

## **Terms of Reference**

### **Situation Analysis of Exploitation of the Freedom of Information Legislation in Georgia**

Europe Foundation (EPF) is seeking qualified national or international consultants to conduct a comprehensive situation analysis of the Freedom of Information (FOI) environment in Georgia, in order to assess the situation on the ground and identify formal and informal factors that impede access to publicly held information. EPF expects that the recommendations derived from the situation analysis will support the Foundation's efforts aimed at promoting the right to information and transparent governance in the self-governing cities of Georgia.

EPF expects this assignment to be conducted during **April – May 2016**, depending upon the availability of the selected consultant.

#### **About EPF**

EPF's mission is to empower people to effect change for social justice and economic prosperity through hands-on programs, helping them to improve their communities and their own lives. To achieve its mission, EPF strives (1) to strengthen the capacity of individuals and institutions, empowering them to address pressing issues, and (2) to mobilize relevant stakeholders in issue-based dialogue, through raising public awareness and creating various coalitions, platforms or working groups, so as to effect positive change.

EPF's work is guided by the following approaches: (1) creating opportunities for civic participation in public policy making, (2) engaging youth, (3) fostering culture of corporate and community philanthropy, including through formation of public-private-NGO partnerships, (4) promoting evidence-based advocacy and decision making, and (5) building confidence across religious, ethnic, and community divides. Some of EPF's flagship programs include *Engage and Monitor for Change*, *European Integration*, *Youth Integration*, *Social Enterprise*, and *Open Door Grantmaking*. Together, they feed into achieving the Foundation's mission and provide opportunities for Georgians to engage in social, economic, and political developments, in order to effect substantive and sustainable positive change at the local and national level.

#### **Background**

Georgia's FOI legislation has been touted as one of the more progressive in the region. However, independent reports on FOI highlight that the biggest problem with the existing legislative framework is its implementation. Some of the recent legislative amendments have encouraged proactive publication of public information, as well as allowed issuing of the information electronically in response to the formal request to the public agency. In 2011, Georgia joined the Open Government Partnership (OGP) (<http://www.opengovpartnership.org/country/georgia>). Since then, the country has occupied 29th place in the global ranking of open Government Index 2015. OGP action plan clearly promotes government transparency and access to public information, and the Government of Georgia (GoG) has taken specific commitments toward this end. Even though public officials claim that significant achievements were made toward implementation of FOI commitments reflected in the OGP Action Plan for 2014-2015, the watchdog organizations question the credibility of these statements.

## Purpose

To learn in more detail about the current FOI-related situation in Georgia, EPF would like to commission a comprehensive situation analysis of formal and informal factors that support or hinder the right to information, so as to identify structural and capacity gaps that need to be addressed to promote FOI and transparent governance in Georgia. EPF expects that the situation analysis will lead to actionable recommendations to effect positive changes in this area.

The overall goal of this exercise is to assess the existing factors, systems and processes that support or impede FOI implementation in Georgia and to provide recommendations on how to best contribute to improving access to public information in targeted self-governing cities of Georgia. To this effect, EPF would like the consultant to analyze the major achievements in relation to FOI, review recent initiatives in this area, and identify the current gaps or needs for CSO intervention, in order to promote access to public information and citizen participation in public policy-making.

## Methodology

The methodology to be applied for Situation Analysis will be qualitative in nature, consisting of review of secondary sources of data (Desk Review), as well as key informant interviews with the major stakeholders and beneficiaries in this area. The consultant will be responsible for developing the study design and methodology in order to meet the above-noted goals. Stakeholder participation has to be an integral part of data collection, data analysis, and formulation of recommendations. Details about the approach and the data collection methods to be employed to undertake this task must be included in the bid.

## Timeframe and Reporting Requirements

Expected duration of the study is four weeks.

The consultant will produce the following deliverables:

1. Inception Report (Due on April 10, 2016)
  - a. Objectives and expectations of the Situation Analysis
  - b. Methodology, data collection methods (derived from the methodology), and data collection instruments
  - c. Study participants/target groups
  - d. Roles and responsibilities
  - e. Indicative timeline
2. Draft report (Due on April 25, 2016)
3. Final report, which will include the following sections:
  - a) Executive summary (1-2 pages)
  - b) Brief description of the context
  - c) Description of the goal and objectives of the exercise
  - d) Description of methodology and data collection tools utilized in the course of the study
  - e) Overview of FOI environment in Georgia (legislative framework; major achievements and gaps in fulfilling FOI legislation; capacity needs of non-state actors and public authorities, etc.)
  - f) Presentation of main findings and conclusions
  - g) Recommended actions
  - h) Annexes, including the list of reviewed documents, all data collection tools, list of interviewees, etc.

The final report is expected on **May 05, 2016**. The report will be the sole property of EPF, which will retain the right to use it for internal and external purposes.

## **Budget**

EPF has allocated maximum **USD 5,000** (gross) for this service, including travel and lodging expenses. Price competitiveness will be a consideration during the selection process, and all proposals exceeding the defined amount will be declined.

## **Consultant Qualifications**

EPF expects that the selected consultant will have extensive knowledge of and experience in working on FOI and public integrity related issues in Georgia and other parts of the EaP region. The consultant should also demonstrate thorough understanding of local governance issues.

Additional qualification requirements include:

- Advanced degree in social sciences, human rights or related field
- Excellent presentation and interpersonal communications skills
- Ability to work independently and under tight deadlines
- Fluency in English and excellent writing skills
- Knowledge of and working experience in international donor organizations is an advantage
- Experience in working in Georgia is desirable.

## **Call Requirements and Selection Criteria**

Interested applicants must submit the following information to EPF:

- CV and cover letter, which includes a concise and detailed description of the consultant's qualifications and how the applicant meets the requirements specified in the terms of reference
- Methodological proposal on conducting the situation analysis
- Copies of the two most recent consulting assignments completed by the consultant on FOI, public integrity, government transparency, accountability or related issues, and
- Financial proposal/budget that includes a breakdown of costs (e.g. consultancy fee, travel related expenses, etc.)

The proposal must can be submitted in either English or Georgian. The selection criteria will include the following:

- The quality of the methodological proposal
- Degree to which consultant's qualifications and experience match EPF's needs outlined above
- Cost-effectiveness of the proposal, and
- Ability to adhere to the time constraints of the proposed activities.

## **Review Process**

Proposals may be submitted by email to [vacancy@epfound.ge](mailto:vacancy@epfound.ge). Please indicate "FOI Situation Analysis" in the subject line of your email.

The deadline for applications is **March 27, 2016, 6:00 PM Tbilisi time (GMT+4)**.

## **Contact Information**

Europe Foundation is located at 3 Kavsadze Street, 1079 Tbilisi, Georgia.  
Tel/Fax: (995 32) 225-3942/43; 225-2782.

The contact person for this call is Natia Meladze, Program Manager ([nmeladze@epfound.ge](mailto:nmeladze@epfound.ge)).