

**United Nations Children's Fund (UNICEF)
Phnom Penh, Cambodia**

Individual Consultancy - Vacancy N° LGCR/14/007

Terms of Reference

Study on Commune/Sangkat Planning and Budgeting for Social Services

“Understanding Expenditure Trend and Factors that promote and hamper Social Service Delivery”

Closing Date: Monday 21 July 2014

1. Background and Rationale

Commune Sangkat councils receive funds on a yearly basis following the first elections in 2002 for its operations and development interventions. Up until present day, the communes have no own sources of revenues and they have not been assigned functions, financial and human resources from the central ministries. The communes continue to implement generic functions and finance them from CS fund.

According to Sub-decree 16 on Commune/Sangkat Fund (CSF) of 2002 and Sub-decree 26 on Commune/ Sangkat (CS) Financial Management System, Commune/Sangkat councils prepare and approve their budget based on priorities set in a CS Development Plan and Investment Programme. The draft budget should be announced to citizens (at least 2 weeks) prior to adoption in a public meeting.

The inter-ministerial Prakas of the Ministries of Interior and Planning provides guidance on the formulation of a CS Development Plan (CDP) and Investment Program (CIP). According to Prakas, the process is led by a commune planning and budgeting committee (PBC). The committee consist of commune chief (chair), commune council members, commune focal persons for women and children, village representatives (chief & deputy), citizens representatives¹ (2 to 4 persons) selected by the CS chief, and a clerk serving as secretary.

A PACT Cambodia report on citizen satisfaction survey (2010) has shown that citizens do not actively participate in the village level consultation during the CDP and CIP development process and they are not well informed about the affairs of their commune council.² The World Bank also confirmed this finding in a report in 2012.³ A summary assessment conducted by UNFPA in collaboration with Department of Local Administration of Ministry of Interior in 2013 revealed that the CDP/CIP are not developed through proper needs-based consultations but in many cases, a copy and paste of priorities and activities from the previous year. Similar to this, a National Committee for Sub-national Democratic Development Secretariat (NCDDSD) Local Governance Survey from 2011 showed that there was no strong correlation between citizens and councilors (CS and District, Municipality and Khan) ranking of community development priorities. The priorities of councilors tend to reflect a male biased agenda that does not include meeting the needs of the poorest and most vulnerable citizens. The survey report recommends further research and analysis of available data to identify how socially inclusive local governance can be better supported and promoted.

¹ 60% of total households in each village of which 30% are women; see details in NCDD guidelines (2007) on preparation of Commune Development Plan (CDP) and Commune Investment Plan (CIP).

² The most significant role of CS Councils is seen to be infrastructure development. Citizens do not normally attend commune council meetings. Most citizens (87%) and most poor citizens (92%) have not attended a council meeting in the past year. Most participants (77%) said they attended meetings because they were told to attend by authorities, see more details in PACT Report (2010) on citizen satisfaction survey.

³ World Bank (2012). Voice, Choice and Decision: a study of local governance processes in Cambodia.

Many CS councils continue to prioritize infrastructure for the use of the CS Fund in response to the high priority placed on local infrastructure by the local population, men and women.⁴ From 2009 to 2012, while constraints of CS council financing of social development activities were partially resolved through some changes made to fund liquidation procedures,⁵ a majority of the projects under CS contracts (in terms of value) were physical infrastructure projects like roads (89%) and irrigation (6%). It is unclear exactly how inclusive and representative of citizens priorities for social development these activities are.⁶

In 2011, CS councils allocated an aggregate amount of \$1.6 million (averaging \$1,000 per CS) of the development expenditure to fund social development activities focusing on pre-school education, maternal health, water and sanitation and social protection issues⁷. It should be noted that this represents only 4% of an annual CS council budget, and is so low that it is more a symbolic allocation towards social development than it is a realistic statement of intent to genuinely prioritise social development in Cambodia.

An NCDDDS study on 'the Commune/Sangkat Budget Execution' in 2008 revealed, among others, that the *rules and regulations for CS budget execution are far too complex due to the numerous steps needed for ingoing and outgoing financial transactions. This further hampers utilization of funds for social development as it results in the low execution rates of the CS budget. In turn this is compounded by the Commune Investment Programme (CIP) formulation being too time consuming, and a slow CS budget preparation and endorsement process*⁸. CSs in general were also found to have a limited understanding of the link between planning, budget preparation and project preparation, which is further complicated by these three processes being supported and managed by different provincial agencies, making it virtually impossible for CSs to find the autonomy to plan and execute any action in line with their own priorities. Other findings include irregularity of transfers due to insufficient cash availability. It is worth noting that this study had a focus on the execution of the CS budget for rural infrastructure development.

Although there are studies and reports on CS planning, budgeting, its execution, and its governance available, most of them focus on the service supply side and less so on meeting the needs and demands of citizens. They therefore do not capture comprehensively and specifically the needs, perceptions and demands of poor and vulnerable citizens, or how communes seek to engage with and address these. The above review and summary of findings from multiple reports consistently reveal an absence of the voices of the poorest and most vulnerable, and how they for this reason are not well reflected into local government planning and budgeting. Among these reports, very few also deal with the role of the youth in local planning and budgeting, and instead classify youth together with vulnerable groups such as women and children, disabled persons, the poor and ethnic minorities. In summary, neither local governance in practice nor research into local governance is particularly occupied with inclusive social development.

Because socially inclusive development that especially addresses the needs of the poorest and most vulnerable segments of society is both a priority and mandate, **UNICEF in partnership with NCDDDS/MOI** wishes to fill this knowledge gap to generate robust evidence to inform advocacy and policy making for improved socially inclusive local governance. This gap can be filled by commissioning an independent contractors to undertake a comprehensive study to identify the gaps and challenges in CS planning, budget allocation, and execution in relation to fostering participation of and meeting the needs of the poor and most vulnerable groups in need of social development services and initiatives. The study will also include mapping of the demand for social services by groups currently or often excluded from decision making (women and children, youth, people with disabilities, and ethnic minorities), as well as the platforms, scope and capacity of the community to enhance participation in local governance that is socially inclusive.

⁴ IP3 Annual Implementation Report 2011, and result of IP3 2011 Local Governance Survey, NCDD.

⁵ IP3 Annual Report 2012, page vi.

⁶ IP3 Semi-annual report 2012, page 44.

⁷ See details in IP3 Annual Implementation Report 2011, page 28-30.

⁸ Reasons for delays in relation to the CIP formulation include weak capacity but also complexity of the process and of the tools used, low participation largely because of inappropriate timing (clash with people's farming activities) and, in a number of cases, having to wait for the District Integration Workshop (DIW).

2. Purpose and objectives of the Study:

2.1 Purpose:

The study and its findings and recommendations will be used to inform (a) the sub-national fiscal policy dialogues and formulation among Government institutions, Development Partners and CSOs, (b) the design of capacity building plan and (c) the formulation of a strategic advocacy and plan that can inform policy making to enable more and efficient socially inclusive and accountable local governance development, and enhance the participation of citizens, including the poor and most vulnerable in local decision making and governance.

2.2 Objectives of the Study:

- To analyze the trends in commune development expenditures with particular focus on expenditures for women, youth, children, people with disabilities and ethnic minorities across provinces using available primary and secondary data from 2009 through 2013.
- To identify factors that enable and hamper social service planning, budgeting and implementation (barriers and bottlenecks) through desk review and field surveys to (a) identify the demand for social services among the poor and non-poor with particular focus on poor and vulnerable women and children, youth, children, people with disabilities and ethnic minorities, and their opportunities and capacity to influence planning and budgeting process; (b) examine the existing commune capacity and challenges in implementation of social interventions; (c) identify key stakeholders and partners best positioned to advance children's rights at community level; and (d) to review relevant institutional arrangement and legal framework and identify strengths and weakness for learning and corrective actions respectively.

2.3 Specific outputs of the study:

- Analysis of commune expenditures' trend and opportunities for additional revenue streams
- Analysis of demand for social services by the most vulnerable people (children, women, youth, persons with disability and ethnic minorities), and their level of satisfaction with availability/delivery of social services
- Analysis of platforms, key partners, and scope and opportunities for the poorest and most vulnerable including children, women, youth, persons with disability and ethnic minorities, to participate in local decision making and governance
- Analysis of barriers and opportunities for improved planning, budgeting and delivery inclusive social services and initiatives (barriers may be related to both supply and with demand, legal framework and policy, human resources, supervisory capacity, availability of technical support, mechanisms for quality assurance and/or other issues)
- 4 publishable case studies: 2 focusing on communes that are performing well in socially inclusive local governance and 2 focusing on communes that are not performing well
- Recommendations for actions to be taken by different stakeholders at national, sub national and commune level to improve local governance that is socially inclusive and meeting the needs and demands of the most vulnerable and poor

2.4 Guiding Research Questions:

What are the current trends in CS budgets? Are they targeting inclusive social development meeting demands of the most vulnerable and poor?

Do CS have any opportunities for increasing revenues to fund delivery of social services?

Which platforms, scope and opportunities do the poorest and most vulnerable (including children, women, youth, persons with disability and ethnic minorities), have for participating in local decision making and governance?

In cases of good performance (high expenditures and efficient delivery of services for the most vulnerable and poor), what are factors that enable the success?

In cases of poor performance what are the factors contributing to the failures? Which specific bottlenecks and barriers should be prioritized first, how should they be addressed and by whom?

3. Methodology:

The overall study methodology will have to comprise both qualitative and quantitative methods for primary data collection and analysis, and analysis of available secondary data. The consultant will first undertake a desk review based on primary and secondary the data available from NCDDDS, Ministry of Economy and Finance (MEF) and Ministry of Planning (MoP) to answer the questions relating to trends and structure of CSF. The consultant will also conduct key informant interviews at the national level to verify the literature review and data analysis. This will inform the field survey design which the consultant will organize and manage. The field survey must collect necessary data from both poor and non-poor households' heads, primary care taker of young children, commune chiefs and councilors, commune clerks, provincial and district administration, provincial treasury, community pre-school teachers, village chiefs and deputy chiefs. Youth (15-25 years) and adolescents (10-19 years), and other relevant stakeholders should be represented in the study, and be chosen from selected households⁹. In general the survey must be representative of respondents of different ages, both genders and with different backgrounds and conditions (from rural and urban areas, children living in the poorest communities, of parents with different education, economic status, with disability and with parents on migration).

The contractor will also conduct interviews with representatives from national and subnational level institutions to understand and identify the bottlenecks/constraints leading to planning and budgeting for social services at commune/sangkat level. This national and sub-national field survey component should complement and provide complete picture of the whole situation. Those national institutions are national treasury, NCDDDS, General Department of Sub-national Administration Finance of MEF, MOI and MoP. Other ministries are optional in this field study including Ministry of Women's Affairs, Ministry of Education, Youth and Sports, Ministry of Health, Ministry of Rural Development and Ministry of Agriculture, Forestry and Fishery.

The detailed methodology will be prepared by the consultant in the inception phase and in agreement with UNICEF and NCDDDS/MOI.

The consultant will select and produce case studies of successful and not-successful communes in implementing social service interventions and addressing the needs of citizens. This may require focus group discussions with relevant interviewees, key informants, and stakeholders as listed above to understand deeply CS planning and budgeting processes and decisions through an analysis of the institutional settings and power dynamics¹⁰ of CS and poor and non-poor citizens with particular focus on women and children. The successful communes should be selected based on the following characteristics but not limited to: Achieved better result in social service indicators, inclusive and pro-poor planning and budgeting particularly for women and children, allocated budget to social services above average of commune budget allocation particularly toward poor and vulnerable women and children and applied meaningful participatory planning and budgeting. The non-successful commune should be selected based on the same criteria but using the negative side of these criteria.

⁹ Interview with adolescents and youth under 18 years should consult ethical principles of UNICEF. The ethical concerns shall consider key questions such as: What will they be asked? What processes will be put in place to ensure that they are not harmed during research? Etc. UNICEF Cambodia office will provide guidelines for involving children in the research.

¹⁰ It should simply answer the question of who has the real power to decide on planning and budgeting for social services; therefore, analysis of power dynamics should capture the following dimensions: influence of individual and group of citizens and commune councilors on planning and budgeting decision, influence of institutional structure at national and sub-national level, legal framework in planning and budgeting, and participatory and accountability mechanism. Other dimensions include citizen empowerment, capacity of commune councilors and clerk, and respect of citizens' voices and choice by commune councilors. The case study should analyze the role of power dynamics leading to successful social service delivery at CS.

4. Scope of study

As this study aims to be representative of the total 1,633 communes in Cambodia, a minimum of 10% of total communes will be randomly selected for quantitative and semi-structured interviews. The selection of the sample will also be based on the result of secondary data analysis. On the side line of this quantitative survey, the study will capture the demand side at the community level by conducting household survey in selected communes. The number of representative households will be discussed with consultant. In addition, since UNICEF has been providing financial support to 101 communes in 11 districts of 9 provinces, the sample should also include at least 10% of these total communes in the sample. The 2 best performing and 2 worst performing communes are recommended to be included in the sample.

5. Work Assignment

5.1 Develop an inception report (work plan)

Report should cover the following:

- Purpose, expected results, time frame, and cost for literature review and field work
- Research methodology including sampling methods and approaches to the work, sample and location for field survey, i.e. interview, data compilation, data analysis, etc.
- Format or content of the study report (see 4.5)

5.2 Desk review

To answer to the research questions, consultant will review all relevant policies, commune budgets/ expenditures, guidelines and other relevant research reports and materials related to commune councils to plan, budget and implement social and non-social interventions, capacity development of local duty bearers to identify priorities, organise social services and monitor the situation of the most vulnerable children. The list below provides some useful resources but is not exhaustive. The consultant is expected to study and refer to important and relevant resources as possible during the desk review:

- Relevant laws, sub-decree, prakas, other regulations and guidelines of NCDD, MEF, MoI, CARD and NCDD guidelines on CS fund for social service interventions and social protection
- National Treasury issued a letter no. 1646, on 14 August 2012, on the procedure to spend commune fund on social services.
- CS Project Implementation Manual, 2008
- Training package for sub-national social service focal points (July 2012)
- Presentation “Why should commune councils work on social issues?” (October 2012)
- Manual Promoting Social Services with Equity, NCDD (July 2012)
- Learning Resources on Promoting Social Services with Equity, NCDD (October 2012)
- Film: “Advancing Child Rights through Local Governance” (August 2011)
- CCWC Capacity Assessment, MOI / UNICEF Cambodia/VBNK (December 2009)
- Convention on the Rights of the Child and convention on the Rights of People with Disabilities
- Investing in Early Childhood Development, presentation in 2012.
- Study on CS budget execution, NCDD 2008.
- Emergency Preparedness Response Plan Guidelines, NCDM 2013.

5.3 Prepare and conduct interviews and focus group discussion

- Consultant develops questions and methodology for interview and focus group discussion
- Test the questionnaires and finalize them
- Conduct the field work.

To carry out this component of works, consultant will sub-contract a few field assistants for the survey. The assistants will assist in questionnaire testing, actual data collection and data entry.

5.4 Data entry, process and analyze data to address research objectives and questions

5.5 Write report including case studies, and prepare presentations of the report findings and deliver to relevant stakeholders

Consultant will produce, copy edit and lay out a concise and well written study report of maximum 40 pages (excluding annexes), as well as 4 case studies of maximum 4 pages each (16 in total). Both report and case study must be well written in native English, in a style that is highly engaging and accessible, must be fully copy edited and absent of grammatical errors and spelling mistakes, and should laid out and designed in either Word or InDesign to include illustrations and graphs. The final report should follow this general outline:

- i. Executive summary
- ii. Introduction: Background, study purpose, objectives and research questions
- iii. Methodology of the study
- iv. Findings: focus on barriers and bottlenecks related to community demand and capacity, legal, policy, commune capacity constraints, mechanism for support and quality assurance and monitoring etc.
- v. Lessons learned from successful and non-successful communes
- vi. Conclusion and recommendations
- vii. Annexes: TOR, work plan, questionnaires, data and power point presentation, case studies.

The case studies should follow this format:

- i. Brief introduction
- ii. Description of challenge(s)
- iii. Presentation of solutions
- iv. Impact/Result

5.5 Present the report findings to NCDD/ MOI, UNICEF and other key institutions.

6. Deliverables, estimate duration and timeframe

The consultant (individual) will deliver the tasks as described above under section 5. This study requires a total 78 working days covering a period of 4 months from September to December 2014. The consultant will report to Chief of Local Governance for Child Rights (LGCR). Chief of Policy, Advocacy and Communications (PAC) will co-supervise this research process. The nature of the assignment requires a consultancy at NOC/NOD level. **Below are key deliverables with timeframe:**

N	Deliverables	#of Work Days	Timeframe
1	Work plan/ inception report and desk review of relevant documents	15	1 to 22 Sept 2014
2	Sampling work, questionnaires for interview and focus group discussion drafted, consulted, tested and finalized.	15	25 Sept to 15 Oct 2014
3	Field survey and interviews with national and sub-nation informants completed.	20	16 Oct to 14 Nov 2014
4	Data entry and data analysis including write up case studies and share initial findings with UNICEF	10	20 Nov to 5 Dec 2014
5	Prepare the first draft report and prepare and present findings with recommendations to relevant stakeholders for comments. Note: Draft report must be delivered as a designed and fully copy edited document, complete with illustrations and graphs	10	8 to 19 Dec 2014
6	Prepare the final report and PPT presentation by consultant and submit it to UNICEF. Note: Draft report must be delivered as a designed and fully copy edited document, complete with illustrations and graphs	8	22 to 31 Dec 2014
	Total	78	

7. Consultant Qualifications or Competency Requirement:

The contractor must assemble a team with the following qualifications:

- Advanced university degree, preferably in social sciences, education, human rights;
- At least five years of progressively responsible work experience in decentralization and de-concentration reform, commune council, budgeting, planning and capacity development;
- Excellent quantitative and qualitative data collection and analysis skills;
- Experience in conducting similar study, assessment and evaluation;
- Excellent analytical and report writing skills;
- Excellent English and Khmer verbal and written communication skills, including demonstrated experience with producing high level reports that are fully copy edited and designed to international standards;
- Knowledge of the CRC, CEDAW and the CRPD;
- Knowledge of sub/national administrative systems and procedures especially D&D reform in Cambodia;

8. Payment Schedule (Please link to deliverables to the extent possible):

The payment is made in 4 installments:

- 20% First payment made upon delivery of desk review and pre-tested and approved field study methodology and interview questionnaire;
- 30% Second payment made upon delivery of field study report presenting methodology, data and key findings;
- 20% Third payment made upon delivery of copy edited and designed draft study report;
- 30% Fourth and final payment upon delivery of final copy edited and designed report.

9. Official Travel Involved (specify if yes):

Some in-country travel is envisaged. Travel costs will be paid separately per travel and in accordance to local UN Daily Subsistence Allowance.

10. Contract Supervisor:

The consultant will be co-supervised by the Chiefs of PAC and LGCR in consultation with the UNICEF Deputy Representative.

11. Type of Supervision that will be provided:

The supervisors will jointly ensure compliance with the ToR and progress being made as per the agreed deliverables, and provide regular feedback through face to face meetings and emails. Both supervisors will also review, quality assure and jointly approved deliverables as final.

12. Contractors Work Place/Any facilities to be provided by office:

The Contractors can be located anywhere, and will also be provided with access to a UNICEF office space and internet connection. Contractor will not be provided with any technical equipment or software to perform any of the tasks of this ToR.

13. Nature of 'Penalty Clause' to be stipulated in Contract:

Unsatisfactory performance: In case of unsatisfactory performance the contract will be terminated by notification letter sent 5 days prior to the termination date. In the meantime, UNICEF will initiate another selection in order to identify another appropriate candidate.

Performance indicators: Contractors performance will be evaluated against the following criteria: timeliness, initiative, communication, relevance of work to the ToR, and quality of the products delivered.

14. Proposal submission

Applications shall be submitted to cbdhrvacancies@unicef.org before the deadline containing the following required documentation:

1. **Technical Proposal:** Consultant shall prepare a proposal in response to the ToR, ensuring that the purpose, objectives, scope, criteria and deliverables of the assessment are addressed. Draft work plan and timeline for the assessment should be included. The Technical Proposal shall also include updated CV and Personal History Forms (P11) of the consultant, and copies of 2 assessments performed previously by the consultant.

2. **Financial Proposal:** The Financial Proposal shall be submitted in a separate file, clearly named Financial Proposal. No financial information should be contained in the Technical Proposal.

If relevant, travel expenses shall be based on the most direct route and economic fare. Quotations for business class fare, full economy fare or any other preferential fare shall not be considered. The maximum allowed Daily Subsistence Allowance for Phnom Penh is USD 116/day (only applicable for consultants residing outside of Cambodia) and USD45/day for provinces to cover lodging, meals, and any other costs. Consultants can offer a more competitive DSA rate. DSA shall be adjusted to actual days upon signature of Contract. Consultants shall provide Financial Proposals using the format provided below:

Item	Description	Unit of Measure	Unit Cost (USD)	Qty.	Total Cost
1	Fee				
	Fee for consultant to complete deliverables as per ToR	Days		78	
2	Daily Subsistence Allowance (if non-resident in Phnom Penh)				
	Provinces	Days		20	
3	Travel Expenses (if applicable)				
4	Other Costs				
	Fee for field assistants Data collectors				
	Total in USD				

15. Evaluation Criteria

A two stage procedure shall be utilized in evaluating proposals in accordance to the below criteria, with evaluation of the technical proposal being completed prior to any price proposal being compared. Submitted proposals will be assessed using Cumulative Analysis Method. Technical proposals should attain a minimum of 50 points to qualify and to be considered:

a) Technical proposals (Maximum technical score: 70 points)

1. Overall Response: Maximum 15 points
 - Understanding of scope, objectives and completeness and coherence of response
 - Overall match between the ToR requirements and proposal
2. Proposed Methodology and Approach: Maximum 20 points
 - Quality of proposed approach/methodology
 - Quality of proposed Implementation Plan, i.e. how the bidder will undertake each task, and maintenance of project schedules;
3. Technical Capacity: Maximum 35 points
 - Range and depth of experience with similar assessments
 - Knowledge of the latest developments of the Cambodia D&D, PFM and PAR reforms
 - Strong analytical skills and qualitative and/or quantitative statistical data processing applications
 - Excellent report writing and language skills

b) Financial Proposal (Maximum Financial Score: 30 points)

The maximum number of points shall be allotted to the lowest Financial Proposal that is opened /evaluated and compared among those technical qualified candidates who have attained a minimum 55 points in the technical evaluation. Other Financial Proposals will receive points in inverse proportion to the lowest price.

16. Contract Award

The Contract shall be awarded to a bidder obtaining the highest combined technical and financial scores. Proposals not complying with the terms and conditions contained in this ToR, including the provision of all required information, may result in the Proposal being deemed non-responsive and therefore not considered further.

UNICEF shall sign a lump sum Contract including all costs specified in the Financial Proposal.