Government of Saint Lucia

Department of Tourism, Information and Broadcasting

OECS REGIONAL TOURISM COMPETITIVENESS PROJECT

TERMS OF REFERENCE

FOR

CONSULTANCY TO SUPPORT THE MODERNIZATION OF THE LAND REGISTRY

1 Project Background

The Government of Saint Lucia (GoSL) has secured financing from the World Bank by way of a credit from the International Development Association (IDA) towards the implementation of the **OECS Regional Tourism Competitiveness Project (ORTCP).**   The Project aims to: (i) facilitate the movement of tourists within the participating countries using ferries; (ii) improve selected touristic sites; and (iii) strengthen implementation capacity for regional tourism market development in the OECS region.

This intervention builds on the "IFC's Investment Generation Saint Lucia" Project (2012-2014) which inter alia, sought to 1. Develop a strategic framework for Saint Lucia's Tourism Competitiveness; 2. Conduct a Benchmarking Assessment of Saint Lucia's competitive position as a destination for tourism and tourism investment; 3. Develop a tourism product Action Plan of policy recommendations; and 4. Compile a list of tourism assets identifying strategic investment opportunities for new or upgradeable assets.

Cognizant of the fact that the competitiveness of Saint Lucia's business environment has been eroding for several years (the World Bank Group's (WBG) Doing Business (DB) ranking for 2017 for Saint Lucia dropped from 78 to 86 out of 190 countries), the GoSL commissioned an Ease of Doing Business Task Force charged with the responsibility of coordinating business reforms to further attract foreign direct investment (FDI) into the Saint Lucian economy. As it relates to the Doing Business ranking for *Registering a Property*, Saint Lucia ranks 105 (compared to the regional average of 54.91).

The GoSL recognizes that in order to achieve its primary policy objectives - to increase job opportunities for local residents and stimulate local economic growth, the development of a vibrant private sector is paramount. Continuous private sector investment in the tourism sector can continue to create vibrant linkages with the rest of the economy. This investment can be increasingly generated by improving Saint Lucia's doing business processes, of which the operations of the land registry is crucial.

Valid property rights are necessary to support investment and economic growth. Property owners with registered titles are more likely to invest, and having reliable, up-to-date information on casdastres and land registries is essential for governments to correctly assess and collect property taxes. As such, the GoSL has listed the modernization of land registration as one of its key priorities to

diversify the economy with a view to attract both local and foreign direct investment.

The GoSL is currently implementing a land registry digitization project which started since in 2008. The digitization project aims to:

1. Allow for the offsite storage of electronic records to protect from destruction by man-made or natural disasters;
2. Provide easier access to Land Registry documents by persons within the department and other interconnected agencies;
3. Reduce handling of documents thereby reducing wear and tear and theft of documents; and
4. Facilitate a web-based service to the general public.

The digitization process involves three main stages

1. Scanning (the documents are retrieved from the vault and prepared to pass through the scanner, the documents are then scanned and saved as PDF files, reassembled, sorted and returned to the vault);
2. Data capture (the scanned documents approved by the data entry personnel and the relevant pieces of data are typed into a database); and
3. Data verification (the scanned document along with its captured data are reviewed to verify that the data that has been captured is accurate).

Annex 1 illustrates the digitization process.

Approximately 151,094 documents have been scanned and digitized, with an additional 147,770 more pending. It is anticipated that the scanning of documents will be completed within this upcoming financial year, 2018-2019.

In August of 2017, a new platform, called the Land Administration Information Systems (LAIS) was introduced. LAIS is a web based system which allows of the Land Registry to update the database with the new information that is being generated currently. The LAIS is a work-in- progress which is currently being developed internally. It seeks to centralize departments' data and make that data more readily available to land administration staff for the execution of their duties. Such departments include: the Land Registry, Crown Lands, Physical Planning and Surveys and Mapping.

2   Objective of Assignment

The objective of this assignment is to analyze processes and requirements, produce a detailed plan and recommendations to modernize the Land Registry and land administration in Saint Lucia, with a view to improving the efficiency and enhancing transparency and accountability in the land administration process. The assignment will also improve compliance by the citizens and businesses and increasing land revenue. Land administration here refers to registration, cadastre/mapping/survey, land records, land taxes and fees, land lease, mortgage, institutional, legal, regulatory and policy aspects. To achieve this objective, the services of a Consulting firm (Consultant) with a strong track record of enhancing, and automating or re-engineering business processes will be engaged, to recommend an effective process to automate the processes involved in the registration of land.

It is therefore envisaged that this consultancy will build on the digitization work started by the Department of Physical Planning and enable Saint Lucia to adopt a digitalized, secured, and searchable land information database, which will add value to the operations of the land registry by: of 1) improving ease of access to, protection of, and faster verification of documents; 2) reducing the time needed to register documents in the Registry, thereby considerably decreasing the duration of the various Land Registration processes. The assignment will also include the aspect related to the interoperability and secure data exchange between Registry of Companies, Inland Revenue Department, National Insurance Corporation, Registry of the High Courts, and other stakeholders.

This enhancement will gradually contribute to the establishment of a more robust land tenure system which will ultimately result in defining land regulated behavior, in terms of land use controls as well as associated responsibilities and restraints. This would provide not only a digital but a transparent and readily available platform for swift access to all land-related information. This would assist all related agencies in effectively implementing and managing their work programs, thus favorably impacting on the developmental, economic and financial services of the state.

3   Specific Scope of Services

The Consultant would be expected to complete the following tasks:

a) *Diagnostic assessment (25% of contract amount)*

- Become familiarized with the indicators in the WBG's DB 2017 (and previous) Report for Saint Lucia with focus on areas of relevance to land registration.

- Review of best practices under the WGB (and other) DB Initiative as well as the reforms proposed by the WBG DB team, especially those which are relevant to the registration of land.

- Consider and draw fully on the findings and recommendations of previous studies, including work undertaken by the WBG Indicator Based Reform Advisory team relevant to Saint Lucia particularly focusing on areas of relevance to land registration.

- Conduct a detailed assessment of the land registration processes and review the relevant documentation that supports the current land register and archive management/processes. The assessment will include a detailed review of the manual and automated system currently in place for registration, restoration, mapping/survey and record management (including the present system of digital mapping/survey and any other back office and client-facing systems).

- Conduct detailed interoperability assessment of the Land Registry system and its exchange of information with external agencies (including security and data integrity review).

- Assess the organizational and institutional capacity of the other agencies involved in land tenure/registration/survey/mapping in terms of current processes (redundancy, complexity, time to complete), IT systems, capacity, staffing and skillsets, governing legislations and guidelines.

- Consult and liaise with all relevant public and private sector stakeholders to build consensus among stakeholders with a view to incorporate the feedback in the proposed recommendations.

- Preparation of process diagrams (by different ownership/transaction types) and functional requirements specifications

- Prepare AS-IS diagrams for all Land Registry processes including data exchange with other agencies. The list of agencies with which data exchange

is necessary and feasible will be assessed while preparing the functional requirement specification.

- Prepare requirements specification including hosting network, security and functional requirements. The consultant will liaise and work closely with the Central IT Department when preparing the requirements.

b) *Formulation and Presentation of Recommendations (50% of contract amount)*

Based on the diagnostic assessment the Consultant shall:
- Recommend at least two options for digital archiving of files, data and registered instruments with a view to adopting an effective system for modernizing the Land Registry to enhance efficiency of services at the Registry. Consideration should be given to adopting an electronic web-based interface for customers, creating a platform for registered users to pay to search the land registry, to facilitate online registration and promote access to land information via kiosks.
- The options for modernizing the land registry should include:
  o Estimated budget/cost for all activities involved in the modernization process;
  o A framework for the land tenure database.
- Provide recommendations (including TO-BE diagrams) for a modernized process re-engineering and/or a revised framework for each process. including registration, restoration, mapping/survey and record management
- Make recommendations for training programs/training plans and institutions capable of providing such training.
- Review existing laws and regulations on land registration, mapping/survey and provide a detailed analysis of any proposed changes to policy, and relevant, aspects of regulations and legislations that need to be undertaken to establish an integrated online land registration and management system. Rationalization and consolidation of the current fees and taxes should be part of the legal review, analysis and recommendations.
- Recommend modalities to strengthen the land registry records (both registration and survey/mapping) and practices in terms of protection for vouchering and falsifications taking in to account costs, staffing and access considerations.

- Present recommendations and digitization options to key agencies and stakeholders to solicit feedback with a view to selecting a preferred option. At least one presentation must be made by the consultant (s) in person.

c) *Formulation of Implementation Plan (25% of contract amount)*

- Prepare an implementation action plan for digitization, outlining resources and technology required with feasible timeframes.

- Develop a change management strategy for key agencies and provide respective training to staff.

- Outline a draft agenda/action plan to take the recommendations forward toward implementation.

4 Expected Deliverables

The Consultant will be monitored to ensure continuous commitment to fulfilling responsibilities outlined in the Scope of Services. Key deliverables are outlined below:

1. Diagnostic report to reflect key findings from the diagnostic assessment. This diagnostic report should include, *inter alia* a gap analysis which clearly outlines the current deficiencies/gaps at the Land Registry; and delineates proposed solutions to rectify those issues, whilst also noting the expected goals after rectification.
2. A data migration plan to transition from the current IT system at the Land Registry to the proposed IT system. This should include at least two options for digital archiving, automating work processes and information accessibility including technology specifications and estimated costs.
3. Re-engineering diagrams for all ownership and transaction types (AS-IS and TO-BE). See Annex II for details.
4. Functional and Operational Requirement Specifications. This should include the future ICT needs of the client on the overall system development, data security, hardware and infrastructure upgrade, system integration and migration from the previous system.
5. Implementation Action Plan with feasible timeframes for modernizing the Land Registry.

6. A Change Management strategy for key agencies involved in the land tenure/registration process.
7. A capacity building (including training) plan which takes in to account the various key stakeholders including end users, IT personnel; and Staff at the Land Registry.
8. Documented legislative and institutional changes required to modernize the land Registry.
9. Agenda to transition recommendations toward implementation.
10. Report on key comments/feedback received from presentation of recommendations.
11. A combined final report on all expected deliverables.

All Reports and documents prepared for the assignment are the property of the Government of Saint Lucia.

5 Duration

This consultancy will commence on and will be executed over a 3-month period (calendar year) using 5 man-months. Key personnel for the services shall comprise the following:

KEY EXPERTS	TIME INPUT
Team Lead	3 man-months
Legal Expert	1 man month
Information Technology Expert	1 man-month

6 Qualifications and Experience Requirements

The Consultant team should comprise a multi-disciplinary group of experts with relevant, demonstrable expertise in enhancing, and automating or re-engineering business processes particularly those specially related to the Land Registry.

The firm should be registered; and the minimum required qualifications and experience of the consulting firm are:

General Experience:

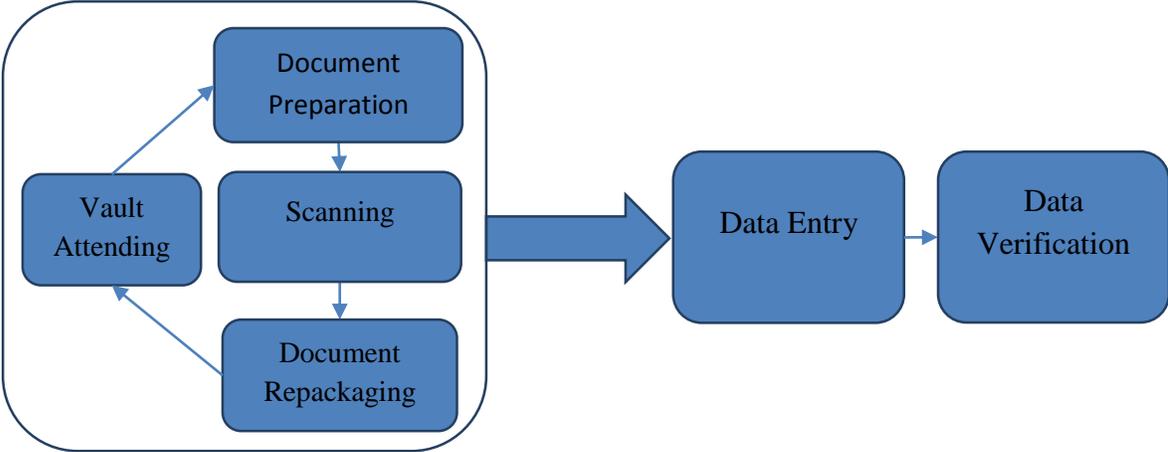At least ten (10) years' experience in in enhancing, and automating or re-engineering business processes

Specific Experience:
At least two (2) successfully completed contracts during the past five (5) years which involved the modernization of a Land Registry or similar agency.

POSITIONS	QUALIFICATIONS, EXPERIENCE, SKILLS & ABILITIES
Lead Consultant	▪ At least a Master's Degree in Change Management, Business Administration, Land Administration, Innovation or related field; ▪ At least ten 10 years' experience in process/change management or relevant operations ▪ Demonstrated experience in multiple country contexts in administration of land policies and land affairs, in particular with regard to registration of rights in land, land cadaster, and management of state lands ▪ At least seven (7) years' experience in institutional capacity building in respect of archive management and analysis and/or development of digital archive management systems and procedures ▪ At least five (5) years' experience working on Doing Business reforms in Latin America and the Caribbean region ▪ Extensive experience providing advice and reports to senior government officials and staff would be a plus ▪ Demonstrated research and analytical skills pertaining to private sector development issues ▪ Excellent interpersonal skills and ability to work effectively with internal and external partners in a multicultural environment ▪ Experience working on donor funded projects for organizations such as the World Bank would be a plus ▪ Strong project management skills and meticulous attention to details, as well as ability to multitask under deadline pressures ▪ Excellent oral and written communication and presentation skills in English ▪ Appropriate involvement and/or experience in similar projects in developing countries in general; and in the OECS Region, and Saint Lucia in particular would be a plus

Information Technology Expert	▪ At least a Postgraduate diploma in Information Technology, Information Systems or similar relevant field with a minimum 6 (six) years' experience is desired. ▪ Demonstrated work experience in Information Technology ▪ Extensive work experience in automating large business processes is desired ▪ Knowledge of technology (software) relevant to automating business processes such as land registration or record-based registries would be an asset ▪ Good interpersonal skills and ability to work effectively with internal partners in a multicultural environment. ▪ Appropriate involvement and/or experience in similar projects in developing countries in general; and in the OECS Region, and Saint Lucia in particular, would be a plus ▪ Experience in Change Management ▪ Experience in Systems Analysis and Design
Legal Expert	▪ A Law Degree from a reputable institution with knowledge in Land Law / Civil Code ▪ At least ten (10) years of professional experience on legal and regulatory framework with respect to land including land tenure, access to land, land transactions, land management, developmental control, and land acquisition ▪ Good interpersonal skills and ability to work effectively with internal and external partners in a multicultural environment ▪ Knowledge of key legislation e.g. Land Registration Act (revised in 2008) or similar land registration legal frameworks ▪ Appropriate involvement and/or experience in similar projects would be a plus

ANNEX I – DIGITIZATION PROCESS

Document Preparation

Vault Attending

Scanning

Document Repackaging

Data Entry

Data Verification

An indication of the level of detail for each of the process mapping diagrams for all transactions types related to land registration, survey/mapping is as follows:

1. Land Registration
    - Document Requirements to Initiate Registration: are standard forms available?
    - Examination of documents, quality checks and verification bases for rejection of registration
    - Processing of documents following decision to proceed with registration
    - Completion of registration
    - Document recording and storage
    - Communication of registration to other Government agencies

2. Land Records
    - Documents required for transfer
    - Examination of documents, quality checks and verification
    - Public vetting of pending transfer; site check
    - Handling of objections, if any
    - Completion of transfer
    - Document recording and storage
    - Communication of transfer to other Government agencies

The process mapping should include the following details for each of the processes:

- The legal basis for the process
- Other institutions involved in the process
- Official fees required to complete the process
- Documentation and information requirements that the investor must provide
- Processing time (statutory maximum, if any; average processing time, etc.)
- Number of applications received including (a) number accepted and successfully processed and (b) number rejected or sent back to the applicant flowchart/process

mapping diagram (both inter-agency within land registry section, survey and mapping section as well as intra-agency process maps)

The consultant will be responsible for putting together the full chain of process mapping for each identified transaction type, and in identification of all relevant government ministries/agencies, or third-party service providers/intermediaries that are directly involved in the process.