Terms of Reference

Consultancy Services for the Design of Terms of Reference and Code of Conduct for the Directorate General of Local Administrations and Councils (DGLAC)

1- Introduction

The impact of the Syrian Crisis on Lebanon has reached an unprecedented scale in the history of complex, displacement-driven emergencies. In April 2012, 32,800 Syrian refugees were registered or awaiting registration with the United Nations High Commissioner for Refugees (UNHCR) in Lebanon. By October 2018, the Government of Lebanon estimated that the country was hosting an estimated 1.5 million refugees, a quarter of the total Lebanese population.

The refugee crisis places tremendous pressure on Lebanon’s services and resources, particularly at the decentralized level. Municipalities face challenges in providing adequate housing, ensuring quality public services, and creating jobs for both host communities and displaced/refugee populations. Furthermore, localities with the highest concentration of displaced people from Syria, including all large cities of Lebanon and their suburbs, consistently suffer from heightened insecurity, higher levels of tensions and more exposure to violence than other areas in Lebanon.

The above situation is further exacerbated by the current economic, political and health crisis. Lebanon is facing one of the gravest economic downturns since the end of the civil war in the early 1990s. The World Bank estimates that in 2020 real GDP contracted by 20.3 percent, on the back of a 6.7 percent contraction in 2019. In fact, Lebanon’s GDP plummeted from close to US$55 billion in 2018 to an estimated US$33 billion in 2020, while GDP per capita fell by around 40 percent in dollar terms. Public debt stands at 174 percent of the gross domestic product. The latest rapid unemployment assessment by ILO found that unemployment stood at 37 percent in 2020. According to UNESCWA, in 2020 more than half of the Lebanese people lived in poverty (55.3 percent), up

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2 The 251-vulnerability map identifies the most vulnerable localities in Lebanon. They host 87 per cent of the displaced from Syria, and 67 per cent deprived Lebanese. A Lebanese crisis response plan 2017-2020 (2019 Update)
3 Lebanon Economic Monitor, World Bank, Spring 2021
4 Lebanon Economic Monitor, Spring 2021, World Bank
from 27.4 percent in 2011-2012\(^5\). Amid economic uncertainty and an extremely protracted crisis, challenges continue to deepen for many displaced refugees and Lebanese who face long-term poverty. Both Lebanese and refugees perceive those long-standing inequalities are deepening and competition for shrinking job opportunities and dwindling resources and services remain drivers of tension at the local level.

On March 11, 2020, the World Health Organization (WHO) declared the coronavirus disease 2019 (COVID-19) a pandemic, and on March 15, the government of Lebanon issued the governmental resolution on the General Mobilization. The first case of COVID-19 in Lebanon was confirmed on February 21, 2020. As of July 5, 2021, in Lebanon, the total number of cases rose to 545,671 cumulative cases of Covid-19, and 7,863 deaths have been reported\(^6\). This complex situation puts additional pressure on the subnational authorities to deliver the quality of services and to create income generation opportunities for their communities.

2- Background

In response to the refugee crises, the European Union (EU) through EU Regional Trust Fund in Response to the Syrian crisis, the ‘Madad Fund’ funds ‘Municipal Empowerment and Resilience Project’ (MERP). MERP is a joint initiative by the United Nations Development Programme (UNDP) and the United Nations Human Settlement Programme (UN-Habitat). The project is implemented in partnership with the Ministry of Interior and Municipalities (MoIM).

The project aims to strengthen the long-term resilience of subnational authorities in Lebanon as well as host communities, refugees and displaced persons affected by the Syrian crisis. To achieve this, the project engages in a three-pronged approach: MERP aims to 1. strengthen processes, procedures and practices to enable Union of Municipalities (UoMs) and municipalities to deliver effective and efficient services in a transparent and accountable manner; 2. empower UoMs and municipalities to facilitate local economic development (LED) and to deliver basic services that address the needs of both host and refugee populations, and; 3. support communities to engage in municipal processes and procedures to ensure that UoMs and municipalities are responsive to their needs.

The project’s geographic areas of intervention are the Urban Community Al Fayhaa, the federation of Municipalities of the Northern and Coastal Matn, and the UoM of Tyre with a total of 92 partner municipalities.

<table>
<thead>
<tr>
<th>District</th>
<th># of Municipalities in the district</th>
<th>Targeted UoM</th>
<th># of municipalities in the UoM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tripoli</td>
<td>4</td>
<td>Urban Community Al Fayhaa</td>
<td>4 (Qalamoun, Mina, Tripoli, and Beddaoui)</td>
</tr>
</tbody>
</table>

\(^5\) UNESCWA Policy Brief No 15/2020: Poverty in Lebanon
\(^6\) WHO Lebanon COVID-19 Daily Brief for July 5, 2021
The Directorate General of Local Administration and Councils (DGLAC) fulfills the municipal support function of the Ministry of Interior and Municipalities (MoIM) as stipulated in the Municipal Act No. 118 of 30 June 1977 and its amendments. By law, DGLAC plays a crucial role in providing administrative oversight, capacity-building, and evidence-based planning support for Lebanese municipalities and unions of municipalities (UoMs). DGLAC’s framework also calls for prioritization of the welfare of its indirect beneficiaries, i.e., citizens and residents, who are the primary target of the civil service and the end-users of service delivery. Although citizens are not the prime beneficiaries of DGLAC, they should be at the heart of its policies towards local authorities. DGLAC has been facing chronic challenges since its inception in 2000, however. Most of these challenges, which include underfunding, understaffing, lack of digitization, and internal governance gaps, are directly correlated with the overarching conditions and the broader political environment affecting the Lebanese civil service and the public administration.

In response to the above, MERP commissioned a review of DGLAC. The review identified strengths, weaknesses, opportunities, and challenges for the Directorate and generated concrete and realistic short, medium, and long-term recommendations for reform. Although the review of DGLAC revealed strong technical expertise among staff, it identified the need to detail and delineate the role of departments and units and to create a complementarity of tasks between them, thus conveying a sense of unity, harmony, and organic interdependence of each department. In addition, the review highlighted the need to:

- Develop documented job descriptions or Terms of Reference (ToRs) for each department and individual role and review existing ones, thus proposing additional tasks and sub tasks to be included as part of the existing ToRs;

- Develop a code of conduct that would guide the Directorate towards value-based operations and decision-making. This would further complement DGLAC’s newly developed values – namely decentralization, optimal service delivery, stewardship, integrity, and inclusivity- and set a professional standard between DGLAC and stakeholders (local and central government, donors, partners, etc.).

For this reason, UNDP is seeking to contract a Senior Legal & Governmental Expert to implement the proposed recommendations and create buy in and ownership of the developed resources among DGLAC staff.

7 The main provisions regulating DGLAC’s mandate are also outlined in Art. 28–43 of Decree No. 4082, issued on 14 October 2000

<table>
<thead>
<tr>
<th>Matn</th>
<th>54</th>
<th>Federation of Municipalities of the Northern and Coastal Matn</th>
<th>33</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tyre</td>
<td>62</td>
<td>Union of Tyre Municipalities</td>
<td>55</td>
</tr>
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</table>

Table 1 MERP Geographical Focus Area
3- Main objective of the assignment

DGLAC plays a key role in providing support for Lebanese municipalities and unions of municipalities. Therefore, it is crucial for DGLAC to set the standard for good governance and serve as a model for an efficient and effective public administration catering to local authorities. The main objective of this consultancy is to overall institutional and organizational functioning of DGLAC by developing **Detailed Terms of References for departments and individual roles and Organizational and individual codes of conduct**. This work will thereby operationalize DGLAC’s newly endorsed vision, mission, and values and support DGLAC toward sustainability, efficiency, modernization, and transparency.

4- Deliverables

Under the direct supervision of MERP Capacity Development Officer and general guidance of the Chief Technical Advisor, and in close coordination with DGLAC’s Director General the consultant will be responsible for the following outputs:

a) **Detailed Terms of References for departments and individual roles.** The consultant will review existing ToRs and develop and/or update job descriptions or Terms of Reference for each department and individual roles as needed, proposing additional tasks and sub tasks to be included as part of the existing ToRs, in such a way that maximized DGLAC efficiency given the mandate and limited human resources and that support various institutional reforms that are currently under taken (e.g. web portal, municipal observatory). As per the latest DGLAC staffing breakdown, there are currently 55 active positions and 9 departments in need of detailed ToRs. However, exact numbers need to be confirmed by DGLAC and ToRs developed in coordination with DGLAC’s Director General and staff, in line with the newly endorsed vision, mission, and values. Additional Terms of Reference may need to be developed, particularly for seconded staff from municipalities or potential interns allocated to DGLAC.

b) **Organizational and individual codes of conduct.** The consultant will conduct a rapid assessment which identifies and reviews any existent codes of conduct and the extent to which these need to be updated. Based on the assessment the consultant will elaborate and incorporate additional principles (e.g. conduct toward individuals and clients, measures of personal accountability, etc.) to existing codes of conducts set by the government regulations. If absent, the consultant will develop an organizational and individual code of conduct delineating the ethical principles that governor decisions and behaviours at DGLAC and provide specific guidance for handling ethical issues. The codes of conduct should align with DGLAC’s vision, mission, and set of principles and values, such as client-centeredness, decentralisation, optimal service delivery, integrity, gender equality, and inclusivity.

c) **Two validation sessions/workshops** focusing on increasing staff understanding of the developed organizational resources. The workshops will be financially covered by MERP and implemented at the end of task 2 and 3 outlined above. The workshops should be a consultative

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8 MERP Review of the Directorate General for Local Administrations and Councils- Final Report, April 2021
process where employees and management work together to provide a comprehensive contribution to DGLAC’s overall mission, vision, and values.

<table>
<thead>
<tr>
<th>Task one:</th>
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<tr>
<td>Inception phase</td>
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</table>
|  | o Hold regular consultations with DGLAC management, staff, MERP, and relevant stakeholders, particularly the Civil Service Board, as part of the participatory planning process.  
|  | o Conduct a rapid needs assessment detailing the number of departments and ToRs in need of development, identifying existing expertise and realigning the deliverables with the priority roles and responsibilities of the DLGAC.  
|  | o Develop outlines for the Terms of Reference/job descriptions, and Code of Conduct.  
|  | o Develop a detailed methodology, project work-plan, including a risk and mitigation strategy.  
|  | o Submit a draft inception report for review and comments.  
|  | o The consultant is to submit a final inception report based on DGLAC/MERP/UNDP/UN-Habitat feedback  

**Expected output:** Inception report consisting of minimum 10 pages detailing the purpose and objectives of this assignment. It should also include the findings of a rapid needs assessment which maps existing expertise at DGLAC and aligns this expertise with the priority roles and responsibilities of the DGLAC identified through the review. Final inception report to be developed in both Arabic and English by the service provider.

<table>
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<tr>
<th>Task two:</th>
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<tbody>
<tr>
<td>Review and/or development of detailed Terms of Reference/job descriptions for departments and individual roles</td>
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</table>
|  | o Conduct regular consultations with DGLAC management, staff, MERP, and relevant stakeholders, as part of the participatory planning process.  
|  | o Review and develop job descriptions for all departments and individual roles at DGLAC, including DG and DG Office, Municipal Observatory department, HR department, Governorates and District Department (including General Controllers), IMF Department, Technical Department, Legal Affairs Department, the Accounting, and Secretariat. The number of ToRs reviewed and developed will be identified through the above-mentioned needs assessment9.  
|  | o Weekly follow-up with DGLAC, MERP & different stakeholders for  

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9 This will exclude staff seconded to the Ministry of Interior and Municipalities’ Directorate General of Personal Status and resources seconded to the Joint Directorate
the integration of comments and feedback.
  o Implement one validation session/workshop to facilitate the development and endorsement of the draft Terms of Reference and promote staff involvement in the overall process.
  o Submit a draft ToRs for MERP/DGLAC/ Civil Service Board review and integration of feedback and comments.
  o Submit a final draft of the Terms of Reference /job descriptions for departments and individual roles.

Expected outputs: Submit detailed ToRs for DGLAC departments and individual roles. Final Terms of Reference to be developed by the consultant in Arabic. The English translation (performed beyond this assignment) is to be reviewed by the consultant.

<table>
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<tr>
<th>Task three:</th>
<th>Organizational and individual code of conduct</th>
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<tr>
<td>o</td>
<td>The consultant shall hold regular consultations with DGLAC management, staff, MERP, and relevant stakeholders as part of the participatory planning process.</td>
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<tr>
<td>o</td>
<td>Draft and facilitate a review process of the individual and institutional codes of conduct and close follow-up with different stakeholders for the integration of comments and feedback.</td>
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<tr>
<td>o</td>
<td>Implement one validation session/workshop to facilitate the development and endorsement of the draft codes of conduct.</td>
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<tr>
<td>o</td>
<td>Produce final organizational and individual codes of conduct. Based on the Directorate’s core values and the standards to which staff is held, the codes of conduct may encompass areas such as business ethics, a code of professional practice, and an employee code of conduct.</td>
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</table>

Expected outputs: Submit two codes of conduct that set out DGLAC’s ethical guidelines and best practices to follow for transparency, integrity, and professionalism. Final organizational and individual code of conduct to be developed by the consultant in Arabic. The English translation (performed beyond this assignment) is to be reviewed by the consultant.

5- Required competencies

The consultant (Senior Legal & Governmental Expert) should have relevant experience of minimum ten years with a strong consulting and capacity development background to complete this assignment with requirements listed below. The consultant should have adequate proven experience in similar projects and have completed them in a satisfactory manner.

Education
  • At least Master’s degree or equivalent in Public Law, Labor Law, Business Law, Political and Administrative Studies, Political Science, or other fields relevant to the assignment.

Experience
  • At least ten years of professional expertise in the implementation and management of similar interventions, particularly in legal drafting of primary and secondary legislation, bylaws, regulatory texts etc.
• At least **ten years of experience** in linking administrative reforms to capacity building and training initiatives.
• Publication or drafting of at least **3 high quality reports** for the public sector and submission of unedited writing report for evaluation purposes.
• Proven experience working with Lebanese public institutions and sub-national authorities.

**Corporate Competencies**
• Demonstrates commitment to the UN values and ethical standards.
• Displays cultural, gender, religion, race, nationality, and age sensitivity and adaptability.
• Treats all people fairly and with impartiality.
• Ability to work under pressure and to meet deadlines.
• Ability to navigate and mediate political sensitivities.
• Flexible and responsive to changes and demands.
• Client-oriented and open to feedback.

**Language**
Fluency in English and Arabic is required.

**Ethics**
The consultant must safeguard the rights and confidentiality of information providers, interviewees, and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the assignment and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered must also be solely used for the purpose of this assignment and not for other uses with the express authorization of UNDP and partners.

The consultant will need to sign the pledge of ethical conduct before starting the consultancy. Civil Servants in Service will not be considered for this consultancy.

1. **Implementation arrangements**

MERP project is jointly commissioned by UNDP and UN-Habitat. The main focal point for this assignment will be MERP Capacity Development Officer. The Capacity Development Officer will be responsible for the oversight of the whole assignment process and will provide technical guidance and ensure the independence of the process. The Capacity Development Officer will ensure close coordination with UNDP and UN-Habitat and provide logistical support to the selected Consultant (i.e., key interview partners; organize meetings and workshops; and conduct field visits (if and when necessary and if the security situation permits). This TOR shall be the basis upon which compliance with assignment requirements and overall quality of services provided by the Consultant will be assessed by UNDP.

As part of the assignment:
• UNDP will provide the list of additional documents to the selected Consultant.
• The Consultant is expected to:
  i. Use his/her own office
  ii. Use his/her laptop/s, and other relevant software/equipment
iii. Use his/her own communication platforms, mobile, personal email address etc., during the consultancy period.
iv. Arrange all required field visits/trips.

2. **Time frame for the review process**

The consultancy is expected to take 54 working days over 20 weeks. The detailed workplan will be agreed upon between the UNDP and the selected consultant. The official end date and an extension are to be addressed in due time. The consultant will be required to visit partners and implement activities on locations.

<table>
<thead>
<tr>
<th>Deliverables/ Outputs</th>
<th>Estimated Duration to Complete</th>
<th>Estimated working days</th>
</tr>
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<tbody>
<tr>
<td><strong>Deliverable One: Desk review and inception report (10 days)</strong></td>
<td></td>
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</tr>
<tr>
<td>Prepare for and hold a series of consultations with DGLAC management and staff, MERP, other relevant stakeholders such as target UoMs, Civil service board, State Council, and develop/share minutes accordingly</td>
<td>One week after contract signature</td>
<td>4 days</td>
</tr>
<tr>
<td>Conduct a rapid needs assessment detailing the number of DGLAC departments and ToRs in need of development, identifying existing expertise and realigning the deliverables with the priority roles and responsibilities of DLGAC</td>
<td>Ten days after contract signature</td>
<td>2 days</td>
</tr>
<tr>
<td>Develop and submit a draft inception report (10 pages + Annexes) including outlines for the Terms of Reference/job descriptions and Code of Conduct, detailed methodology, project work-plan, and risk and mitigation strategy</td>
<td>Two weeks after contract signature</td>
<td>3 days</td>
</tr>
<tr>
<td>Incorporate comments and submit final inception report based on DGLAC/MERP/UNDP/UN-Habitat feedback</td>
<td>Three weeks after contract signature</td>
<td>1 day</td>
</tr>
<tr>
<td><strong>Deliverable Two: Review and/or development of detailed Terms of Reference /job descriptions for departments and individual roles (24 working days)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In close coordination with the Civil service board, review and develop job descriptions for all departments and individual roles at DGLAC and validate these through weekly follow-up meetings with DGLAC and MERP.</td>
<td>Eight weeks after contract signature</td>
<td>18 days</td>
</tr>
<tr>
<td>In close coordination with MERP and DGLAC, prepare and implement one validation session/workshop to facilitate the finalization and endorsement of the draft Terms of Reference and promote DGLAC staff involvement in the overall process</td>
<td>Ten weeks after contract signature</td>
<td>4 days</td>
</tr>
<tr>
<td>Based on DGLAC staff feedback received during the workshop, update draft ToRs and submit to MERP/DGLAC and Civil Service Board for final comments and approval</td>
<td>Eleven weeks after contract signature</td>
<td>1 day</td>
</tr>
</tbody>
</table>
Integration of feedback and comments and submission of final Terms of Reference/job descriptions for DGLAC departments and individual roles.

<table>
<thead>
<tr>
<th>Deliverable Three: Organizational and Individual Code of Conduct (20 working days)</th>
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</thead>
<tbody>
<tr>
<td>In close consultation with DGLAC staff and other stakeholders, draft individual and institutional codes of conduct.</td>
<td>Fifteen weeks after contract signature 10 days</td>
</tr>
<tr>
<td>In close coordination with MERP and DGLAC, prepare and implement one validation session/workshop to facilitate the development and endorsement of the draft codes of conduct</td>
<td>Sixteen weeks after contract signature 4 days</td>
</tr>
<tr>
<td>Incorporate feedback from workshop and submit draft organizational and individual codes of conduct</td>
<td>Seventeen weeks after contract signature 1 day</td>
</tr>
<tr>
<td>Integration of feedback and comments and submission of final organizational and individual codes of conduct</td>
<td>Nineteen weeks after contract signature 1 day</td>
</tr>
<tr>
<td>Perform a technical review of the English translation of the developed outputs (Codes of Conduct &amp; Terms of Reference) and submit a final English version to MERP</td>
<td>Twenty weeks after contract signature 4 days</td>
</tr>
</tbody>
</table>

6. EVALUATION

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight; [70%]

* Financial Criteria weight; [30%]

Only candidates obtaining a minimum technical score of 490 points would be considered for the Financial Evaluation.
Payment terms

This contract is a lump-sum contract. Payments will be arranged in 3 installments according to the following:

<table>
<thead>
<tr>
<th>Payments</th>
<th>Outputs</th>
<th>Percentage</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment #1</td>
<td>Deliverable 1: Final Inception Report</td>
<td>18.50%</td>
<td>Within thirty (30) days from the date of meeting the following conditions:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>a) Upon satisfactory completion of the total deliverables, outputs and activities of submission and approval by UNDP.</td>
</tr>
<tr>
<td>Payment #2</td>
<td>Deliverable 2: Final draft of the Terms of Reference /job descriptions for departments and individual roles</td>
<td>44.50%</td>
<td>b) Receipt of invoice from the Consultant</td>
</tr>
<tr>
<td>Payment #3</td>
<td>Deliverable 3: Final draft of the organizational and individual Code of Conduct</td>
<td>37.00%</td>
<td></td>
</tr>
</tbody>
</table>