development Bank.

2. **Public investment management.** During 2007-2016, public expenditures on capital and development programs grew at an average rate of 33% per annum as the government used income from off-shore oil and gas production to finance an ambitious investment program. Public investments have produced notable improvements in basic infrastructure but the surge in public spending has also strained recently established systems for project selection, preparation, implementation, and evaluation. Many key PIM institutions were established as part of a 2011 reform program. This includes the Infrastructure Fund, which is a financing window for infrastructure projects with a value of more than \$1 million, the major projects secretariat (MPS), which oversees project appraisal and selection, the national development agency which provides project supervision and quality assurance, and the national procurement commission. Further adjustments were made in 2015 with the establishment of a Ministry of Planning and Strategic Investment to oversee key aspects of PIM, and the restructuring of the Infrastructure Fund as an autonomous public agency that is managed by the MPS.

3. Timor-Leste's PIM systems are relatively well developed when compared to other fragile states. However, independent assessments have identified several weaknesses which tend to reduce the efficiency of public investment.<sup>1</sup> Processes for project appraisal and project selection have been established but further work is needed to update the guidelines and ensure that they are applied consistently. Project preparation and project selection is undermined by the absence of coherent sector strategies and investment plans and by capacity constraints within the line ministries that submit project proposals to the Infrastructure Fund. There is also a risk that current processes for project development do not give sufficient consideration to the potential for private sector involvement in project financing, operations, and maintenance.<sup>2</sup>

4. There are also important weaknesses at each stage following project selection and preparation. A significant proportion of capital works are procured using non-competitive processes that reduce the incentives for private sector efficiency. Project implementation is also undermined by weaknesses in the systems and capacity for project management and there is currently no systematic approach to ex-post evaluation of project outcomes. Donor financing can help to mitigate some of the weaknesses by applying specific requirements to project preparation, establishing dedicated project management units, implementing ex-post evaluations and

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<sup>1</sup> World Bank. 2015. *Timor-Leste Public Expenditure Review: Infrastructure*. Dili

<sup>2</sup> A specialized unit has been established in the Ministry of Finance to manage public private partnerships (PPPs) but there is scope to strengthen the integration of PPP appraisal and transaction development within line agencies, and across the broader PIM system.

mandating the full use of established systems for procurement, and environmental management. However, these projects currently account for a limited share of total capital investment.<sup>3</sup> There are ongoing efforts to mainstream the best practices that are applied by project management units. However, project implementation can also be affected by weaknesses in national systems that cannot be directly addressed through project management units.

5. Environmental management and licensing is one area where capacity constraints can lead to delays in project implementation. The National Directorate of Pollution Control and Environmental Impact (NDPCEI) of the Ministry of Trade, Industry and Environment is mandated to implement the Basic Environment Law 2012 and Environmental Licensing Law (ELL). The ELL procedure is relatively straight forward but can be time consuming and there have recently been long delays in license approvals. Both the law and the implementing regulations may need to be updated to reflect recent changes including the development of on-shore petroleum and mining activities. A small team in NDPCEI is responsible for implementing the law, and reviewing license applications. Frequent changes in staffing have led to a loss of capacity that has contributed to delays in the review of license applications. Technical assistance is needed to review and update environmental regulations and to increase capacity for reviewing license applications and administering existing licenses.

6. As the leading partner for infrastructure development in Timor-Leste, ADB has provided a range of support for the strengthening of PIM systems. During 2011-2014, ADB provided initial support for the development of MPS' business processes for project selection and the evaluation of PPP opportunities in transport and energy.<sup>4</sup> This support was coordinated with support from Australian Aid, Japan International Cooperation Agency, and the United States Agency for International Development. During 2013-2014 ADB provided technical assistance to strengthen the regulatory framework for environment to NDPCEI and assisted in drafting a number of regulations under the ELL, amendments to the ELL, undertaking an institutional capacity assessment, and establishing procedures and systems within NDPCEI for implementing the ELL (and proposed regulations).<sup>5</sup> More recently, ADB has helped the Ministry of Public Works, Transport and Communications to develop and implement a strategic results framework and staff capacity development program.<sup>6</sup> A recent assessment of previous ADB support for infrastructure management found that ADB TA was successful in achieving the targeted outcomes and confirmed that ADB is well placed to assist with strengthening PIM systems. This and other assessments also highlight the importance of providing technical assistance that can respond with flexibility to ongoing changes in institutional arrangements.<sup>7</sup>

7. **Sector policies and planning.** Timor-Leste's Strategic Development Plan 2011-2030 provides a high-level framework for development planning and has been supplemented by a high-level roadmap for achieving the Sustainable Development Goals (SDGs) that was approved in May 2017.<sup>8</sup> However, at the sector level, there are gaps in policy frameworks, sector plans and institutional capacity that need to be addressed before the new SDG roadmap can be implemented. Gaps in sector policies and planning also contribute to weaknesses in the

<sup>3</sup> Timor-Leste's 2017 State Budget envisages that 30.2% of all capital investment during 2017-2021 will be financed through loans.

<sup>4</sup> ADB. 2011. *Timor-Leste: Strengthening Major Public Investments*. Manila

<sup>5</sup> ADB. 2012. Timor-Leste: Strengthening the Regulatory Framework for Environmental Impact Assessment subproject (approved October 2012 for \$350,000) under *Technical Assistance for Use and Strengthening of Country Safeguard Systems* (TA 7566-REG).

<sup>6</sup> ADB. 2012. *Timor-Leste: Infrastructure Management*. Manila

<sup>7</sup> ADB. 2015. *Technical Assistance Completion Report for TA-7712, Strengthening Major Public Investments*. Manila.

<sup>8</sup> Government of Timor-Leste. 2011. *Timor-Leste Strategic Development Plan, 2011-2030*. Dili; Government of Timor-Leste. 2017. *Timor-Leste's Roadmap for the Implementation of the 2030 Agenda and the SDGs*. Dili.

prioritization and selection of public investment projects and can undermine the linkages between public investment in service delivery outcomes. Closing these gaps is essential for successful scaling up of investment in sectors such as water and sanitation and education which are key for human development.

8. ADB has made significant contributions to planning and policy development in each of the sectors that have been identified in the Timor-Leste country partnership strategy 2016-2020. In the transport sector, ADB provided TA to support a transport sector masterplan and the identification of institutional reform priorities. In water and urban services ADB has helped to prepare masterplans for water supply systems in Dili and four municipal capitals, review tariff policy in Dili, and has contributed to the development of water resource policies. In energy, ADB is currently assisting with sector planning, and in education ADB is helping to develop a policy and planning framework for the vocationalization of secondary education.

9. The development of sector policies and plans is not a one-time event and there are significant unmet needs for technical assistance in each of the sectors that ADB is supporting. Timor-Leste's new SDG roadmap means that there is also an opportunity for more integrated planning approaches. For example, the government has expressed interest in developing a timebound and costed plan for the achievement of SDG 6 that would include a prioritized plan for investments to upgrade water supply systems. Integrated planning approaches could help to accelerate progress towards the achievement of specific development outcomes but will require close coordination across a range of ministries and service delivery units. ADB's ongoing engagement in transport infrastructure, education, energy, and water and urban services, and the additional policy advisory support that is planned through this TA will also contribute to planning and implementation of programs for the achievement of SDGs 4,7, 9 and 11.

## **B. Justification for Cluster Modality**

10. The proposed transaction TA cluster was included in ADB's Timor-Leste country operations and business plan 2017-2019. The TA will provide capacity building and policy advisory support for ADB's existing portfolio of ongoing investment projects and will provide policy advice and project preparation support for selected proposed projects. The ongoing and ensuing projects that will be supported through the TA cluster include projects in the transport, education, water and urban services, and energy sectors. A full list of the ongoing and ensuing projects that may be supported through the TA is presented in appendix 1.

11. Implementation of ongoing projects in transport, education and water and urban services is progressing well. However, policy and institutional gaps can create short term bottlenecks in implementation and can also threaten the long-term sustainability of project outcomes. Gaps in policies, sector plans, and institutional capacity can also constrain project identification and preparation. In addition to supporting the implementation of ongoing projects, the TA cluster will assist with project identification and planning, the completion of pre-feasibility assessments and full project preparation for two ensuing projects that have passed through the pre-feasibility assessment phase. Project identification and pre-feasibility assessments will be completed under a single sub-project while detailed project preparation will be completed through separate TA subprojects. The cluster modality will help to ensure that ADB support is well integrated and can achieve synergies between sector oriented policy and planning, project preparation, and more cross cutting support for public investment management.

### C. Outcome and Outputs

12. **Overall outcome.** The overall outcome of the TA cluster is improvement in the planning, identification, implementation and management of infrastructure and infrastructure services in Timor-Leste. Each TA subproject will generally deliver all or some of the following outputs, as specified by each transaction TA subproject proposal.

13. **Output 1: Improved capacity for public investment management.** The TA will support the updating of guidelines for appraisal and selection of public investment projects; provide training and capacity building on the use of the updated guidelines; support the updating of regulations for social and environmental safeguards; assist with implementation of updated social and environmental safeguard regulations; and help to address other bottlenecks to project implementation and project sustainability as they arise.<sup>9</sup>

14. **Output 2: Improved sector policy and planning.** The TA will provide expert inputs to support development of a national level plan to achieve the SDG goals on water and sanitation (SDG 6); provide advice on policy frameworks for technical and vocational education; and provide timely transaction related advisory services in response to emerging issues in the transport, water and urban services, energy, and education sectors. This will include policy advice on sector planning and regulation and the completion of pre-feasibility assessments for two or more candidate investment projects.

15. **Output 3: Project feasibility studies and due diligence completed.** The TA will support the completion of feasibility studies and project due diligence for two agreed investment projects. The indicative planning is for this to include one transport project and one education project. However, the final selection of projects is subject to review by ADB and the Government of Timor-Leste and could change to include projects in energy or water and urban services. Project preparation under output 3 will be closely linked to relevant activities under outputs 1 and 2 in order to maximize the overall contribution to capacity development.

### D. Cost and Indicative Financing

16. The TA is estimated to cost \$2,200,000, of which \$2,100,000 will be financed on a grant basis by ADB's Technical Assistance Special Fund (TASF 6). Detailed cost estimates and financing arrangements will be presented in each TA cluster subproject proposal submitted for approval.

17. For each TA subproject, the government will provide counterpart support in the form of counterpart staff, and office accommodation, and other in-kind contributions. The government was informed that approval of the TA does not commit ADB to finance any ensuing project.

### E. Implementation Arrangements

18. ADB will administer the TA cluster. Each of the TA subprojects will be administered by one PARD division. ADB's Timor-Leste Resident Mission will be the principal division for TA administration and will administer TA subproject 1 (outputs 1 and 2) with support from the relevant

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<sup>9</sup> In order to avoid duplication, the support for ongoing projects that is provided under Output 1 will be designed to complement the consulting services are incorporated within ongoing investment projects.



sector and thematic specialists from the Pacific Transport, Energy and Natural Resources Division (PATE), and the Pacific Urban, Social Development, and Public Management Division (PAUS). Output 3 will be delivered through additional subprojects which will be prepared by ADB's sector specialists. The selection, supervision and evaluation of consultants, for output 3 (subprojects 2 and 3) will be managed by relevant staff from PATE and PAUS. Each TA subproject will be submitted for approval to the PARD Director General in accordance with the business process for transaction TA cluster processing. Each TA subproject will start only after the project concept of the corresponding ensuing project is approved by ADB

**Table 1: Implementation Arrangements for the Technical Assistance Cluster**

Aspects	Arrangements
Indicative implementation period for the TA cluster	January 2018 – December 2020
Executing agency	Ministry of Finance
Implementing agency	Asian Development Bank, Pacific Department
Disbursement	The TA resources will be disbursed following ADB's <i>Technical Assistance Disbursement Handbook</i> (2010, as amended from time to time).

19. **Subprojects.** The TA cluster will be implemented through 3 TA subprojects as described in Appendix 2. Since there are linkages between the activities under outputs 1 and 2 and the activities are contemporaneous, they have been packaged as a single subproject. Conversely, the projects to be prepared under Output 3 may not be prepared at the same time and so project preparation has been separated into separate subprojects for each ensuing project. Opportunities to package project preparation into a single sub-project will be reviewed at the time of sub-project preparation. Each TA subproject will be designed in accordance with the general output descriptions (paras. 13-15) as and when needed during the implementation period, and will be approved by the PARD Director General.

**Table 2: Indicative Implementation Period and Budget Allocation for Subprojects**

Item	Subproject Title	Implementation Period	Budget (\$'000)
Subproject 1	Policies and Planning for Public Investment	Q2 2018 – Q4 2020	1,200
Subproject 2	Project Preparation I – Workforce and Skills Development Project	To be completed by Q4 2020	500
Subproject 3	Project Preparation II – Sustainable Transport Project	To be completed by Q4 2020	400

20. **Consulting services.** The TA will be delivered by two firms, two national consultants, and up to 11 international consultants. Subproject 1 will be implemented with a total of 48 person-months of national consultant inputs and 31 person-months of international consultant inputs. National consultants will support coordination of TA activities, including the strengthening of public investment management systems, and development of sector policies and investment plans. International consultant inputs will be used to update national guidelines for project preparation and appraisal, support the roll-out of updated guidelines and address other weaknesses in public investment management systems. International consultant inputs will also be used to provide expert advice on sector policies and plans for transport, energy, water and urban services, and

education.<sup>10</sup> Subprojects 2 and 3 will be implemented by one or more firms who will be recruited using the quality and cost based selection modality. The consultants will be engaged by ADB in line with ADB's Procurement Policy (2017, as amended from time to time) and the associated project administration instructions or staff instructions. The estimated cost and requisite fields of expertise are indicative and estimates will be finalized prior to approval of each TA subproject in consultation with the government during follow-up missions

## **F. Governance**

21. Since ADB will administer the TA, the financial management, procurement, and integrity risks during TA implementation are assessed to be low. However, thorough risk assessments for financial management, procurement, and integrity for ensuing investment projects will be conducted under the TA.

## **II. THE PRESIDENT'S DECISION**

22. The President, acting under the authority delegated by the Board has approved the provision of technical assistance cluster not exceeding the equivalent of \$2,100,000 on a grant basis to Timor-Leste for Policy and Planning for Public Investments, and hereby reports this action to the board.

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<sup>10</sup> Where relevant, consulting services will be engaged on output-base or lump sum contracts in line with points 2.9.2 and 2.10.2 of ADB's MTR Action Plan.

### SUMMARY OF SUBPROJECTS AND CORRESPONDING ENSUING AND ONGOING PROJECTS

Nature of Assistance	TA Subproject Title	TA Subproject Amount (\$'000)	Ensuing or Ongoing Project Title	Risk Categorization	Loan Amount (\$'000)
Project Implementation Support	Policies and Planning for Public Investment	\$1,200	District Capitals Water Supply Project; Road Network Upgrading Project, additional financing; Road Network Upgrading Sector Project, additional financing; Dili to Baucau Highway Project; Baucau-Viqueque Road Project; District Capital Water Supply Project; Urban Water Supply Project; Workforce and Skills Development Project; Electricity System Strengthening and Sustainability Project; Renewable Energy; Sustainable Road Transport Project; Urban Water Supply Sector Project, Phase II	Low	490,650
Project Preparation	Project Preparation I – Workforce and Skills Development Project	\$500	Workforce and Skills Development Project;	Low	14,000
Project Preparation	Project Preparation II – Sustainable Transport Project	\$400	Sustainable Road Transport Project;	Low	40,000

## SUBPROJECT DESCRIPTIONS

<b>Subproject 1</b>	Policies and Planning for Public Investment
Indicative outputs and activities	<p><b>Output 1: Improved capacity for public investment management</b></p> <ul style="list-style-type: none"> <li>1.1 Updating guidelines for project appraisal and project selection.</li> <li>1.2 Supporting implementation of revised project appraisal guidelines.</li> <li>1.3 Review of ELL and preparation of amendments and implementing regulations.</li> <li>1.4 Capacity development support for licensing activities of NDPCEI.</li> <li>1.5 Policy advice and capacity development in response to selected issues in public investment management.</li> </ul> <p><b>Output 2: Improved sector policy and planning.</b></p> <ul style="list-style-type: none"> <li>2.1 Development of sector policies and plans for achievement of SDG 6.</li> <li>2.2 Policy advice and capacity development support in response to selected issues in transport, water and urban services, energy, and education.</li> <li>2.3 Pre-feasibility assessments completed for at least two candidate investment projects.</li> </ul>
Indicative implementation arrangements	<p>The MPS will be the principle counterpart for activities 1.1 and 1.2. These activities will be implemented by one national consultant and one international consultant who will be recruited at the start of TA implementation. NDCPEI will be the principle counterpart for activities 1.3 and 1.4. The activities will be implemented by two international consultants who will be recruited at the start of TA implementation. Activity 1.5 will be implemented by up to three international consultants who will be recruited following identification of agreed priorities.</p> <p>The National Directorate for Water and Sanitation in the Ministry of Public Works, Transport, and Communications will be the counterpart for activity 2.1. One national consultant will be recruited soon after TA approval to support this activity. Up to five international consultants will be recruited during TA implementation to deliver activity 2.2 and 2.3. The counterparts for this assistance will be determined as needs for support are identified.</p>

Implementation schedule	<p>1.1 Completed by Q2 2018.<sup>11</sup></p> <p>1.2 Ongoing from Q3 2018 to Q4 2020.</p> <p>1.3 Completed by Q3 2018.</p> <p>1.4 Completed by Q3 2018.</p> <p>1.5 Ongoing from Q2 2018 to Q4 2020</p> <p>1.6 Ongoing from Q2 2018 to Q4 2020</p> <p>2.1 Completed by Q4 2018</p> <p>2.2. Ongoing from Q1 2018 to Q4 2020</p> <p>2.3 Completed by Q4 2020</p>
<b>Subproject 2</b>	Project Preparation I - Workforce and Skills Development Project
Indicative outputs and activities	The firm will be required to complete due diligence for the project, including financial due diligence , procurement planning, poverty, gender and social safeguard analysis, and completion of procurement capacity and risk assessments. An environmental assessment may also be required if the project scope includes a substantial infrastructure component.
Indicative implementation arrangements	The consulting firm will be responsible for fielding a team of specialists to complete the required due diligence prepare the project administration manual and support preparation of the report and recommendations for the project. The consultant team will include i) senior Technical Vocational Education Training specialist; ii) Financial Management Specialist; iii) Poverty, Social and Gender Specialist; iv) Procurement Specialist. These specialists will be expected to work closely with their government counterparts and with TA consultants working on activities under outputs 1 and 2 of the project.
Implementation schedule	To be confirmed
<b>Subproject 3</b>	Project Preparation II – Sustainable Transport Project
Indicative outputs and activities	The firm will be required to complete due diligence for the project, including financial due diligence, procurement planning, poverty, gender and social safeguard analysis, and completion of procurement capacity and risk assessments.

<sup>11</sup> The two national consultants and the international consultants advising on project appraisal and environmental licensing will be recruited immediately following TA approval and will be expect to mobilize in Q1 2018. Other consultant inputs under outputs 1 and 2 will be recruited as required during TA implementation.

Indicative implementation arrangements	The consulting firm will be required to field a team that includes (i) Procurement Specialist, (ii) Financial Management Specialist, (iii) Environment Specialist, (iv) Social Safeguards Specialist (v) Poverty, Social Development, and Gender Specialist, and (vi) Project Economist and Transport Specialist. The specialists listed above will be expected to work closely with their government counterparts and with TA consultants working on activities under outputs 1 and 2 of the project. Technical inputs on road maintenance and contracting will be provided by consultants working on a separate TA project.
Implementation schedule	To be confirmed

**LIST OF LINKED DOCUMENTS**

<http://www.adb.org/Documents/LinkedDocs/?id=51063-001-TARreport>

1. Timor-Leste Strategic Development Plan, 2011-2030
2. Timor-Leste SDG Roadmap
3. Timor-Leste Public Expenditure Review: Infrastructure