

## **Develop a concept on introduction of feedback mechanism and improvement of practice of administrative complaints at the local self-government level**

On behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), GIZ Good Governance for Local Development Programme (GGLD) invites organizations to submit the proposals for consultancy services.

### **1. Brief description of the Programme**

Programme Name: Good Governance for Local Development in South Caucasus (GGLD)

Programme Objective: Citizen-oriented services of public institutions improve the living conditions of the population at the local level in a sustainable and environmentally friendly manner, in accordance with principles of democracy, rule of law and transparency.

Basic fields of action:

- a) Improving the legal and institutional framework for providing citizen-oriented public services;
- b) Strengthening the capacities of key stakeholders to deliver citizen-oriented services and to finance them;
- c) Introducing public participation mechanisms for the engagement of citizens in service delivery;
- d) Strengthening procedures, institutions and instruments of regional and local economic development;
- e) Promoting exchange of experience and cross-border learning.

Programme duration: 01/04/2020 – 31/03/2023

### **1. Background information**

Issues related to accountability, transparency and citizen participation at the local level are envisaged under various international and national strategic documents. The third strategic objective of the Decentralization Strategy of Georgia for 2020-2025 envisages the development of reliable, accountable, transparent and result-oriented local self-government. Aforementioned cannot be achieved without developing a smooth system for handling of citizens' complaints and feedback mechanisms. In addition to this, in 2019, the Parliament of Georgia ratified the Additional Protocol to the European Charter of Local Self-Government (so called "Utrecht Protocol") defining the rights of citizens to participate

in the affairs of a local authority. Furthermore, in the process of delivering public services, the protocol envisages development of appropriate mechanisms and procedures for handling citizens' complaints and feedback, aiming to further improve the functioning of local self-government bodies and the quality of local service delivery.

Strengthening the participatory mechanisms in local service delivery and support to the development of the concept of complaint mechanisms on administrative decisions at local level represents one of the priorities envisaged under the cooperation agreement between GIZ 'Good Governance for Local Development Module (GGLD)' and the Ministry of Regional Development and Infrastructure of Georgia (MRDI). Within the frames of GGLD a baseline study was carried out on practical implementation of citizens' administrative complaints and feedback mechanisms. Findings of the study revealed the needs as in terms of improving the system of handling administrative complaints, as well as introducing the feedback mechanism in practice.

At the local self-government level, an administrative complaint as a mean of protection of one's rights is mainly handled in accordance with the General Administrative Code of Georgia (with certain exceptions, which are regulated by special legislation). Simultaneously, municipalities make less use of administrative complaints as a tool to exercise self-control over their own decisions and improve the quality of service delivery.

- Municipalities do not have locally adopted rules and procedures that will regulate the complaint submission, revision and decision-making process and standards, which on its turn would increase the effectiveness of the entire complaint handling process;
- In most cases, decisions (administrative-legal acts) are signed by the Mayor of the municipality, which makes it impossible to file an administrative complaint against the decision;
- The decision on administrative complaints (individual legal act) does not meet the standard of justification and the requirements defined under the law;
- In most cases decisions are made based on inadequate investigation and assessment of the factual circumstances throughout the administrative proceedings;
- Although the obligations regarding the professional development of the employees are formally fulfilled, the lack of competence is presented in the decision-making process;
- There are certain channels for feedback within the city halls of the municipalities, however, in many cases they are dysfunctional due to the lack of a standardized feedback procedure;
- Local self-government bodies do not analyze submitted administrative complaints and feedback in order to use them for the improvement of local service delivery;

- In addition, both electronic and physical communication are relatively inaccessible to people living far from the centers; There is a language barrier in municipalities populated by ethnic minorities;
- Citizens' awareness of administrative complaint and feedback mechanisms is very low. Furthermore, citizens do not perceive that filing a complaint and applying to the municipality with various opinions is an effective tool to solve the problem;
- There are no offices in local self-governments that will consult citizens on administrative cases; although, various legal services offered by the state or by civil society organizations are available, however, not in all municipalities.

Therefore, in order to improve the practice of handling administrative complaints and to introduce the feedback mechanisms at the local level, GGLD will support the development of respective concept with action plan and complementary documents (guidelines).

## **2. Objective of the assignment**

- Develop a concept with the purpose to support introduction of feedback mechanisms and improvement of complaints' practice at the local level;
- Support consideration of feedback and complaint mechanisms on administrative decisions at the local self-government level with the purpose of exercising self-control by local self-government and improving the local service delivery;
- Organize discussions with representatives of the municipalities and other stakeholders in the concept development process with the purpose of overcoming the challenges related to consideration of the administrative complaints / feedback within the municipalities, as well as for effective guidance of the concept development process;
- Based on the vision proposed by the concept, develop internal procedural guidelines for municipalities.

## **4. Scope of the assignment**

In order to achieve the objectives envisaged under the assignment, the service provider shall ensure performance of the following tasks:

- 4.1. Develop a concept with the purpose of improving administrative complaint mechanism at local self-government level that would cover the following topics in line with the identified needs:**

- Practical importance of efficient complaint mechanism on administrative decisions (for pre-selected services) in order to improve local service delivery and exercise of self-control by local self-governments (introductory part);
  - Suggested framework/recommendations on developing a strategic and systemic vision for addressing the current challenges related to the administrative complaint mechanism existing at the local level;
  - Identify the local services (from pre-selected several areas) for which it is recommendable to have possibility to submit a single complaint at the self-government body (e.g. an option for a mayor to delegate decision-making authority to others with regard to specific services);
  - Suggestions/general recommendations for improving electronic proceedings related administrative complaints;
  - Provide suggestions/recommendations on producing statistics and analyzing decisions made on administrative complaints in order to establish uniform practice and improve service delivery;
  - Need to have an access to the court database for local civil servants (to the decisions made on the cases related to local self-government functions) and provide relevant recommendations/suggestions in this regard;
  - Develop suggestions/recommendations for the establishment of a systemic approach in terms of providing the consultation / legal aid to stakeholders/ citizens concerning the administrative complaints in the self-government body;
  - The need for professional development of the officials involved in handling administrative complaints at the local level and provide suggestions/recommendations for the systemic approach in this regard;
  - The significance of raising citizens' awareness and knowledge regarding the complaint mechanisms and to this end, provide recommendations/suggestions for developing the systemic approach in this regard;
- Apart from the issues related to administrative complaints, the concept should also include **systemic approach (recommendation framework) related to the management of other means/instruments of the stakeholder feedback** (submission, handling, response). Including:
    - Existing needs in terms of registering and analysing the feedback received from citizens/other stakeholders in various forms. To this end, provide suggestions/recommendations in order to establish systemic approach;
    - The need for the training of employees in terms of effective implementation of the feedback mechanism. Provide suggestions/recommendations in order to establish systemic approach/common practice in this regard;

- Provide suggestions/recommendations to develop a systematic approach for raising public awareness / conduct an information campaign in order to effectively implement feedback mechanism in practice;
  - Provide recommendations for the actions to be taken in terms of ensuring the sustainability of feedback mechanism as a pre-requisite for achieving strengthened accountability and trust towards the local governments;
- 4.2. Alongside with the development of the concept for ensuring introduction of a feedback mechanism and improvement of an administrative complaint practice at the local level, the service provider shall ensure elaboration of the action plan (suggested activities) for the concept implementation.
- 4.3. **Based on the vision proposed by the concept, develop supporting manuals / internal procedural guidelines for the municipalities, including:**
- Development of a procedural guideline for handling the administrative complaints;
  - Preparation of a guideline related to a citizens' feedback management;
- 4.4. **In order to overcome the challenges related to the practical implementation of administrative complaint mechanism and introduce feedback mechanism in practice, the concept should propose the ways to establish the relevant systemic approach. Therefore, in the process of developing the concept, assessment and analysis of the experience and opinions of the employees of the municipalities bears particular importance. For this purpose:**
- The service provider shall organize discussions within the process of developing the concept (number of discussions shall be determined according to the needs identified during the working process with the representatives of pre-selected municipalities);
  - Selection of municipalities for the discussions should be made by the service provider based on the pre-defined criteria (up to 5 municipalities);
  - Discussion of the final draft of the concept shall be conducted with the participation of the representatives of the municipalities, as well as with the involvement of the representatives of the Ministry of Regional Development and Infrastructure of Georgia and other stakeholders;
  - Within the process of discussions, representatives of civil society organizations that provide legal assistance to citizens in the process of filing and considering the administrative complaints shall be included.
- 4.5. Based on the discussions and the findings obtained during the implementation of the assignment, the service provider shall ensure that the final draft of the concept,

its action plan and the relevant guidelines are developed and presented to stakeholders.

## **5. Reporting**

- 5.1. Service provider shall submit mid-term and final reports.
- 5.2. Reports and annexed documentation shall be submitted in Georgian; hereby, executive summary of each report shall be submitted in English as well.
- 5.3. Documents should be precise and clear, in order to avoid any misunderstanding and inaccurate interpretations.
- 5.4. In case of need deliver presentations on project and its results with different interested stakeholders (MRDI, GIZ, municipalities, etc.).

## **6. Other terms**

- 6.1. Service provider shall regularly provide information on results and perform all the assignments listed in the ToR in a close coordination and agreement with GIZ and in case of need, with MRDI.
- 6.2. During the performance of the assignment, service provider shall meet the personal data protection standards envisaged by the legislation.

## **Submission and Selection of Proposal**

Partner for the consultancy service will be selected based on a competition. Entrepreneurial (LLC) and non-entrepreneurial legal entities (NLE, NPO), NGOs/CSOs are eligible to participate in the competition.

GIZ reserves the right to check the information indicated in the application. Application will be cancelled in case of inaccurate information.

## **Selection criteria**

1. The technical proposal shall provide evidence of the organization's capabilities and assignment-related experience in executing similar projects in the area of local self - government and administrative complaints/feedback mechanisms;
2. The technical proposal shall explain in detail how the company will plan the work and perform the objectives listed in the Terms of Reference (ToR) document considering such aspects as compliance with the ToR, implementation methodology, timelines of actions included in the technical proposal;
3. A work plan, including implementation schedule of number of workdays per tasks to be performed by the contractor for completion of this assignment;
4. Experts assigned to executing of the tasks outlined in the ToR shall have at least five years of working experience in the field of local self-government and administrative complaint/feedback mechanisms (including proven working experience with local self-government representatives). Reference to similar work/projects completed shall be included in his/her CV to be attached to the offer.
5. Budget cost efficiency.

*More detailed information on assessment criteria is provided under the annexed assessment grid.*

## **Project Duration and payments**

Tentative contract period for the service will be **01.09.2021 – 30.06.2022**.

Within the frames of the contract the payments will be made gradually.

## **Submission of Application**

Application should be submitted in English.

**Technical proposal shall contain the following information** (*recommended structure of the proposal*):

### *1. Title page*

Name and registration number of organization; legal address, telephone number, e-mail address, director of organization - signature and stamp of a director.

### *2. Project name and implementation period (month/year-month/year)*

#### *2.1 Project Description*

*2.2. project goals and objectives and implementation methodology (shall be in compliance with the terms of reference under this tender announcement);*

2.3 Activities defined by the project and implementation schedule

#	Activity	September	October	November	December	...	...	Comment
1	X							[If Relevant]
2	Y							
3	Z							
...	...							

2.4 Persons involved in the project and their functions

Please, indicate the list and functions of persons, who will be involved in the implementation of the project and will be respectively indicated in the budget.

2.5 Annex

Respective Resumes (CV) of the staff involved in the implementation of the project should be attached to the application.

Applicant may attach any additional relevant information to the application.

**Financial offer shall contain the following information:**

*Budget in GEL (excl. VAT)*

#	Category	Unit	Number of unit	Unit price (GEL)	Total value (GEL)	Comment
<b>1</b>	<b>Salary/expert fee**</b>					
1.1		[month or man-day]				
1.2						
1.3						
	...					
	<b>sum</b>					
<b>2</b>	<b>Other costs</b>					
2.1	Business trip costs					

2.2	Hotel costs (meetings), catering					
2.3	...					
2.4	...					
2.5	...					
	<b>Sum</b>					
	<b>Total sum</b>					

*\*\* indicated fees shall include income tax and pension fund costs.*

Budget should not contain the costs that are not relevant for the activities envisaged under the project. Neither ongoing costs of the organization nor any kind of debt will be covered from the budget.

Fee rate of experts assigned should cover all personnel costs, including ancillary personnel costs; backstopping, communication and reporting costs; and all overheads, profit, interest, risks, etc. (As indicated in the Article 10.2 General Terms of Contract/ Annex.4)