

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE**  
**IV Constitutional Government**

**DECREE-LAW NO. 11/2011**  
**OF 23 MARCH**

**NATIONAL DEVELOPMENT AGENCY**

The IV Constitutional Government of Timor-Leste has been promoting a set of initiatives aiming at establishing, reforming and strengthening the organic structures of Public Administration in order to make them more adequate to national reality and provide them with higher capacity to effectively and efficiently contribute to the promotion of social and economic development of the country at national, district and local level.

Thus, this statute establishes the National Development Agency, hereinafter referred to in short as ADN, the powers of which are to evaluate capital development projects in the most judicious manner and based on the respective cost-benefit analysis, and to monitor the implementation and execution of the projects through a quality certification system, thereby contributing for the rationalisation of the available financial resources and for national development and economic activity both at national and local level.

It is a service that falls under direct State administration, with a flexible organic structure aimed at facilitating the implementation of capital development projects as well as the respective management and follow-up of projects integrated into programmes. It will facilitate the contracting of pluriannual infrastructure projects and ensure their correct payment through a quality certification system.

Thus, pursuant to article 115.3 of the Constitution, the Government enacts the following to have the force of law:

## **CHAPTER I NATURE, MISSION AND RESPONSIBILITIES**

### **Article 1 Nature**

The National Development Agency, hereinafter referred to in short as ADN, is a service falling under direct State administration and operates under the direction of the Prime Minister.

### **Article 2 Mission**

1. The mission of ADN is to design, coordinate, execute and evaluate the policy as defined and approved by the Council of Ministers insofar as evaluation, management, monitoring and inspection of capital development projects are concerned.
2. In pursuing its mission, ADN shall be guided, namely, by the following objectives:
  - a) To promote national development and economic activity, particularly at district, sub-district and *sucro* levels;
  - b) To rationalise the available financial resources through a judicious evaluation of the projects based on the cost-benefit analysis;
  - c) To control the costs and the quality of the capital development projects.

### **Article 3 Powers**

ADN shall have the following powers:

- a) To evaluate the merit and the feasibility of the capital development projects;

- b) To supervise, verify and certify the quality of the capital development projects as well as their respective execution, in coordination with the relevant ministry;
- c) To manage civil construction projects involving amounts between one hundred and fifty thousand and one cent US dollars awarded to local companies headquartered in the sub-districts in the framework of the II Decentralised Development Programme (PDD II);
- d) To provide support to the Millennium Development Goals *Suco* Programmes (MDG Sucos).

## **CHAPTER II STRUCTURE AND COMPETENCES**

### **Article 4 Management**

- 1. ADN shall be managed by a Director, equivalent to a Director-General, and assisted by four team Coordinators, the latter being equivalent to National Directors;
- 2. The Director and his/her Coordinators shall be appointed on a secondment basis by instruction of the Prime Minister, pursuant to the law.

### **Article 5 Competences of the Director and the Coordinators**

- 1. It shall be incumbent upon the Director of ADN:
  - a) To manage and supervise all activities carried out by ADN;
  - b) To prepare and propose the annual and pluriannual plans of activities to his/her superiors;
  - c) To prepare and submit the reports of activities for superior consideration;
  - d) To propose the staffing table;

- e) To approve the certification of the projects and to endorse the opinions falling under the competences of ADN;
  - f) To promote any other actions deemed necessary to the pursuance of the ADN mission;
2. It shall be incumbent upon the Coordinators to organise, coordinate and take part in the works to be developed by their respective teams.

### **Article 6** **Operational structure**

ADN shall be composed of the following teams:

- a) Project Evaluation Team;
- b) Quality Verification and Certification Team;
- c) PDDII Management Team;
- d) MDG Sucos Programme Support Team.

### **Article 7** **Project Evaluation Team**

It shall be incumbent upon the Project Evaluation Team:

- a) To state its opinion on the Infrastructure Plan on request of the relevant entity;
- b) To advise on the merit and the feasibility of projects submitted to it both at the draft and the final stage of project design;
- c) To conduct a detailed evaluation of the quality of the project, checking all technical aspects thereof, including costs and quantity estimates and, if necessary, to propose changes;
- d) To verify if projects comply with applicable rules;

- e) To issue opinions prior to the awarding of contracts at the final stage of project design.

**Article 8**  
**Quality Verification and Certification Team**

It shall be incumbent upon the Quality Verification and Certification Team:

- a) To supervise and follow-up the progress of the project construction or implementation;
- b) To ensure verification of the projects;
- c) To evaluate, verify and recommend the necessary changes or adjustments during the phase of project construction or implementation;
- d) To recommend the payments taking into account the degree of execution of the project and of the quality required;
- e) To propose the certification of the quality of the construction, the infrastructure, or of any other type of project;
- f) To prepare or propose the adoption of special standards and norms for quality certification;
- g) To issue opinions prior to the awarding of contracts for the physical execution, construction and verification of projects.

**Article 9**  
**PDD II Management Team**

It shall incumbent upon the PDD II Management Team:

- a) To ensure the management of the projects integrated in the PDD II, pursuant to the respective legal regime;

- b) To take part in the special procedure for classifying and selecting the companies and for awarding civil construction works integrated in **PDD II**;
- c) To follow-up the progress of the projects and approve the progress reports and quality reports for payment purposes;
- d) To request advice from the Project Evaluation and Verification Team and Quality Certification whenever deemed convenient.

**Article 10**  
**MDG Sucos Programme Support Team.**

It shall be incumbent upon the MDG Sucos Programme Support Team:

- a) To provide support in the implementation of the projects in the framework of MGM Sucos Programme;
- b) To promote and follow-up the procedures for executing small projects under the direct administration of the local authorities, Suco chiefs or villages chiefs;
- c) To monitor the execution of projects and ensure the control of the respective payments;
- d) To request opinions from the Projects Evaluation and Verification Team and the Quality Certification team whenever deemed convenient.

**CHAPTER III**  
**EVALUATION AND CERTIFICATION**

**Article 11**  
**Evaluation criteria**

The following criteria shall, namely, be taken into account in the evaluation of projects:

- a) Foreseeable impact of the project for the development of the country, region, district, sub-district or Suco;

- b) Cost-benefit analysis of the project, taking into account, namely:
  - i. The estimate rate of utilisation of the infrastructure;
  - ii. The beneficiary population;
  - iii. Creation of employment;
  - iv. Promotion of national or local business activity;
  - v. Transfer of know how;
  - vi. Opportunities for capacity-building and training.
- c) The budgetary impact of the project, taking into account the respective total cost and its pluriannual projection, as well as the associate costs, including maintenance costs, capital costs and functioning costs;
- d) Compliance of the projects with applicable quality standards or rules;
- e) Technical, commercial, and financial capacity of the executing entity.

## **Article 12**

### **Certification criteria**

Certification of the quality of the projects, both at the final project design stage and at the execution or construction stage, shall take place on the basis of quality standards or rules provided for in specific legislation.

## **CHAPTER III**

### **STAFF**

## **Article 13**

### **Staffing table**

The staffing table of AND shall be approved by ministerial statute of the Minister of Finance following prior opinion of the Civil Service Commission.

## **CHAPTER IV**

### **FINAL PROVISIONS**

## **Article 14**

### **Coordination with other services and bodies**

Ministries and State bodies shall collaborate with ADN and coordinate their activities in such a manner as to promote a unitary and integrated implementation of the Government's policy for the areas defined in article 3.

**Article 15**  
**Transitional provision**

ADN may request functionaries from other State services, as well as hire national and international advisers or specialised companies to work for it on a secondment basis.

**Article 16**  
**Revocation norm**

Any norm contrary to the provisions of this statute is hereby revoked.

**Article 17**  
**Entry into force**

This statute shall enter 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

Enacted on

For publication

The President of the Republic

José Ramos-Horta



