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Project: “Good Governance for Local Development in South Caucasus”  
PN: 19.2204.6-002.00  
Mission: Baseline assessment of complaint mechanisms at local level

## 1. Introduction

The project “Good Governance for Local Development in South Caucasus” (GGLD) aims at strengthening the capacities of public institutions in the South Caucasus to the effect that they are better able to provide citizen-oriented services. The project advises partner institutions at national, regional (sub-national) and local levels in Armenia, Azerbaijan and Georgia on designing and implementing national reform processes, improving framework conditions and developing standards and guidelines. It supports the capacity development of key actors for citizen-oriented service delivery, primarily at local level. To promote citizen participation in local development processes, the project advises on the introduction of participation and complaint mechanisms and supports respective awareness raising for citizens. The project also supports the elaboration and implementation of strategies and instruments for regional development and local economic development. As a part of the German Caucasus Initiative, the project promotes professional exchange of knowledge and experiences between the countries of the South Caucasus.

The project is implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). In Armenia it is co-financed by the Swiss Agency for Development and Cooperation (SDC) and carried out in close cooperation with the Ministry of Territorial Administration and Infrastructure (MTAI) as the main political partner.

One result area of the project is advising the local authorities on implementing complaint mechanisms that enable citizens to appeal administrative decisions of local self-government bodies that they believe are inappropriate. This includes conducting corresponding awareness-raising activities for citizens to highlight their rights as regards administrative procedures and complaints mechanisms.

Hence, there is a need to assess the existing pre-litigation complaint mechanisms against administrative acts, action or inaction of local self-government bodies, as well as to make recommendations on improvement.

## 2. Context of the assignment

The existing territorial and administrative division as well as limited decentralisation in Armenia are considerable impediments to effective and efficient service provision at local level. The overall goal of the ongoing Territorial and Administrative Reform of Armenia (TARA) is to create conducive framework conditions for local self-government and to build viable structures at local level that would enable local governments to become functional and responsive units. As a result of TARA, the number of municipalities in Armenia decreased by almost half. Due to enlargement processes, 465 municipalities were merged into 52 consolidated municipalities, thus joining their capacities, resources, and opening up opportunities for local economic development, inflow of investments, and effective citizen participation.

The introduction of efficient, effective and transparent complaint mechanisms, as well as respective mechanisms for raising legal awareness of citizens at local level is in the focus of overall reforms.

The right to proper administrative action is enshrined in the Constitution of Armenia, including the right to impartial and fair examination by administrative bodies within a reasonable time period. The article further stipulates that with some exceptions by law, in the course of administrative proceedings everyone shall have the right to get familiar with all documents concerning him or her and state and local self-government bodies and officials shall be obliged to hear the person prior to the adoption of an interfering individual act thereon.

As indicated in the Government Programme, administrative fines are pervasive and serve to replenish the budgets of the state and municipal entities, thus creating an atmosphere of public mistrust in administration carried out by administrative authorities. Among other negative implications, the latter also leads to a large number of court appeals of administrative acts, whereas the population rarely uses the pre-litigation complaint mechanisms and objection/appeal procedures at the local level.

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry of Economic Cooperation and Development has since many years supported the introduction and development of administrative law and administrative justice system in Armenia on national level, and since April 2020 GIZ will through GGLD provide advice on implementation of pre-litigation administrative complaint mechanisms and legal awareness raising at local level.

To diagnose and analyse the existing situation, the project is seeking services of a consulting firm or NGO, consortium of consulting firms/NGOs or consortium of local experts (*hereafter Contractor*) with profound and extensive knowledge of the Armenian local governance sector and complaint mechanisms, with strong focus on administrative law.

The results of the assignment would allow to understand and identify the existing gaps, issues and challenges with respect to pre-litigation complaint mechanisms at local level, the needs for improving and streamlining the implementation of existing complaint mechanisms, as well as to propose corresponding measures for improvement.

### 3. Purpose

The purpose of the assignment is to develop a assessment approach for the complaint mechanisms and based on the approach conduct the assessment in selected municipalities.

### 4. Mode of Delivery

The Contractor is expected to develop an assessment approach and conduct a baseline assessment of complaint mechanisms in selected enlarged municipalities with special focus on the following:

- ➔ Overall picture of existing complaint mechanisms against the decisions of local self-government bodies (LSG) at local level;
- ➔ State of play of implementation of pre-litigation complaint mechanisms against the decisions of LSG at local level;
- ➔ Assessment of existing complaint mechanisms in MMIS and Citizen Offices in 5 enlarged municipalities, and suggestions for improvement or integration of such mechanisms in MMIS and Citizen Offices.

### 5. Tasks

The following tasks will be required to fulfil:

#### **Task 1: Development of an assessment approach of the complaint mechanisms at local level**

##### 1.1. Development of the assessment approach

The approach to be developed is expected to cover at least the following 4 Sections:

- I. Mapping and analysis of existing overall complaint mechanisms against the decisions of LSG at local level, including the legal framework ;
- II. Assessment of implementation of pre-litigation complaint mechanisms against the decisions of LSG at local level, including:
  - ➔ the access to those mechanisms (having in mind principle of LNOB as enshrined in the 2030 Agenda for Sustainable Development and its Sustainable Development Goals);
  - ➔ available mechanisms for free legal aid at local level (Ombudsman, Public defender office etc.).
- III. Assessment of the knowledge of the municipal staff with respect to existing pre-litigation administrative complaint mechanisms to judge on training needs, key capacity development measures to be adopted;

- In terms of training needs, suggestions should be provided for content of an e-Learning course which could be integrated in MTAI digital learning platform;

IV. Assessment of the existing mechanisms in municipalities to inform citizens on their rights and duties to lodge a complaint against the decisions of LSG.

For each of the 4 Sections, the Assessment should provide a structured framework to present:

- Identified concrete strengths and weaknesses in complaint mechanism implementation at local level;
- Recommendations on improving the implementation of complaint mechanisms at local level.

1.2. Presentation, discussion and revision of the approach with the Programme and MTAI

Once the assessment approach has been defined, the consultants will:

- Present and discuss the approach together with the programme and MTAI;
- Revise the draft approach based on the feedback from the programme and MTAI.

## **Task 2: Assessment of complaint mechanisms as per the agreed assessment approach in selected enlarged municipalities**

2.1. Development of a precise work plan for the **assessment of complaint mechanisms in 5 selected enlarged municipalities**. The project and MTAI shall select municipalities to conduct the assessments.

2.2. Conduct the assessments in 5 selected municipalities based on the assessment approach defined under Task 1.

2.3. Development and analysis of 2017-2019 **statistics for 52 enlarged municipalities** on:

- administrative complaints against decisions of LSG handled by LSG;
- complaints against decisions of LSG handled by Administrative courts.

The statistics should contain information on numbers of submitted, processed, rejected and granted complaints, specifying the most common topics of complaints (e.g. construction permits by municipalities, permits for economic activities, real estate registration etc.).

## **Task 3: Reporting**

3.1. Prepare draft assessment reports on complaint mechanisms in 5 selected enlarged municipalities. The reports should entail all the components of the assessment approach (see Task 1) and recommendations for the improvement of complaint mechanisms at local level based on the assessment results.

3.2. Present and discuss the draft report with the Programme and MTAI and other stakeholders during a workshop on this topic, with the participation of key local and international stakeholders.

3.3. Finalise the assessment reports based on the gathered feedback and submit these reports to the Programme.

## 6. Deliverables

The following deliverables (in Armenian) are expected to be provided during the assignment:

### Task 1:

1. Draft assessment approach,
2. Final assessment approach.

### Task 2:

1. Work plan for the assessment of complaint mechanisms at local level in selected enlarged municipalities,
2. Statistics of 52 enlarged municipalities.

### Task 3:

1. Draft report of the assessment of complaint mechanisms in 5 selected enlarged municipalities, including recommendations,
2. Final report of the assessment of complaint mechanisms in 5 selected enlarged municipalities, including recommendations.

## 7. Schedule and Level of Efforts

The assignment is planned to commence **in July 2020 and finish by the end of November 2020**. The exact commencement date and schedule of activities/work plan will be agreed at a later stage.

The assignment requires the services of **a local consulting firm or NGO, consortium of local firms or NGOs, or consortium of local experts**, with the level of efforts of **up to 62 expert days**.

Tasks	Expert days (up to)	Tentative timing of tasks	Deliverables
Task 1	7	July 20, 2020	1. Draft assessment approach in ENG and ARM
		July 25, 2020	2. Final assessment approach in ENG and ARM

Task 2	5	July 30, 2020	1. Work plan for the assessment of complaint mechanisms at local level in ENG and ARM 2. Statistics of 52 enlarged municipalities
Task 3	50	November 15, 2020	1. Draft report of the assessment of complaint mechanisms at local level, including recommendations in ENG and ARM
		November 30, 2020	2. Final report of the assessment of complaint mechanisms at local level, including recommendations in ENG and ARM
<b>Total</b>	<b>62</b>		

- The number of on-site visits per municipality should be proposed by the bidders: travel costs (transportation, overnight stay) should be budgeted and made part of the Financial Proposal.
- With each payment stipulated in the Contract the Contractor should provide reports indicating precisely the actual working days spent, activities and deliverables. Payments will be made based on the submitted reports.

### 8. Reporting

- The Contractor is obliged to perform the assignment based on these ToRs while ensuring close contact with GIZ throughout the implementation of the assignment.
- The Contractor shall provide all the results directly and in the first turn to GIZ for discussion and further action.
- The Contractor will directly report to the programme on the progress and completion of the tasks.

### 9. Requirement for the consultancy profile

- At least 10 years of experience in administrative law with special focus on complaint mechanisms (local and European standards);
- At least 5 years of experience in reforms of local governance, (relevant information should be attached),
- Successful projects of similar nature (relevant studies and papers should be attached).

Suggested experts should possess:

- University Degree in Law, Public Administration, Political Science or comparable academic background;
- Expert level competencies in the area of local self-government and local democracy;
- Strong analytical and writing skills and proven experience in producing policy papers and other materials;
- Good command of written and spoken English is an advantage.

**The Technical Proposal must entail:**

- Description of the company's profile and experience;
- Description of methodological approach to undergo the assessments;
- Information on successful projects of similar nature (relevant studies and papers should be attached);
- Description of the method of implementation, incl. clear description of the roles of the proposed individual experts and specialists;
- Description of proposed work schedule;
- CVs of involved experts.