Project: “Good Governance for Local Development in South Caucasus”

PN: 19.2204.6-002.00

Mission: Development of Internal Guidelines on Administrative Complaints for LSG staff, Information Cards on Administrative Complaints for citizens of LSGs and conducting trainings for LSG staff based on developed Guidelines and Information Cards

Period: 01.04.2021 – 31.07.2021

1. **Introduction**

The “Good Governance for Local Development in South Caucasus” (GGLD) Programme 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 Programme 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 Programme advises on the introduction of participation and complaint mechanisms and supports respective awareness raising for citizens. The Programme 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 Programme promotes professional exchange of knowledge and experiences between the countries of the South Caucasus.

The Programme 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 complaint mechanisms, more concretely on effective and efficient implementation of an administrative complaint mechanism that would enable citizens to appeal administrative decisions of local self-government (LSG) bodies that they believe are inappropriate. This includes conducting corresponding awareness-raising activities for citizens to highlight their rights as regards administrative procedures before, during and after the submission of an administrative complaint.

Hence, under coordination of MTAI and in cooperation with Human Rights Defender’s Office, the Ministry of Justice (MoJ), as well as the NGO sector, GIZ in 2020-2021 conducted in 5 enlarged municipalities of Armenia a baseline assessment of complaint mechanisms with focus on administrative complaint mechanisms.

1. **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 the enlargement processes, 465 municipalities were merged into 52 consolidated municipalities, thus joining their capacities, resources, and opening up new opportunities for more effective and efficient administration with stronger 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 as well as 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.

GIZ has for many years supported the introduction and development of administrative law and administrative justice system in Armenia on national level, and since April 2020, in the framework of GGLD, GIZ started to provide advice to MTAI and LSGs on pre-litigation complaint mechanisms with special focus on implementation of an administrative complaint mechanism in LSGs.

The above-mentioned baseline assessment analysed the gaps, issues and challenges with respect to implementation of existing pre-litigation administrative complaint mechanisms at local level, making recommendations for improvement with focus on the development of capacities of LSGs and raising the awareness of citizens.

Hence, to meet some of the identified needs for improvement of the pre-litigation administrative complaint mechanism in LSGs as a result of the baseline assessment, the programme is now 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, e-tools, and complaint mechanisms with strong focus on administrative law.

1. **Objective and Purpose**

The overall objective of the assignment is to improve institutional capacities of LSGs on pre-litigation administrative complaint mechanisms, to develop the individual capacities of LSG employees to handle administrative complaints in an effective and efficient manner and ensure better awareness of citizens on administrative complaint mechanisms at the local level.

The purpose of the assignment includes: 1. Development of Internal Guidelines on Administrative Complaint for LSG staff; 2. Development of Information Cards on Administrative Complaint for Citizens of LSGs; and 3. Conduction of Trainings for LSG staff based on developed Guidelines and Information Cards.

1. **Mode of Delivery**

The Contractor is expected to develop a methodological approach and precise work plan for drafting the Internal Guidelines, Information Cards, and conduction of trainings for municipal servants in 52 enlarged municipalities with special focus on the following:

* improvement of internal procedures and policies of LSGs on handling administrative complaints
* development of capacities and skills of LSG staff on administrative complaints
* raising awareness among citizens on administrative complaints.
1. **Tasks**

The following tasks will be required to fulfil:

**Task 1: Development of a methodological approach and precise work plan for drafting the** **Internal Guidelines for LSG staff, Information Cards for Citizens and conducting of trainings for 52 enlarged municipalities**

1.1. Development of the methodological approach

The approach to be developed is expected to cover at least the following 3 Sections:

1. **Internal Guidelines for LSG employees on internal procedures and policies of LSGs on administrative complaints:**
	* ***Basics of Administrative Law***
* the role of administrative law in the legal system of Armenia
* the co-relation of citizen and the LSG in administrative legal relations (burden of proof in administrative proceedings, the right to be heard etc.)
* administrative proceedings with phases, participants, timeframes
* administrative act, types of administrative acts, the mandatory requisites of administrative acts etc.
	+ ***Procedure in administrative complaint mechanism***
* the right of lodging a complaint
* time periods for complaint
* mandatory requirements for the complaint
* decision of administrative body (LSG body) concerning the complaint
* legal consequences of lodging administrative complaint
* consideration and solution of administrative appeal:
* order and boundaries of consideration of administrative complaint
* making decision on the merits of administrative complaint
* grounds for amendment or reversal of administrative act
* other relevant topics

The Guidelines should start with basics of administrative law, continue with procedure of handling administrative complaints at LSGs and conclude with practical cases and analyses of those cases (at least 5 cases).

1. **Information Cards on Administrative Complaint for citizens of municipalities:**
	* the minimum information on what is administrative complaint and why to make use of it
	* the rights of citizens with respect to administrative acts of LSG bodies
	* the ways to submit an administrative complaint (e.g. in person visiting Citizens’ Service Offices in LSGs, by post, by e-tools such as MMIS etc.)
	* timeframes for lodging a complaint at the LSG, consequences of missing the deadlines
	* sample forms of administrative complaints
	* links, useful information on alternative ways of complaint (judicial, MTAI and Marzpets in the context of legal oversights, Human Rights Defender)
	* other relevant topics

The Contractor is free to make proposals on change or addendum of topics for Information Cards based on the above-mentioned assessment report (The minimum number of the cards/topics is 7). Each card should contain one illustration of a practical case with max. 2 pages of volume per card; use of animations is welcome).

1. **Trainings for selected LSG employees of 52 enlarged municipalities based on above-mentioned Internal Guidelines and Information Cards to get specialized in administrative complaints:**
	* Internal procedures of LSGs when receiving an administrative complaint
	* Awareness of citizens of LSGs on administrative complaint at LSG

The Contractor is expected to come up with a proposal for grouping the 52 enlarged municipalities into clusters for the trainings.

1.2. Submission of a precise work plan for the development of Internal Guidelines, Information Cards, and conduction of trainings.

1.3. Presentation, discussion and revision of the methodological approach and precise work plan with the programme and MTAI, and other implementing partners, as recommended by MTAI

**Task 2: Development of Internal Guidelines for LSG staff, Information Cards for Citizens, and conduction of trainings for municipal servants in 52 enlarged municipalities based on these materials**

2.1. Development of Internal Guidelines for LSG employees on administrative complaint.

2.2. Development of Information Cards for awareness of citizens of municipalities on administrative complaint.

2.3. Organization and conduction of 5 on-site/online trainings for selected employees of 52 enlarged municipalities divided into 5 groups (one day per group). Short feedback on conducted trainings shall be submitted to the programme.

The Internal Guidelines, Information Cards and trainings should entail all the components of the methodological approach (see Task 1) and as much as possible, also the recommendations for the improvement of the administrative complaint mechanism at local level in line with the baseline assessment conducted in 2020-2021.

1. **Deliverables**

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

**Task 1:**

1. Methodological approach.
2. Precise work plan for the development of Internal Guidelines, Information Cards, and conduction of trainings.

**Task 2:**

1. Draft Internal Guidelines for LSG employees on administrative complaint
2. Final Internal Guidelines for LSG employees on administrative complaint
3. Draft Information Cards on administrative complaint for citizens of LSGs
4. Final Information Cards on administrative complaint for citizens of LSGs
5. Draft agenda, participants lists with proposal for grouping the 52 enlarged municipalities into clusters for the trainings, presentations for conducting 5 one-day on-site/online trainings for selected employees of 52 enlarged municipalities divided into 5 groups based on priorly developed materials (including short feedback on conducted trainings).
6. **Schedule and Level of Efforts**

The assignment is planned to commence **by April 1st, 2021 and finish by end of July 2021**. 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** **55 expert days**.

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| **Tasks** | **Expert days (up to)** | **Tentative timing of tasks** | **Deliverables** |
| Task 1 |  2 |  April 5, 2021 | 1.1. Final methodological approach  |
| 1.2. Precise work plan  |
| Task 2 | 30 | May 7, 2021 | 2.1. Draft internal guidelines for LSG employees on administrative complaint at LSGs |
| May 17, 2021 | 2.2. Final Internal Guidelines |
| 16 | June 7, 2021 | 2.3. Draft version of Information Cards on Administrative Complaint at LSGs |
| June 18, 2021 | 2.4. Final version of Information Cards |
| 7 | July 30, 2021 | 2.5. Organization and conducting of 5 one-day on-site/online trainings for selected LSG employees of 52 enlarged municipalities. |
| **Total** | **55** |  |  |

* GIZ will support the Contractor with provision of transportation for travelling to municipalities, accommodation, and other logistics. Travel costs (transportation, overnight stay) will be covered by GIZ. The travel costs are reimbursed by 70 AMD per km as a lump sum or upon provision of evidence based on market price of transportation service, and the accommodation by 14.000 AMD per night as a lump sum or upon provision of evidence based on market prices for overnight accommodation. Additional per diems will not be paid.
* Workshop/conference venues and related costs are organized and financed directly by the programme.
* 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. Those reports are to be provided in English (these are the financial reports, not the assessment reports).
1. **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.
1. **Profile**

The company should have the following profile:

* Successful projects of similar nature (relevant studies and papers should be attached);
* Successful experience in management and implementation of complex project;
* Successful experience with in handling and winning administrative complaint cases.

The pool of experts shall, collectively, have the following profile:

* University Degree in Law, university specialiization in administrative law is an asset;
* At least 5 years of experience in complaint mechanisms with special focus on practising administrative complaint mechanism (local and European standards);
* At least 5 years of experience in reforms of local governance and local democracy (relevant information should be attached);
* 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 Contractor shall submit a Technical and Financial Proposal. 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.