

Indicators For Assessing The Effectiveness Organizational Processes Within The Context Of Quality Management

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Abstract: Public sector reform aim to increase its performance, efficiency and efficacy by means of the qualitative improvement of the services supplied by the public sector in view of maximizing the citizens' individual wellbeing, by increasing the degree of democratization and public participation in the administrative and political decision making, through the creation of a framework of delegation/distribution of responsibilities which allow it and which facilitate the emergence of another level of accountability of those who hold and administer power in the public sector before the beneficiaries of this process (citizens, consumers, taxpayers).

Public administration must consolidate the capacity to improve results and to change its vision, as well as its working manner. The critical analysis and the learning process after obtaining results and the impact at the level of service supply, meant to promote change and the improvement of public administration and management represent the engine of change. Public administration reform presupposes not only a change at the technical level, but especially a modification of the administrative culture consisting of a change at the level of behaviours, attitudes and relations. Also, an important role is played by organizational culture, which must be developed as a modality of stimulating constructive ideas and team work.

Keywords: public administration, quality indicators, public service

Theoretical background

Public service reflection in the specialty literature and in the legislation in the field

The major changes that occurred in the economic and social environment were due both to the economic and technological development and to the increase of the level of living of the citizens, which lead to the amplification of the need for public services, as well as of the dimension at which they had to be supplied. We can say that the public service occurred and developed gradually due to the increasingly numerous and varied needs of human society, in parallel with the increasingly visible involvement of the state in providing them. In order to satisfy public needs, public administration must be continuous, prompt and must adapt to the social needs and realities in their dynamics. In view of fulfilling the administrative duties regularly, continuously and according to society's needs and expectations, public administration is governed by a special legal regime, the administrative regime, which answers to the reason for the existence of the public service.

Satisfaction of the public interest is the fundamental function of public organizations, which materializes by offering public services to the citizens, and the state must protect public interest by means of laws and regulations and must delegate public service supply to „private law and public law enterprises”¹.

According to the specialty literature², by public interest is understood „the en-

¹ Matei, A, (2003) *Economie publică. Analiza economică a deciziilor publice*, Economică Publishing House, Bucharest, p. 76

² Prahoveanu, E. Matei, A. (2005) *Economie și politici economice*, 3rd edition, reviewed and added, Economică Publishing House, Bucharest, p. 172;

tirety of interests expressed by a human collectivity with respect to the requirements of organization, living together, social assistance, transport etc.”

General interest is, on the one hand, a principle that characterizes the functioning of the state apparatus and, on the other hand, an objective limit imposed on the exercise of public authority, representing to an equal extent an attribute of the state power, being the only one able to define a collective interest.

The attempt to solve the needs of human society takes the form of a historical constant, but the interpretation of those needs is closely related to the development step on which society is at a certain given moment, as well as to the aspirations, desires, motivations and the vision of its members, the specialists in the field (theoreticians and practitioners) trying with difficulty to classify human nature in theoretical constructs, knowing the multitude of faces that human nature may reveal.

Society's answer was articulated throughout history by means of different institutional mechanisms implemented by the social agents of the time, among the important protagonists of the actions performed in this field being: social initiative (associations, foundations, social and revindication movements etc.), the market, the state a.s.o.

This chapter searches deep into the role and importance of public services in solving the social needs, in the light of one of the approaches to public service, namely the economic approach.

From the researched specialty literature it was derived that public economics approaches the relations between the actors of the economic life and, therefore, access to public services, as well as the satisfaction offered by them, which must be taken into

consideration when assessing the individual or collective welfare level and that it has as basic principle the satisfaction of interests of the persons forming a collectivity, the collectivities representing parts of society in its entirety.

The inclusion of the public service in the sphere of public economics has as basis some of its characteristics, namely: the satisfaction of a public request answering the general interest; the establishment of public services is the exclusive attribute of the deliberative public authorities and the subjection to a legal regime regulated by the public law principles, with special reference to the public economic law.

Public services demand is influenced by: the service price, the changes occurred in the citizens; preferences, the segment of population served the quality of the public service provision. Also, the supply is also influenced by a series of factors, such as: service price, the price of the resources necessary for executing the service, the organization's technical progress, the number of suppliers.

From the etymological notion of "service" has its origin in the Latin word "servitum" which means "slave" but means "being in the service of someone", "to make a service" evoking the idea of "public service".

In the economic sense, according to the literature in the field, services are intangible economic goods and consist of useful benefits for the consumer. This activity is useful for him (it satisfies a need) that presents an economic value (exchange value in exchange for the price paid service).

Strict definition of the concept of "service" is doable "because of the heterogeneity of such activities and the many meanings of the expression in the daily life of the mind:

job, job, work performed for the benefit of someone unincorporated subdivision of an overall economic or administrative assistance given to someone in a particular circumstance etc. "

There are many classifications of public services by different criteria:

After their source of purchase:

- a) freight services (market),
- b) non-freight services (non-market).

After serving in the nature needs are divided into private and public. Public services are activities organized by central or local administrative authority for individual and social needs of public interest are financed from the state budget or local budget (education, public health, social work). Public services have a number of characteristics which are reflected in the material and human resources management, relations between providers and users on how assessment results, etc.

In recent centuries, the state has become a public service provider, in the eighteenth century.

Understanding the concept of public service in material state has its origins in activities other than those related to sovereignty or authority and aimed at meeting the needs of people, knowing several stages.

In a first step, the state has assumed the provision of medical services, education, etc., collectively known as social assistance services.

In a second step, the state created the economic infrastructure that was the material basis of other public services. This step has been overcome difficult barriers largely due to the liberal vision that public entities did not have the necessary capacity to provide services with economic content.

The solution to overcome this approach

has taken the form of concession, the government reserves the right holder of the service provided, but economic exploitation lies a private matter.

The state becomes a true public service provider at the end of sec. nineteenth century and the beginning of sec. twentieth century, when governments have taken delivery of these services.

The division into private and public considers the nature of the provider, the services being provided by private companies or private organizations, and the public being offered by public institutions, public bodies or organizations. But this structure in public and private services are not always clearly maintained, for example public transport can be achieved by the public sector and the private sector, as well as service water supply, electricity, gas or sanitation service. On the other hand, market relations and public services by private companies can not be made for services that were socially prominent character such as defense, national security, public order, social assistance.

Another classification criterion has the economic functions performed by them. By this criterion, the services can be:

- a) distribution: transport, communications;
- b) production (business): banking, insurance, accounting, advertising, research development;
- c) social (collective): health, education, post, non-profit public service;
- d) Personal hotels, restaurants, houses of orders.

A number of classifications of the services as the basic criterion provider nature. Thus, according to ownership and organization of service providers, distinguishes

between services in:

- a) the public sector, represented by the courts, hospitals, barracks, post, schools, labor agencies etc.;
- b) third sector bodies consisting of the help and assistance: churches, museums;
- c) the private sector, in which we can mention: airlines, banking and insurance financial bodies etc. “

We conclude that a wide range of services satisfying needs of the people, from the primary (transport, to ensure basic conditions of existence: water, heat, electricity, health care, etc.) and to the related to providing superior comfort, raising culture etc.

Subsection

1.1 Public services from an economic perspective

The public sector comprises everything related to public administration - the judiciary, public order, administrative, education, defense, manufacturing and asset management of common interest at central and local level, that everything can be included in the term of service public and considered as a result of economic activity in this sector.

“Market economies must be combined with social responsibilities, to produce sustainable growth.”

In a new perspective, public services are no longer confined to the state, which the administration has the organization and operation thereof, nor the only specific methods used state authority. In reality no longer coincide with the public sector and public services only able to reconcile the concept of space is to organize collective functions. This behavior reflects the administration actually objective trend of displacement of the center

of gravity of the activity to management and efficiency in detrimental control action, thus explaining the closeness of public law and private law, while the administration seeking agreement partners, accepting the need for cost effectiveness and in some cases, the existence of competition places its interventions into the market economy.

Analysis of market economy can not be achieved without making reference to the public economy which although not a proper market - is itself a subsystem of the economy.

Public Economics addresses the relationship between actors of economic life, therefore, access to public services and the satisfaction they provide to be taken into account when assessing the level of individual or collective welfare. The public economy is the basic principle satisfy the interests of persons who make up a community, representing parts of society as a whole. Therefore the public economy is a subsystem of the national economy that provides goods and services to cover public of needs. They may come from businesses owned by, the units of mixed public and private owned and private sector of the economy, budgetary resources being purchased and distributed by their own criteria.

You also need to highlight that there is an optimum public service which may have as criteria the supply and demand for the service time necessary social consumer to access and use public services and social and individual costs.

The inclusion of public service within the public economy is based on some of its features such as: a) satisfying a responsible public general interest; b) the establishment of public services is the exclusive attribute of deliberative public authorities; c) subjecting

to a legal regime governed by the principles of public law, with particular reference to public economic law.

Public services in terms of economic doctrine is characterized by the "intangibility, inseparability, variability, and perishability standardization."

Public services are intangible ie can not be seen, tasted, smelled before being purchased or consumed and thus appears a certain restraint in the purchase decision of potential users. Under these conditions, the sale of services requires increased efforts to stimulate demand and knowledge of it by showing visible parties expressed their staff quality, product features, prices, environment etc. In the literature, there have emerged a number of concrete ways of highlighting the aspects of a service, including mind: a) both the service is rendered as a first element that allows us to form a picture of the service. Communication with potential users about the service provided by advertising, commercials, minifilme advertising, public relations, leaflets etc. aims to highlight what is visible and in particular its most recent improvements. b) the consumer price is used as a key indicator of service quality.

Therefore, the task is to make the provider tangible service through one or more appropriate ways and transmit signals in terms of quality. This is called "evidence management" the organization providing the service users prove its service capabilities.

Inseparability services is that the supply and consumption occur simultaneously, the provider is part of the service. The service provider can not exist separately from his and therefore is inseparable from the quality of service quality provider. Simultaneity of production and consumption of services also

requires consumer participation in service delivery, the most representative feature of whether services are provided by man or machine is to satisfy material or spiritual needs that are meant for individuals or communities. This is considered fundamental feature of services and their main criterion for delimiting the other activities in the economy.

Variability of services is a feature that means the impossibility of repeating them in the same way, from a service to another provider they depend on the human factor, the place of supply, delivery mode and time variable.

Standardization of public service delivery can not be generally assured. One can speak rather of personalization of public services. For this literature highlights the existence of service quality control process in three steps: a) selection and training of staff performance, b) developing map service and c) measuring the level of satisfaction of social need.

The quality depends on the quality of service they provide and the quality of provision and user retention rate is the best measure of quality of service. Service providers should take measures not only to provide always a very good service but also to correct errors in performance when they occur.

Perishability is "the capacity of public services to not be stored or inventoried.

1.2 Demand and supply of public services

And in the public economy meet demand and supply of public services but, unlike the mechanisms of supply and demand in the market system based on individualized meeting economic operators, public

economy has its own mechanism which is that there is no obligation from consumer to pay directly for the services procured manufacturer. Relations between consumer and producer is achieved through central and local administrative institutions.

Offer public services reach the consumer indirectly by involving public authorities or institutions. Functioning economy requires deepening public understanding of the mechanism by which the correlation between the need for public services and the ability to provide such services. It's about supply and demand for specific services under public economy. It should be mentioned that the terms of supply and demand are not equivalent to similar concepts specific market mechanism.

The demand for services, according to the literature in the field, is influenced by a number of factors such as: "a) the price of the service provided; b) the price of substitute services; c) changes in citizens' preferences; d) segment of the population served by the organization; e) its capacity to invest to enrich the quality and / or diversify the public service; f) forecasts managers about the prices of public services; g) the service organization's position in the market. "

Also, factors affecting the provision of public services in the market are: "a) public service price; b) the prices of resources needed for the service and technical progress of the organization specialized in the production of public services; c) Estimates managers about pricing; d) the number of public service providers ".

Offer services is "effective until the marginal costs of any public service public become equal marginal benefits services. If you continue providing services beyond this

point equal the costs are greater than the benefits, which means that the provision is no longer effective. "

Public benefit is related to public utility services, being the result of an effort that the material and labor expenses. Hence the need to specify the form of indicators (measuring instruments), how big or small the benefit. Quantification it is necessary to follow the progress of time. Regarding quantification must be said that there is a difference between the profits from economic activity and that obtained from public activity. The economic benefit may be easier to quantify because it takes into account profit, interest, while public benefit quantification is difficult and sometimes impossible, because we are talking about a public meeting without a profit.

In general, the production of public services is estimated by outputs, ie the results of system activity or exits the system. The production of public services is measured by inputs or by amount of expenses used to produce them, ie inflows of economic resources sector. Instruments for measuring outputs of public services are quite insignificant. Therefore are very big difficulties in ensuring accurate records in effective management practices.

And the public economy we can talk about streamlining and optimizing public activities. If the market economy, economic activity is effective when the results obtained from it are greater than the effort to obtain them in public economics is not intended to make a profit, as I mentioned, we are talking about the usefulness or pursuing public benefit products and services and their cost. In market terms, the results are measured by indicators such as profits or turnover, and

effort in general, the cost of production. If the report that were covered expenses and to make a profit, then the activity is profitable and therefore effective.

In public economics we have two elements necessary to establish efficiency: on the one hand, the results, and on the other hand, the effort to obtain it.

The possibility of evaluating the effectiveness allows a choice between different versions on request public service to those who have the highest efficiency, which is, after optimization process and also various public actions of all activities in the field. Underlying this approach is cost - benefit analysis. In this analysis are taken into account all the benefits (gains) and the costs (losses), regardless of who they are incurred. One benefit is any utility gain and any loss of utility costs, although it is possible that the loss to turn into a new utility. In theory, it is considered that any public good or service can be provided until the social costs (public) equals marginal social benefits (public) marginal.

The purpose of this review is to highlight whether public resources by using them, leading to maximization of total social benefits, and therefore if their allocation is efficient. When talking about optimization utility is maximized, and public economics fundamental concept is the optimal Pareto optimal. Pareto optimum describes a situation in which economic and production resources are allocated in such a way that no other allocation can not give someone an increase in welfare without causing a loss to another person. Pareto diagram consists of three conditions that must be met in order to safely assume that an economy has reached the point of maximum efficiency, namely:

a) The services must be allocated, as to bring maximum customer satisfaction.

b) inputs are distributed so that the production cost is minimized and this is possible when an input may be reallocated to increase production of a good, without reducing the production of another good, c) the system must maximize production. This condition is fulfilled when any factor of production can not be reallocated to produce another good that could make him a consumer to be satisfied at the expense of another consumer. This last condition ensures, in particular, that the conversion values for basic preferences and income levels of each consumer are equal to their cost of production, as they appear from the use of production factors.

The public sector is "all enterprises in which the state exercises a preponderant influence." In other words, is the sector that has the means and the policy instruments to control society through production, prices, finance and public administration.

In the literature, it is defined by three distinct criteria: legal, financial and operational. The public sector includes government organizations and other bodies governed by public law, private organizations performing public interest, including non-profit organizations active in education and health and all organizations in public administration, social security law and order, education, health, social services, regardless of funding source and form of organization.

We can say that its reform aimed at introducing a new management culture and market-based mechanisms in the public sector, the reorientation of government to citizens' demands, improving the performance of public administration and provision of better quality services. Also, some government

responsibilities were decentralized to lower levels, and civil society organizations have become increasingly involved in providing public services for citizens are entitled to public goods and services "in a transparent, efficient, objective and responsible. "

It should be noted that currently there is a focus on quality and its promotion and use of initiatives and tools for quality management (TQM, benchmarking, CAF awards for quality in the public sector), which is the new trend of administrative reform which included all Member States of the European Union, including Romania.

Achieving balance in the civil service is done by optimizing the supply - demand. The optimal economic system means "system that provides maximum of what people need." When demand exceeds the capacity of current public services to ensure we have a system overload and in the opposite mention an underload. Thus, we demand variability and feedback should provide the correct information in order to make optimal decisions on the ability of the public service.

LEGAL APPROACH TO PUBLIC SERVICE

A consequence of the expansion known by the state phenomenon throughout the 19th century is also the revealing of the legal side of the concept of public service, even more so as public administration was expanding its degree of participation in the economic activities, the guiding principles of public law (sovereignty, authority) being unable to fully ensure the justification, organization and working manner of these services.

The French doctrine distinguishes between public service in organizational,

institutional sense and public service in functional sense, in the organizational sense being designated the structure that performs the activity of general interest and the legal form it takes, and through the functional sense is understood the obligation of the state bodies to ensure the running of general interest activities continuously and regularly.

Part of the School of Bordeaux were Duguit, Jeze, Bonnard, Rolland, who considered that administrative law can be defined as the law of public services, and the state and an ensemble of public services. According to the School of Bordeaux, the notion of public service refers to a general interest activity managed by a public person and subjected to administrative law and to the competence of the administrative judge. The fundamental thesis of the Public service school is that all administrative law can be explained through the notion of public service.

Jeze G. (1914)³ considered public services only those services that satisfy a general interest and to which the lawmaker gave that character and, also, claimed that in a public service there are combined three elements:

1. a mission considered obligatory for the state;
2. a number of agents trained to fulfill this mission;
3. a certain number of goods and funds assigned for the accomplishment of this mission.

In France, the concept of public service evolved together with the evolution of public administration, characteristic being two phenomena: the proliferation of public services having an economic object, respectively industrial and commercial public services;

³ Jeze, G. (1914) *Les principes généraux de droit administratif*, 2nd edition, Paris, p. 247;

the development of the participation of private persons to general interest tasks (public services management by private persons is best illustrated by the concession of public services).

For Duguit L.⁴, public service represents „any activity whose fulfillment must be ensured, regulated and controlled by the governants because this activity cannot be fully achieved except through the intervention of the public force.” This objective view of public services was criticized by Duguit’s successors. In this sense, Gaston Jeze⁵ claimed that the definition given by Duguit does neither define nor list the activities which, by their nature, must be provided by the local collectivities. He⁶ claimed that public services are only the general interest needs that the government of a certain country decided at a given moment to satisfy by means of a public service.

In the classical doctrine, both in the objective and in the subjective conception, it is considered that there is an absolute coincidence between the public service and administrative law, that administrative law is the law of public services. The adepts of the Public service school also had opponents who reproached that they did not give attention to the exception that accompanies the

⁴ Duguit, L. (1907) *Revue du droit public et de la science politique en France*, p. 409;

⁵ Jeze, G. (1914) *Les principes généraux de droit administratif*, 2nd edition, Paris, p. 250;

⁶ In France, the services are detached from one ministry to another by Presidential decree; also, he is entitled to create new ministries. This is how were created in France the ministries for agriculture and post offices in 1881. Also the President can delegate to under-secretaries of state a part of the ministerial duties.

principle, namely the private management of public services. Hariou claimed that Duguit's School was mistaken for eliminating from the public law the notion of public power, which is the most important notion, while the concept of public service occupies second place in the hierarchy of importance of the notions with which administrative law operates.

According to the classical French ideas, public service is a general interest activity, ensured by a public person through means and procedures subjected to administrative law.

In 1963, the Council of State in France, in the *Sieur Nancy* decision, indicated four characteristics of the public service:

a) a public service fulfils a general interest mission; this is a necessary, but not sufficient condition for an activity to be considered public service;

b) administration exercises a monitoring right over the modalities of fulfilling this general interest mission. It is a matter of the hypothesis in which administration reserved a right to control the modality in which the public service is executed;

c) the body entrusted with the management of the public service is invested with public power prerogatives;

d) administration has a power of trusteeship which is exercised by appointing members to the board of directors.

The notion of public service is legally conceptualized through art. 4, letter c) of Law no. 178/2010 regarding the public-private partnership as representing „the entirety of actions and activities through which is ensured the satisfaction of the utility and general or local public interest needs of collectivities“. According to art. 2, letter m) of Law

no. 554/2004 of the administrative contentious⁷, public service represents „the activity organized or, as the case may be, authorized by a public authority, for the purpose of satisfying a legitimate public interest.“

Therefore, the public service has as goal the satisfaction of utility and public interest needs, namely of a legitimate public interest, as defined in art. 2, para.1, letter r) of Law no. 554/2004 of the administrative contentious⁸. In the meaning of art. 2, para. 1, letter r) of Law no. 554/2004 of the administrative contentious, modified and completed through Law no. 262/2007, the legitimate public interest represents the interest targeting the legal order, constitutional democracy, the guarantee of the citizens' fundamental rights and liberties, the satisfaction of community needs, the achievement of the competence of public authorities. Through the expression „satisfaction of community needs“ there are taken into consideration the social needs that call for restructuring of the public administration organization, perfecting of the public services system at the level of localities.

From the comparative analysis of the notions of public service and public legitimate interest, we notice that the two notions are interdependent, existing an interconditioning between them in the sense that the public service organized or, as the case may be, authorized by a public authority cannot be conceived other than having as purpose the satisfaction of a legitimate public interest, and, on the other hand, the legitimate public

⁷Published in the Official Gazette of Romania no. 1154/2004 with subsequent modifications and completions;

⁸ Modified and completed through Law no. 262/2007;

interest aims to achieve the competence of the public authorities in the satisfaction of the community needs by means of the public services.

The increase of the state and local collectivities interventions, the multiplication of the public structures, the increased demand of users, the individual and collective needs, the administrative jurisprudence concurred for the expansion of the application field of the concept of public service. The analysis performed targeted the main authors in the field, both Romanian and French, among which we mention: Iorgovan A., Alexandru I., Oroveanu M., Negulescu, Văraru M., Tarangul, Gaston Jeze, Duguit L., Braibant G., Berthelemy H.

Tarangul E.D. considered the public service as being „any activity of the public authorities for the satisfaction of a general interest need which is so important that it must function regularly and continuously (for example, education, justice, police, social assistance)”.⁹

Prof. Negulescu P. said that „The administration works through public services, which are administrative organisms created by the state, county or commune, with determined competences and powers, with financial means procured from the general patrimony of the creator public administration, made available to the public with the destination of giving satisfaction, permanently and continuously, to a general interest. Public service appears as a public law procedure, due to which the state (county or commune) may achieve its goal, giving

satisfaction to the general interest.”¹⁰

Public service is considered by the specialists in the field of administrative sciences as being „an activity of the public authorities for the satisfaction of general interest needs, which is so important that it must function regularly and continuously”¹¹, or „an activity directly or indirectly undertaken by the administration for the purpose of satisfying a general interest need and which is partially subjected to a public law regime”¹², or “an organism established by law or on the basis of the law, by the state, county, town or commune, for the continuous satisfaction of certain specific interests of society’s members”¹³, or a „service established and organized by the state or its administrative divisions for the fulfillment of their executive duties”¹⁴.

The evolution of the notion of public service was strongly influenced by the legal sciences and especially by the administrative law. In the opinion of the theoreticians of administrative law, the public service is the means through which administration

¹⁰Negulescu, P. (1925) „Tratat de drept administrativ român”, Tipografiile Române Unite, Calea Rahovei, 3rd edition, reviewed, Bucharest p. 223;

¹¹ Tarangul E. D. (1944) op. cit p. 124;

¹² Dupuis, G. Guedon, M. J. (1991) Droit administratif, 3rd edition, Armand Colin, Paris, p. 42;

¹³ Prisăcaru, V. (1993) Tratat de drept administrativ român Lumina Lex Publishing House, Bucharest, p. 98;

¹⁴ Alexandru, I. (2010) Tratat de drept administrativ, Universul Juridic Publishing House, Bucharest, (2002), Alexandru I (2007) op.cit., p. 132, Drept administrativ, Lumina Lex Publishing House, Bucharest;

⁹Tarangul, E.D.(1944) “Tratat de drept administrativ român”, Glasul Bucovinei Publishing House, Cernăuți, p. 130;

exercises its activity and it can be defined as being an activity performed for the satisfaction of general or local interest needs by a central or local public authority or by private law legal entities declared of public utility or authorized by the public authorities to perform certain general/local interest activities.

The central element of the legal approach to public service is constituted by the public interest, the general interest representing the social need specific to a community, which public administration must satisfy.

Another element that defines public service in the legal doctrine is the public authority entrusted with the provision of the public service. From the analysis performed are clearly derived the following aspects: public service is, from the functional point of view, organized directly by a central /local public administration authority and functions under its authority; the public service always has as goal the satisfaction of a public need, which means that it answers the general interest. Public service is provided by the public administration, regardless of whether it is executed by itself or by means of other service providers, hence administration's accountability to the citizens through the manner in which these public services are provided. There are categories of public services which cannot be provided except by the state, such as public order, social assistance, fire prevention and putting out. The establishment of public services is the exclusive attribute of the deliberative authorities, respectively of the local councils, and their organizing and functioning are the attributes of the executive authorities, namely of the prefect (for counties) and mayors (for towns and communes) and according to the principle of symmetry of legal acts, public services can be

dismantled through acts of the public administration authorities that established them.

MANAGERIAL APPROACH TO PUBLIC SERVICE

The need to run public services such as to properly satisfy the public interest determined the outlining of this distinct approach, the managerial approach to public services, emerged on the grounds of the diversification of the activities in which public authorities are involved, especially in the economic field and, implicitly, in the field of public interventions development, as well as of the inability of the traditional management methods in view of satisfying the citizens' needs.

Public management approaches public service, on the one hand, as an activity, and, on the other hand, as an organization targeting the increase of the general performances. The emergence of management in the public sector represents „an answer to the legitimacy crisis of public administration with respect to its traditional functioning manner“ (...) ¹⁵, as well as the lack of its ability to satisfy the new requests of the citizens and of the business environment. The principle „better services for the public“ is insufficient to guarantee that the public institutions will use it as support for the development of a strong organizational culture.

In the 21st century, the increasingly high expectations of citizens from the public

¹⁵ Nicolescu O., Verboncu I, Profiroiu M. (2011) „Starea de sănătate a managementului din România în 2010. Diagnostic și soluții prefigurate pentru anul 2011 pe baza chestionării a 1988 specialiști.“ ProUniversitaria Publishing House, Bucharest, p. 62;

Profiroiu A (2001) Pilotajul serviciilor publice, Economică Publishing House, Bucharest, p. 64;

sector, the emergence of new technologies, the individualization, delegation and decentralization, the financial pressures and the internationalization tendencies, the demographic evolution, became change-determining factors. The concern of governments, executive powers, for the governance act, from the perspective of satisfying the public interest, of the realistic sizing of the public need, the decrease of public expenditure and the increase of the quality of public services represented premises of public sector reform.

Public sector reform „did not affect the essential functions of the welfare state, even though it reduced and restructured the space occupied by it”¹⁶. At present, we notice a reduction of the public sector in favour of the expansion of the private sector, by means of the consolidation and increase of the use of market mechanisms in the assignment of society’s resources and, also in transforming public sector management by introducing instruments specific to the private sector, oriented towards performance and reaching precisely defined objectives, which allowed the orientation of the internal management of the public sector towards efficiency and efficacy in resource assignment.

The parties involved in the organizing and functioning of public services are:

a. central public administration authorities establishing the national policy in the field and executing normative act drafts,

b. local public administration authorities which organize public services and supply a part of them at the local level, but also elaborate local regulations, rules, manage

local public services, ensure their financing and monitor the manner in which the public service is provided, according to the legal provisions in effect.

c. service providers (public institutions, formerly state-owned enterprises, trading companies, associations and foundations, inter-community development associations) which provide the services at the standards established in the contracts concluded with the local public authorities and observe the contractual obligations, as well as the principles and basic rules of public services and the legislation in effect. Also, they have the obligation to inform the beneficiaries regarding their rights and obligations in relation to the public service, but also to consult them with respect to the optimum modalities of supplying the public service.

Direct administration (management) is regulated in art. 29 of Law no. 51/2006 of public utility community services with the subsequent modifications and completions¹⁷ and is the management modality in which the deliberative and executive authorities, in the name of the administrative-territorial units they represent, undertake and exercise directly all competences and responsibilities due to them according to the law, with respect to the supply/provision of public utility services, respectively the administration, functioning and exploitation of the public utilities systems afferent to them.

This is known in the doctrine under the

¹⁶A se vedea Crăciun C, Collins P.E (coord) (2008) Managementul politicilor publice. Transformări și perspective”, Ed Polirom, Iași, p 101

¹⁷ published in the Official Gazette of Romania no. 254/2006;

name direct administration¹⁸ and represents the exploitation system in which the commune, county and state invest the capital, execute the works, guide the enterprises and collect the incomes and the public authority disposes, absolutely, both of the service organizing, and of its functioning, of setting the rates, at the same time undertaking the risks of the enterprises.

Direct administration is achieved by means of public law operators established at the level of the administrative-territorial units, which may take the forms:

a) either of functional compartments organized in the structure of the mayor's specialty apparatus or, as the case may be, of the county councils',

b) or in the form of local or county interest public services, without legal personality, established and organized through decisions of the deliberative authorities of the administrative-territorial units,

c) or of local or county interest public services, with legal personality, established and organized through decisions of the deliberative authorities of the administrative-territorial units.

Delegated administration (management) is regulated within art. 30 of Law no. 51/2006 with its subsequent modifications and completions and represents the management modality in which the local public administration authorities at the level of the administrative-territorial units or, as the case may be, the intercommunity development associations with public utility services as their object of activity, in the name and on the

¹⁸Negulescu, P (1925) *Tratat de drept administrativ*, 3rd edition, Tipografiile Române Unite Calea Rahovei 50, Bucharest, p. 237;

Matei L (2004) „Servicii publice”, *Economică Publishing House*, Bucharest, p. 67;

account of the member administrative-territorial units, assign to one or several operators all or only a part of their own competences and responsibilities regarding the supply/provision of the public utility services, as well as the concession of the public utility systems afferent to the services, respectively the right and obligation to administer and exploit them on the basis of a contract, called service management delegation contract.

Delegated administration can be achieved by means of operators or regional private law operators, as well as on the basis of the license issued by the competent regulation authority. The operators with statute of trading companies whose share capital is totally owned by the administrative-territorial units organize and perform their activity on the basis of an organization and functioning regulation approved by the local/county councils.

According to art. 30 of Law no. 51/2006, the management delegation contract is assimilated to the administrative acts (administrative contracts) and enters under the incidence of the provisions of the Law of the administrative contentious no. 554/2004.

The management delegation contract is a contract concluded in written form, by means of which one or several administrative-territorial units, individually or in association, as appointer, assigns, for a determined period, to a licensed operator, as delegate, acting on its own risk and liability, exercising the right and obligation to supply/provide a public utility service or, as the case may be, activities from the composition of that service, including the right and the obligation to administer/exploit the technical-edilitary infrastructure afferent to the service/activities supplied/provided, in exchange for a royalty.

The intercommunity development associations may also conclude such contracts in the name and on the account of the member administrative-territorial units, the latter having the quality of appointer.

Public utility services management represents the modality of organizing, functioning and administration of public utility services for the purpose of supplying/providing them in the conditions established by the local public administration authorities. They are organized and executed either in the form of direct management, or of delegated management, and the modality of administering the public utility services is established through decisions of the deliberative authorities of the administrative-territorial units, depending on the nature and state of the service, on the need to ensure the best price/quality ratio, on the size and complexity of the public utility systems.

Direct management is regulated in art. 29 of Law no. 51/2006 of public utility community services, with its subsequent modifications and completions and is the management modality in which the deliberative and executive authorities, in the name of the administrative-territorial units they represent undertake and directly exercise all competences and responsibilities due to them according to the law, with respect to the supply/provision of public utility services, respectively the administration, functioning and exploitation of the public utility systems afferent to them.

Delegated management is regulated within art. 30 of Law no. 51/2006 with its subsequent modifications and completions and represents the management modality in which the local public administration authorities at the level of the

administrative-territorial units or, as the case may be, the intercommunity development associations with public utility services as object of activity, in the name and on the account of the member administrative-territorial units, assign to one or several operators all or only a part of their own competences and responsibilities regarding the supply/provision of public utility services, as well as the concession of the public utility systems afferent to the services, respectively the right and obligation to administer and exploit them on the basis of a contract, called service management delegation contract.

There is also an intermediary form of management, namely the semi-direct (or semi-delegated one), which is a mixed management of the public service, within which the service is exploited directly (entity without legal personality within the public administration authority's apparatus), but part of the service is provided by an exterior enterprise (economic operator) from the private sector.

The organizing and running of the procedure to delegate the public utility community services is regulated through Government Decision no. 717/2008 for the approval of the Framework procedure regarding the organizing, running and assignment of public utility community services management delegation contracts, the framework-selection criteria for tenders for the public utility community services and the Framework contract for delegating the management of public utility community services.

The manner of organizing public services is not always uniform at the level of the country, including at the level of the municipalities which are county seats, for several reasons connected to the legislative

framework, the specific situation in the territory, the organizational structures at the level of the local councils, to responsibility and the solutions adopted.

The legislative changes in the field of public utility services occurred due to undertaking the responsibility to harmonize our legislation in the matter with the community acquis, but also in order to access European funds, in view of performing investments in the afferent infrastructure. These lead to the establishing of public services/specialty compartments within the administrative-territorial units in the rural environment, to the delegation of service management to large operators, to the establishment of intercommunity development associations and to the emergence of regional operators.

In Romania, the optimum development of the public services must take into account their specific and the reaching of the profitability threshold for each of them, located in the respective territorial area.

Thus, for the cleaning public service the following problems were found: lack of ecological ramps, uncontrolled depositing of waste, selective collection, lack of funds, of infrastructure, absence of machinery for performing the activities connected to the cleaning service, respectively cleaning the public paths, pest control.

The weak points identified for the water and sewerage supply public service within the SWOT analysis are linked to the connection of a low percentage of the population of Romania to the water and sewerage system, the high volume of unpaid water consumption, because of the losses in the network, and the low level of payment collection from the consumers; the absence of investments for the rehabilitation/expansion of the water and

sewerage infrastructure; the exceeding of the transport capacity of the water supply networks; absence of locality systematization; high number of damages on the networks, high number of scheduled or accidental interruptions; absence of experimented staff for the promotion and implementation of large scale investments.

The existing problems for the public lighting system consist of: inefficient organization, high costs for purchasing modern equipment, recording of unscheduled interruptions, the existence of uncovered areas, the physical and moral wear and tear of the networks and the low financial capability to expand them.

For the thermal energy service, the weak points identified are in connection to the provision of services with high costs, which lead to the impossibility to maintain and modernization of technologies, low technical parameters, low efficiency and high losses in the distribution networks, leading to the excessive increase of the rates.

Cleaning public service

Quality indicators measure the quality of service being described services provided to citizens in terms of timeliness, availability, continuity, quantity and beneficiary satisfaction / user.

This indicator measures the quality of service compared with established quality standards. Important in this respect are the following: public service opportunity, accessibility, continuity of public service provision, the level of comfort and courtesy shown by service providers to users.

For sanitation service I am considering the following indicators: frequency of

collected waste; the extent to which they are collected selectively, especially since we met and legislation in the field; level of equipment operators; wear of equipment and number of new machines purchased per year, the fee sanitation both for individuals and legal entities; degree bill collection .

Regarding the frequency of waste collection in mind the number of collected weekly from each category (population, businesses, public institutions).

The indicator should be calculated separately for three types of users: people, businesses and public institutions, with each of them having contracted operator separate cleaning public service.

Share selective collection is calculated taking into account the number of beneficiaries using selective collection divided by the number of contracts with each category of beneficiaries (people, businesses, public institutions) (%) and frequency selective collection. Share selective collection can be calculated and thus the amount of waste collected selectively and valued relative to the total amount of waste collected.

Cleaning public service operator involvement in social activities, educational programs, awareness campaigns on various topics. As an indicator the number of programs have achieved a year to education and public awareness to improve sanitation city. Number of complaints, complaints, petitions per year is a very important indicator that the operator should take into account and observe whether from year to year their number decreases or increases. The following should be considered:

- a) the number of written complaints on the failure by the operator obligations;
- b) the number of complaints over the

total number of user, the user categories;

c) applications to improve the quality parameters of performance, resolved relative to the total number of applications to improve the activity, the categories of activities;

d) the number of complaints resolved on the quality of performance, relative to the total number of complaints about the quality of work, the types of activities and types of users;

e) the number of complaints regarding billing over the total number of users in user groups.

Total annual cost of cleaning public service and its total cost per capita.

The total cost of cleaning public service per capita is calculated as the total cost of sanitation service relative to the population of the municipality. It also may take into account the total amount of invoices received in relation to the total value of invoices issued, by category of users.

Public lighting service

The average duration of unscheduled interruptions found is an indicator showing the operating capability of the public lighting system expressed by the average length of a defect, but it takes into account the duration of action to remedy the fault.

The average length of unscheduled interruptions found is the number of hours during which the failure was recorded every unscheduled interruption found within one year relative to the total number of interruptions (%).

We calculate this indicator longer and taking into account:

- a) the number of unscheduled interruptions found, the types of lighting - street,

pedestrian, trim etc. reported the total number of unscheduled interruptions in a year;

b) number of streets, alleys affected by unscheduled outages reported the total number of unscheduled outages a year.

To calculate the average duration of interruptions can be scheduled to consider the following:

a) number of interrupt announced users, types of lighting - street, pedestrian, trim etc. reported the total number of interruptions per year (%)

b) number of streets, alleys affected by outages scheduled based on the total number of interruptions per year (%).

The share of total public street lighting street network of the city is an indicator that measures the quality of infrastructure on the one hand and the lighting system on the other hand, provides indirect information about the degree of satisfaction of public needs of the community. In 2006, the total national public roads, county and local commune, about 60% were illuminated.

The share of public street lighting is calculated given the total length of roads with street lighting (km) relative to the total length of roads in town (km) (%).

Regarding the arrangements for payment of the invoice there are several options: a) cash; b) network of ATMs (cash machines); c) direct debit; d) Internet; e) bank transfer; f) remote reading service for home users who opt for the method of calculation of the bill by calling a toll-free communication index.

The mode of transmission (channels) of information to users and feedback from them is very important. Information may be transmitted via invoice by e-mail, information points, telephone (tel. Green) on the operator's website. Another indicator that

can provide important data about users' satisfaction about the quality of public service performed is the number of complaints, complaints, petitions per year and how many of them are justified.

a) the number of complaints regarding malfunctions public lighting lighting types - street, pedestrian, ornamental etc ;

b) the number of findings of non-public lighting quality observed local government authorities;

c) the number of complaints regarding the degree of insurance operation;

d) the number of complaints and notifications justified;

e) the number of written complaints based on the failure by the operator of license obligations.

Arrangements for receiving notifications (via a toll free number available to users thus providing a unified management and operational relationships with customers, counters, Tel Green)

Partnerships with civil society (social, educational, cultural and sporting).

Upgrading distribution. Upgraded network length per year compared to the total network locality. The total cost of the total cost of public lighting and public lighting per capita. These indicators must be correlated with the average duration of scheduled and unscheduled outages as well as the modernization of distribution network (losses occurring in the system). To calculate the total cost of public lighting per capita considering the total cost of public lighting on year compared to the number of inhabitants.

Share sanctions for non-compliance data operators is the amount of compensation awarded by the operator in the event of damage causes attributable to user installations.

Also, may consist of the amount of compensation awarded by the operator for failure to supply parameters.

In conclusion, the weaknesses of this service are: physical wear lighting networks; lack of financial resources for expanding networks, upgrading and maintaining them; frequent interruptions to supply fixtures; reduced administrative capacity of local authorities, especially in the villages and small towns to manage their own budget, service and generate their own income and absorb grants; existence of the legal framework to allow central government setting standards of quality and cost; lack of quality standards results-oriented public lighting service; low quality of the information and consultation conducted by the city and operators.

The public service of local public transport

Improving public transport and the service quality is a key factor for achieving sustainable urban development in terms of social, economic and environmental. Given the principle of providing service quality of local public transport in terms of passenger affordable we analyzed the quality of local public transport service from four perspectives: a) expected quality, b) the desired quality, c) the quality achieved and d) perceived quality.

A. The quality level required by the consumer is expected and can be defined in terms of explicit and implicit expectations.

B. Desired quality level is that providers want to ensure passenger transport. Must be defined based on the level of quality expected by passengers, external and internal pressures, budgetary and performance of

day constraints.

C. Quality assured (done) is to the level of quality achieved under real operating daily. The quality level offered is measured by quantitative indicators. They are:

1. The area covered by the network;
2. The operating;
3. The frequency of public transport;
4. Facilities (ease of access, ease of movement in the stations, vehicle access, ease of movement inside the vehicle; Density of ticket sales and subscriptions; ticketing program points and subscriptions, quality tickets, subscriptions, and their sale the compositoarelor);
5. Information that can be obtained about the times and routes of public transport;
6. Journey;
7. The way of solving suggestions and complaints;
8. Conduct of staff (drivers, ticket inspectors, staff at the ticket);
9. Diversity current subscriptions, the tariff;
10. Comfort stations;
11. Travelling comfort;
12. Preventing accidents;
13. Environmental pollution.

D. Perceived quality is the quality perceived by passengers when traveling. This landmark is useful in defining the service and in the review process, ie performance measurement to improve. This quality is called citizens and desired quality can be defined by what can directed to do to meet the expectations of travelers, but taking into account their own resources.

To provide high quality services to travelers primarily means rationalizing existing resources within the public transportation company. To achieve this, the first step to take is to address not only the

quality of strategically but to create a quality culture among staff. The common objective is to provide optimum access to public transport, reduce congestion and protect the environment.

The approach has three stages: strategic phase in which the specified needs of citizens and are formulated targets to be achieved, will step tactic, in which strategic goals are translated into specifications ensuring consistency and applicability of the mobility system. Finally, the operational phase is when transport services are produced and consumed.

Public transport service is characterized by: short-term heavy use; variable load factor driving directions; underserved areas and period features throughout the day; framing / interaction with general road traffic and passing through numerous points of conflict.

The public service of water supply

Quality of service water and sewer provided to citizens is measured through qualitative indicators in terms of timeliness, availability, continuity, quantity and user satisfaction. The measurements are performed in comparison with the quality standards established in this field and we have the following standards:

a) SR ISO 24510: 2008 - Activities relating to drinking water and sanitation. Guidelines for the evaluation and improvement of services provided to consumers. Contains guidelines for assessing and improving service delivery to customers; instructions for administering public water services.

b) SR ISO 24511: 2008 - Activities relating to drinking water and sanitation. Guidelines for the management of wastewater utilities

and for the assessment of wastewater services. Treat the essential elements of the service to consumers such as access to water; service; contract management and billing; promoting good relations with consumers; environmental protection and security and emergency management. If SR ISO 24510: 2008 treats water services in terms of consumer demands, SR ISO 24511: 2008 and ISO 24512 SR: 2008 addresses the issue of water service or sewage in terms of management.

c) SR ISO 24512: 2008 Activities relating to drinking water services and sanitation. Guidelines for the management of public water supply and drinking water assessment services

We consider it appropriate to develop a portal designed to measure the degree of citizen perception of the level of service. By this it provides a permanent framework for the analysis of data from questionnaires online application thus making it possible to measure the time evolution of the quality of service provided by operators and thus obtaining feedback from users.

Article 28 of Law no. 241/2006 provides that "The right to non-discriminatory access and use of the service is available to all users, contractual and service regulation and compliance programs for rehabilitation, expansion and modernization of water supply and sanitation".

Measuring quality of service provision by reference to the level of user satisfaction can be achieved by analyzing the following aspects of the service water supply and sanitation:

Share complaints, complaints, suggestions received in a year:

a) the number of complaints about water quality parameters provided relative to

the total number of users, types of users and types of water supplied;

b) the percentage of claims that have been shown to be the fault of the operator;

c) the number of complaints regarding the degree of assurance in relation to the running total number of users;

d) the number of written complaints;

e) the percentage of total complaints answered within less than 30 days;

f) the number of suggestions received from beneficiaries through letters, emails, phone calls free.

Arrangements for payment of invoices. Users have several options to make paying bills ie online payment through ATMs at the counter at the post office.

Channels provide information to citizens vary among them are the following:

a) web-site (eg www.apanovabucuresti.ro) - monitoring indicators (number of monthly visitors, the number of complaints received online, number of stories published monthly),

b) the invoice sent,

c) leaflets, posters with information of interest for users,

d) through operational centers (number of calls),

e) publications (such as, for example, developed Journal of SC Apa Nova Water) - monitoring indicators (number of publications produced and disseminated),

f) events (number of events, number of participants, feedback from participants (questions, questionnaires),

g) relationship with the media - number of press releases, article number positive / negative, the number of paid advertising.

When evaluating service water supply and sanitation must consider the following:

a) ensuring consistency between policies on urban development and infrastructure service; b) awareness of consumers and the

community as a whole; c) meeting the standards of public health and drinking water quality; d) charges must consider the principles of cost recovery and promoting resource efficiency, aiming while maintaining equal access of citizens to the service; e) reduction of pollution into drains; f) education of youth by creating specific programs to raise awareness of the importance that has water.

Conclusions

The research focused, on the one hand, on the analysis of the Romanian and foreign specialty literature and of the legislation in the field of public services, respectively of public utility services, performing their approach from the economic, legal and managerial point of view, and, on the other hand, has an applicative side, by means of the analyses performed having as basis the questionnaire. We emphasized the qualitative indicators for public utility community services. The classification of indicators was performed depending on their adequacy degree to the specific of each public utility service considered, establishing both common and specific indicators.

From the common quality indicators, we mention: a) the manner of transmitting the information to the beneficiaries; b) the number of notifications, complaints, petitions per year; c) the percentage of solving complaints; d) the total annual cost of the service; e) the invoice payment modalities; f) the channels for transmitting information to the users; g) service accessibility.

From the specific indicators, we mention: a) for the cleaning public service: frequency of waste collection, percentage of selective collection; b) for the public transport service: ease of access to the platforms; access in the vehicles; density of the ticket and passes sale points; diversity of ticket types, trip duration; staff behaviour; comfort during the trip; safety and security in public

transportation; c) for the public lighting service we have: percentage of streets with public lighting, modernization of the distribution network.

The measurement of public services quality has as goal the reduction of the difference between the level of services offered and the level expected by the users/beneficiaries. In this sense, the measurement of the user's satisfaction level is achieved according to the degree of need anticipation (percentage of services not rendered because they were not considered by the service provider, even though the user expected to be offered),

the degree of service demand satisfaction (calculated as percentage of all requests of the service users that cannot be satisfied because of the lack of necessary material basis or qualified personnel), the degree of flexibility (promptness) with which emergency situations are responded to (evaluated by means of the average time between the receipt of the petition to the moment when the respective service was offered), the degree of efficiency in problem solving (calculated as percentage of all problems for which the service promised cannot be offered within the initially established time interval).

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