

**Programme name:** Good Governance for Local Development (GGLD), South Caucasus

**Programme N:** 19.2204.6-004.00

**Service performance period:** 20.07.2020 – 30.11.2020

**Examination of citizen feedback and administrative claims in the municipalities and the public registry**

Commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ), the Good Governance for Local Development (GGLD), South Caucasus, programme of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (English: German Corporation for International Cooperation) invites local organizations to submit proposals for advisory services:

**Statement of work (SOW):**

**1. General information**

On April 1 of the current year, the GIZ programme Good Governance for Local Development (GGLD), South Caucasus was launched. The main goal of the programme was to strengthen national and local public sector institutions so that they could provide more tailored services to citizens and ensure decentralization.

To achieve this goal, the programme encompasses a number of areas:

- Improvement of the legal and institutional framework tailored to citizens
  - Enhancement of financial or service capacity of the main actors
  - Improvement of citizen engagement and appeal procedures
  - Strengthening of regional development tools, processes and institutions in order to develop local economies
  - Sharing transnational experience

The third component of the programme includes institutionalization of feedback and claim processing tools in municipalities. Raising public awareness of their rights and providing vulnerable groups free legal help in administrative proceedings.

To achieve this, a number of measures are planned as part of the programme: examining the existing practice, legal and organizational frameworks, identifying deficiencies that hamper effective application of citizen feedback and appeal procedures, monitoring of court proceedings effectively, and offering free legal assistance to vulnerable groups and informing citizens of their rights. All this should ensure improved operation of municipalities, better quality of the services offered to public and supporting the process of decentralization so that citizens can receive quality and timely service at their place of residence. Simultaneously, providing these tools should help with prevention of corruption, detection of possible cases of corruption and a prompt response to them.

As part of the constitutional reform of 2018, the Constitution was amended by adding Article 18 to the Human Rights clause. **The rights to fair administrative proceedings, access to public information, informational self-determination and claiming damages caused by the public authority.**

Paragraph 4 of Article 7 of the Constitution stipulates that the citizens of Georgia regulate the issues of local significance through local self-government bodies, as prescribed by the Constitution of Georgia.

On 1 April 2005, Georgia joined The European Charter of Local Self-Government 15.X.1985, thereby recognizing that it is the local bodies equipped with actual responsibility that can ensure effective government with better citizen engagement.

The Government ordinance N 678 of 31 December 2019 approved the Decentralization Strategy for 2020-2025 and the Action Plan for 2020-2021. The ordinance defined three strategic goals.

Strategic goal 1 - enhancement of the role of the self-government in resolving the majority public affairs

Strategic goal 2 - providing local self-government with appropriate material and financial resources

Strategic goal 3 - establishment of a reliable, accountable, transparent and result-oriented local self-government

Since February of the current year, a new infectious disease known as the coronavirus (COVID-19) caused a global pandemic. Georgia, like many other countries, found itself facing new challenges. The nation's central and local agencies had to switch to working remotely, which required electronic workflow and online services to function without interruption. Due to the state of emergency in the country, the municipalities and regions had to deal with new challenges and objectives.

Considering the above mentioned, the purpose of the research is to identify the possible deficiencies that may prevent municipalities from exercising their authority properly, and that point to structural or legal problems that make it difficult to provide on-the-spot quality service to citizens. In addition, in the framework of the above-mentioned research, the practice of common courts on the issues of construction and economic activities of municipalities, property registration and social services and their implementation by municipalities should be analysed.

Based on findings, complex recommendations will be developed, which will be the basis for the elaboration of a concept on the strengthen of complaints and feedback mechanisms in municipalities.

### **The purpose of the advisory service**

- The purpose of the advisory service is to examine the existing practice of processing citizen feedback and administrative claims in the selected 6 municipalities, especially, the municipalities' permits for construction or for economic activities, real estate registration and eligibility to social services.
- Development of recommendations based on the analysis, as well as action plans and possible ways of following the recommendations.

### **The objectives to be met by the advisory service**

As part of the advisory service, the service provider is supposed to:

1. Examination of the existing practice of processing citizen feedback and administrative claims in the selected 6 municipalities  
Special care should be given to the construction permits, permits for economic activities, and property registration and social services issues in the municipalities.
2. Thereafter, the advisory service provider must develop comprehensive recommendations, and suggest the plan and possible ways of following these recommendations.
3. Development of criteria for selection of municipalities and selection of the municipalities for the research based on these criteria. Also, considering the following requirements in the selection process: at least one municipality must be represented from each region of the country. The research must include Tbilisi as well.
2. Development of research methodology
3. To identify the challenges and needs around the research areas, working meetings should be held for the municipality staff, lawyers, free legal service providers, local NGOs and citizens (no more than 6 workshops).

2. The advisory service provider should focus on the following:

**Existing legal proceedings and practice for administrative claims, giving special care to construction permits, permits for economic activities, and property registration issues in the municipalities.**

1. What legal acts are used to collect and process citizen claims and feedback
2. How they are used in practice
3. Organizational structure and functions of municipalities when collecting claims and citizen feedback
4. The established standards of handling citizen claims or citizen feedback
5. The required format and procedure for submitting claims and/or citizen feedback
6. The types of service or municipality decision that citizens can appeal or provided feedback on
7. The services that can be appealed by citizens (within the delegated, deconcentrate, exclusive authority)
8. 2017-2020 statistics of received and processed claims, the percentage of the claims actually granted
9. The practice of administrative proceedings and quality of substantiation of individual administrative-legal act (the practice of the selected municipality must be analysed thoroughly)
10. The individuals responsible for claim and citizen feedback and their qualifications
11. Whether these individuals have been trained in general and special administrative law
12. Do municipalities share practice among themselves? The differences in the municipalities' practices and the underlying reasons
13. Whether it is possible to submit claims electronically and the analysis of electronic submission procedure
14. 2017-2020 statistics of granting administrative claims regarding construction permits or permits for economic activities and real estate registration

**Creating proper regulatory environment for feedback and administrative claims about the municipalities' social services, and the existing practice**

1. Current social services in the municipalities and the ability to submit feedback or administrative claims about them

2. Which legal acts regulate collection and processing of citizen claims and feedback
3. How they are used in practice
4. Organizational structure and functions of municipalities when collecting claims and citizen feedback
5. The established standards of handling citizen claims or citizen feedback
6. The required format and procedure for submitting claims and/or citizen feedback
7. 2017-2020 statistics of received and processed claims, the percentage of the claims actually granted
8. The quality of substantiation of administrative proceedings and individual administrative-legal act (the practice of the selected municipality must be analysed thoroughly)
9. The individuals responsible for claim and citizen feedback and their qualifications
10. Whether these individuals have been trained in general and special administrative law
11. Whether there is a special legal counsel service for vulnerable groups and how it is practiced
12. Free legal assistance and its mandate in the administrative law
13. 2017-2020 demographic statistics in the selected municipalities, and who uses free legal assistance and for what types of cases
14. Local NGOs offering citizens free legal help in dealing with the municipalities
15. Classification of issues, classification of citizens and appeal statistics
16. Whether there are regional non-governmental organizations specialized in social matters
17. How language barrier is overcome in the municipalities populated with ethnic minorities
18. Physical accessibility to the municipalities located in mountain settlements or in settlements with difficult terrain
19. The level of public awareness about their rights.
20. Do municipalities share practice among themselves? The differences in the municipalities' practices and the underlying reasons
21. Whether it is possible to submit claims electronically and the analysis of the entire process
22. Execution of court decisions by the municipalities selected for the research

#### **Analysis of the common court practice and enforcement of Georgia**

1. In the framework of the research, the practice of the common courts in administrative disputes should be studied separately.
  2. Judicial decisions should be selected for the purposes of the study, taking into account the following criteria:
    - A) the administrative complaints studied within the framework of the study and the decisions made on them, which were subsequently appealed to the court and the court decision made on them.
    - B) Preliminary decisions on construction permits, economic activities, property registration and social service issues
    - C) first instance court decisions of the territorial jurisdiction of the municipality selected for the purposes of the research.
  3. At least 20 court decisions should be considered on each research topic.
  4. If there is a decision of all three instances in the case, then their study should be done in unity.
  5. The analysis of the court decision should reveal the shortcomings in the activities of the municipalities, in the field of economy and construction, legal and practical issues related to the registration of property or social services.
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4. The service provider must ensure that the recommendations are discussed with the Ministry of Regional Development and Infrastructure, the municipalities, GIZ and other important participants, and prepare the final wording of recommendations, the plan for and possible ways of following the recommendations.

5. The service provider must make sure that interim and final reports are duly submitted. The interim report must be submitted until 31.09.2020, and the final report - by 30.11.2020.
6. The service provider must perform all the activities described in SOW in close cooperation and agreement with GIZ and the Ministry of Regional Development and Infrastructure.

**Estimated time to complete the project:**

Start date: 20.07. 2020

End date: 30.11.2020

Project performance reporting must be done in the Georgian language. The executive summary must be in both, Georgian and English.

**Receiving and selecting proposals**

The advisory service contractor will be selected based on a competition.

The companies eligible for the competition are both commercial (LLC) and noncommercial legal entities (NLC, NPO), non-governmental organizations / civil society organizations (NGO, CSO).

GIZ retains the right to check the information provided in the proposal. If the information is inaccurate, the proposal will be rejected.

Proposals will be evaluated based on the following criteria:

1. At least 5 years' experience of the organization's team in similar projects in the area of local self-governance and public administration;
2. The proposed experts' at least 5 years' experience /competence in carrying out similar studies, developing strategic plans and guidelines in the area of local self-government, public administration and practical experience with the work of administrative bodies and courts (*the relevant information must be provided in the experts' resumes*);
3. Adequacy of the technical proposal and project implementation methodology and their compliance with SOW;
4. Budget cost-efficiency.

**Service length and budget**

The estimated period of service is 20.07.2020 - 30.11.2020.

Under the contract made with the selected organization, the service will be financed in three stages. First, an advance payment will be issued, the second payment will be due after an interim report is submitted, and the final portion will be paid upon full completion and delivery of the work.

**The proposals must be drawn up in Georgian and English languages.**

**The content of the proposal must include:**

*1. Cover page*

The organization's name and the registration number, the registered address, the telephone number, e-mail, the company manager, the company manager's signature and stamp.

*2. Project description*

*2.1 Project name and start-end dates (MM/YY-MM/YY)*

*2.2 Project purpose and objectives*

*2.3 Measures to be taken under the project and the schedule of work*

#	Measure	July	August	September	October	November	Comment
1	X						<i>[Indicate if needed]</i>
2	Y						
3	Z						
...	...						

*2.4 Individuals engaged in the project and their roles*

Provide the list of the individuals, including their roles, who are supposed to run the project and are included in the budget. The resumes of such individuals must be enclosed to the proposal.

*2.5 Annex*

The proposal must be accompanied by the resumes of the individuals to be engaged in the project and the organization's comments regarding the feasibility of the service.

Additional information, whatever deemed relevant by the applicant, can be provided in the annex as well.

**The financial proposal must include the following information:**

*Budget (in GEL, VAT exclusive)*

#	Category	Unit	Unit quantity	Unit price (GEL)	Total price (GEL)	Definition	
1	Fee						
1.1		[Per month or man-day]					
1.2							
1.3							
	...						
	Total						
2	Other project related costs						
2.1	Transport						
2.2	Overnight						
2.3	Venue and Catering						
2.4	Perdiem	15 Gel/day					
	Total						
	Grand total						

Do not include any amounts unrelated to the project activities in the budget; nor should the budget cover the organization's out-of-pocket expenses or repayment of any indebtedness.