

Terms of reference (ToRs) for the procurement of services below the EU threshold

Review/update of sub-legislative acts in the area of municipal service	Project number/ cost centre: 23.2131.3-001.00
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0. List of abbreviations

BMZ	German Federal Ministry for Economic Cooperation and Development
HR	Human Resources
IMD	Integrated Municipal Development
MTAI	Ministry of Territorial Administration and Infrastructure
NTS	National Training System
SDC	Swiss Agency for Development and Cooperation
TARA	Territorial and Administrative Reform of Armenia
TNA	Training Needs Assessment
ToRs	Terms of reference

1. Context

The “Integrated Municipal Development in Armenia” (IMD) project aims to enhance the efficiency, effectiveness, and citizen-orientation of local self-governments. By advising and supporting partner organizations, the project seeks to improve the framework for local development while closely collaborating with selected municipalities known as transformation partners. These efforts focus on implementing reforms to enhance service quality and accessibility, foster local economic growth, optimise local self-governance, and empower citizens in municipal decision-making. Throughout the project duration from April 2024 to March 2027, success stories and lessons learned from transformation partners will be shared through various exchange platforms, ensuring the replication of successful models for integrated municipal development across Armenian local self-governments.

The project is implemented by GIZ on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and in partnership with the Ministry of Territorial Administration and Infrastructure (MTAI).

Background

As part of its efforts towards strengthening the Armenian municipalities to become viable structures after consolidation in the framework of the Territorial and Administrative Reform (TARA), since 2016 GIZ has supported the MTAI and consolidated multi-settlement municipalities to establish improved municipal service with the emphasis on national training systems and enhancement of capacities of municipal servants.

Capitalising on results achieved over the period of 2016-2023, the MTAI and GIZ agree to further streamlining the sub-legislative framework regulating the legal operations and activities and functionality of the municipal servants in response to the current needs thereof. Among the areas supported by GIZ in the past are the establishment of the Human Resources (HR) Working Group for review of the National Training System (NTS) of municipal servants, the development of the Concept of NTS for municipal servants, the design of the Training Needs Assessment (TNA) methodology and its implementation in the consolidated municipalities, the design and implementation of training courses for staff secretaries of municipal administrations (the positions responsible for HR Management and training) to implement the TNA further and on sustainable and methodologically enhanced manner, and a comparative analysis of civil and municipal service legislation. The latter encompasses understandably the national level legislation, which requires review and reconciliation of one tier lower sub-legislative framework in order for the MTAI and municipalities to fully discharge their legally stipulated functions, duties and responsibilities.

Against this background, the overall objective of the assignment is to further the reforms in the municipal service in general, and secure modern, simplified and rationalised legislative framework for the municipal service as one of the cornerstones of local self-government in particular, as well as reconciliation and approximation of the Armenian legislation to the principles of good governance. This assignment should, inter alia, provide recommendations for further improvement and enhancement of the inherent aspects of municipal service and the legislation regulating the sphere in question. These recommendations shall be incorporated into 14 sub-legislative acts to be revised in the framework of this assignment.

This assignment shall be implemented in close collaboration with the Department of Territorial Administration of the MTAI, which is responsible for handling the municipal service and NTS, including staffing, staff-lists, organigrams and functional settings of the local self-government bodies in particular, and the MTAI being the state authorised government

agency for the sphere. Another key actor, in addition to GIZ, is the MTAI Department of Local Self-Government Policy.

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services:

- **Task 1: Desk review of the relevant legislation**

The Contractor conducts a desk review of all relevant documents, including public service legislation (consisting of civil and municipal service laws) and sub-legislative framework, as well as holds meetings and consultations with the respective officials and responsible officers of the MTAI and selected municipalities, predominantly chief secretaries in order to approach the Task from the standpoint of reconciling the actual needs with good practices. Among the documents to be scrutinised is the Concept Paper on National Training System for the municipal servants designed and submitted to the MTAI with the support of GIZ and its provisions that are very relevant to a number of acts to be reviewed in the framework of this assignment. As a result, the Contractor develops a plan of action for implementation of this Task 2 as set out further. The list of sub-legislative acts is annexed to these Terms of Reference (ToR) as Appendix 1.

- **Task 2: Review and redrafting of the 14 sub-legislative acts**

The Contractor undertakes a review of the 14 sub-legislative acts and designs recommendations on improving implementation modalities with a focus on efficiency, effectiveness and inclusivity. This Task requires extensive exchange with the MTAI Departments of Territorial Administration and the LSG Policy under the guidance of the respective deputy ministers.

- **Task 3: Presentation of the revised drafts to the MTAI and GIZ**

The contractor will make a presentation to the MTAI and GIZ on the results of the assignment in order to obtain final comments and recommendations of the parties for incorporation into the drafts and/or the report.

Any further task arising during the implementation of the assignment needs prior agreement between the Contractor and GIZ.

Certain milestones, as laid out in the table below, are to be achieved during the contract term:

Deliverables		Language	Expert days (up to)	Deadline
Preparatory phase	Designed and agreed plan of implementation with GIZ and MTAI	ARM	1	September 15, 2024
Task 1	Desk review report, including implementation modalities, conducted interviews and recommendations for improvement	ARM	10	October 15, 2024

Task 2	Drafts of revised 14 sub-legislative acts	ARM	35	January 15, 2025
	Drafts finalised on the basis of the comments and recommendations raised during the collaboration with the MTAI and GIZ	ARM	5	January 30, 2025
Task 3	Presentation of the results to the MTAI and the final report to GIZ	ARM	2	February 28, 2025
Total			up to 53	

Period of assignment: from September 2024 until February 2025.

The Contractor is obliged to perform the assignment based on this ToR while ensuring close contact and cooperation with GIZ throughout the implementation of the assignment. The Contractor is further required to submit all the deliverables to GIZ. Approval from GIZ is mandatory at each stage before moving on to the next level.

Please note that GIZ security regulations, concerning operations in some areas of Tavush and Gegharkunik, Vayots Dzor, and Syunik provinces, are based on the travel warning issued by the German Federal Foreign Office and will be provided upon request.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Note: The numbers in parentheses correspond to the lines of the technical assessment grid.

Technical-methodological concept

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

Processes (1.4): The tenderer is required to describe the key processes for the services for which it is responsible and create an operational plan or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided.

4. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 6), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Expert 1

Tasks of key expert

- Overall responsibility for implementation of all tasks as outlined in these ToR (including ensuring quality and keeping deadlines)
- Collection of data and information pertinent to the assignment followed by their analysis as necessary
- Organisation and holding interviews with relevant stakeholders, primarily MTAI, selected LSGs (as needed)
- Coordinating and ensuring communication with GIZ, partners and others involved in the project
- Presentation of the results of the assignment to the MTAI and GIZ
- Regular reporting in accordance with deadlines

Qualifications of key expert

- Education/training (2.2.1): Higher education in the area of Law, Public Administration, and others related to the Assignment
- General professional experience (2.2.3): 10 years of professional experience in drafting legal and sub-legislative acts; 8 years of professional experience in the sphere of local governance
- Specific professional experience (2.2.4): 8 years of professional experience in policymaking related to HR and designing the regulatory framework governing the public (municipal, civil) service
- Development Cooperation (DC) experience (2.2.7): 8 years of professional experience in cooperating with development cooperation agencies

5. Costing requirements

Assignment of personnel and travel expenses

Specification of inputs

Fee days	Comments
Fee of Expert 1	Expert fee(s), per working day and in total
Travel expenses	Comments
Overnight allowance in case of travel overnight outside of Yerevan is needed to accomplish the assignment	Accommodation is upon provision of evidence. In case there is no provision of evidence, the accommodation will be reimbursed by lump sum of AMD 5,000 per night.
Transport	Comments
Travel expenses (train, car)	Travelling by private car is reimbursed with 100 AMD per km as a lump sum or upon provision of evidence-based on the market price of transportation service.

Other costs	Comments
Other costs	Any other expenses essential for implementing the assignment, e.g., costs for materials. Evidence of these expenses must be submitted.

6. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in Armenian (language).

The complete tender must not exceed 15 pages (excluding CVs and title page/ list of contents). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CV of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CV shall not exceed 4 pages. They must clearly show the position and job the proposed person held in the reference project and for how long. The CV shall also be submitted in Armenian (language).

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule. The financial proposal must be submitted separately from the technical proposal.

7. Appendix 1. List of HR sub-legislative acts subject to review/update

Below is the list of most important and crucial sub-legislative acts regulating the area of municipal service subject to review in the framework of this assignment:

1. Government Decree N-1002-N on Approval of the rules of procedures of concluding time-bound employment contracts (June 13, 2006)
2. Government Decree N-1003-N on Approval of the rules of procedures of conduction service investigation of municipal servants (June 13, 2006)
3. Ministerial Order N-20-N on Approval of the rules of procedures on administration of private dossiers of municipal servants (November 7, 2006)
4. Ministerial Order N-03-N on Approval of the list of positions categorised in each of the groups and groups of municipal service posts (December 4, 2008)
5. Ministerial Order N-15-N on Approval of the rules of procedures on appraisal of municipal servants (September 11, 2006)
6. Ministerial Order N-14-N on Approval of the ethical rules applicable to municipal servants (September 11, 2006)
7. Ministerial Order N-05-N on Approval of the rules of procedures to maintain the registry of municipal servants (January 26, 2006)
8. Ministerial Order N-12-N on Approval of the exemplary rules of procedures applicable to competition and appraisal commissions of municipal service (August 29, 2006)
9. Ministerial Order N-13-N on Approval of the rules of procedures to fill the vacancies in municipal service (August 29, 2006)
10. Ministerial Order N-03-N on Approval of the exemplary internal disciplinary rules of procedures in the staff of local self-governments (January 19, 2009)
11. Ministerial Order N-04-N on Approval of the general descriptions of the groups and subgroups of municipal service posts (December 4, 2008)
12. Ministerial Order N-02-N on Approval of the entering in and withdrawing from the reserve of the municipal servants roster (December 4, 2008)
13. Ministerial Order N-11-N on Approval of the rules of procedures to compile tests for filling in the vacancies in the municipal service system and appraisal of municipal servants (August 29, 2006)
14. Ministerial Order N-11-N on Approval of the rules of procedures regulating the training of municipal servants (May 3, 2011)