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

DEVELOPMENT OF REFERENCE GUIDE FOR ETHICS OFFICERS	**Project number/ cost centre:** **20.2106.1-001.00**

0. List of abbreviations

AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
FK	Expert
FKT	Expert days
KZFK	Short-term expert
ToRs	Terms of reference

1. Context

a. Brief information on the project

The Transparency, Integrity and Accountability Programme in South Africa (TIP) supports state and non-state actors to contribute towards the implementation of the National Anti-Corruption Strategy (NACS) in a whole-of-government and societal manner. The TIP provides capacity development for anti-corruption actors in the state, civil society and the business sector. The project supports:

- Active citizenry where citizens can contribute actively to activities and initiatives in favour of transparency, integrity and accountability (output 1);

- The strengthening of institutional capacity of collaborative mechanisms, particularly the National Anti-corruption Advisory Council to coordinate the implementation of the NACS (output 2); and

- Multi-stakeholder partnerships to improve transparency, integrity and accountability (output 3).

In addition to the whole-of-government and societal approach of the TIP, the programme actively pursues a human rights-based orientation including gender equality. The strategic reference points for the TIP are the NACS, Agenda 2030, the Medium-term Strategic Framework 2019-2024, Germany's approaches to governance, democracy and anti-corruption as well as Agenda 2063 (African Union) and Sustainable Development Goals 16.5 and 16.6.

The TIP is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). The TIP is co-financed by the Swiss State Secretariat for Economic Affairs. The programme is part of the newly established Peaceful and Inclusive Societies cluster of BMZ and the action field Good Governance.

The TIP was designed to support the implementation of the NACS. Outputs 1 and 3 of the TIP align with Pillar One of the NACS which aims to "Promote and encourage active citizenry, whistleblowing, integrity and transparency in all spheres of society". This pillar implies that there needs to be an environment that is conducive to reporting corruption and citizens need to be educated and aware of the effects of corruption to enable them to report corruption and be protected once they do so.

b. Context

The Department of Public Service and Administration (DPSA) is responsible for the organisation and administration of the public service in South Africa. Its mission includes, amongst others, the promotion of an ethical public service through programmes, systems, frameworks and structures that detect, prevent and combat corruption. The Department of Cooperative Governance (DCOG) oversees the placement of ethics officers within the local government. The mandate of the Department of Cooperative Governance (DCOG) is primarily derived from Chapters 3, 5, 6, 7 and 9 of the Constitution of the Republic of South

Africa. Amongst others, DCOG promote sustainable development by providing support to and exercising oversight over provincial and local government. The Local Government Anti-Corruption Strategy (LGACS) provides that appropriate governance structures should be in place and should effectively ensure good governance and the implementation of integrity and anti-corruption programmes. An official or a Unit should be delegated the responsibility for coordinating or implementing the municipality's integrity management initiatives. DCOG oversees the placement of Ethics Officers within the local government as part of ensuring that there is sufficient capacity to implement the integrity management initiatives.

One means by which the DPSA and DCOG aim to achieve this goal is through the institutionalisation of ethics officers within the public service. After being either appointed or designated to the role, ethics officers play a crucial role in fostering a proactive and preventive ethics culture within departments. In addition to such functions as conducting risk assessments, developing ethics strategies, raising awareness, providing advisory services, promoting an ethical work environment, and certain compliance functions, they are also responsible to report unethical behaviour and allegations of corruption to the Head of the department, Municipal Manager or Speaker of Council.

There are hundreds of ethics officers appointed across the public administration within government as well as in local government institutions. There is a great degree of variance in skills and functions of ethics officers: while some are employed specifically in that role, others perform this role as part of a different job description. While some may have qualifications in ethics and other accreditations, others operate from a position of having no training in ethics at all. Some ethics officers even rotate in the position so that there is a new ethics officer in that department every year – meaning that there is less time, opportunity or incentive to upskill on ethics-related work.

A means to address skills deficits in ethics officers is to provide a standardised repository of information to which all ethics officers can refer for guidance. This includes critical information about their obligations (for example, in terms of legislation such as the Public Administration Management Act 11 of 2014) as well as practical guidance on how to perform their day-to-day responsibilities (such as receiving declarations as prescribed by law) and how to approach specific problems that may arise (such as how to manage conflicts of interest).

To help standardise the approach of ethics officers to their roles, the contractor will develop a solution that provides a **single resource** to which ethics officers can refer for information on how to fulfil their roles. This resource will be housed on an online information repository to which ethics officers will have access.

2. **Tasks to be performed by the contractor**

The contractor is responsible for providing the following services:

  a. **Consultation** with representatives from the DPSA. DCOG and GIZ (TIP) in order to analyse the needs of ethics officers as it relates to information and guidance on how to perform their roles. A survey that was conducted to understand the needs of ethics officers in the public service was conducted in 2023 and the contractor should also refer to these results, to be provide by DPSA.

b. **Development of novel guidance materials** that address the identified needs of ethics officers. This will be achieved by:

   i. Designing and conducting an online survey of ethics officers in municipalities across South Africa to determine the needs of ethics officers in local government. While not necessary to survey every municipality, the survey should target a wide selection of municipalities that is representative of South African local government broadly.
   ii. Conducting a desk-top examination of the role that ethics officers play within institutions, including all of their relevant obligations in terms of law, regulation and policy with respect to the **national and provincial levels of government as well as local government**. This analysis should also extend to other roles and responsibilities of ethics officers, including advising on ethics-related questions and educating officials on ethics within institutions.
   iii. Following the above information-gathering exercises, devising a structure for the reference guide (chapter headings) that will be expanded upon in the reference materials. This will be followed by a **consultation** with the partners (DPSA and DCOG).
   iv. Research and writing of original content to cover all relevant topics in each of the chapters. The content should reflect up to date information and best practices as it relates to ethics officers. Care should be taken to ensure that the information presented represents policy endorsed by the DPSA and DCOG. The content should also include case studies and scenarios to ensure that the information is presented in an accessible and engaging way that enables practical application by ethics officers to their work.
   v. Consult on the work progress with the DPSA.
   vi. Editing and proofreading of the content, including following style conventions that will enable the easy conversion of the text into web formats.

Please note: some of the laws, regulations and policies applicable to ethics officers differ in respect of ethics officers falling under the purview of DPSA (national and provincial government) and DCOG (local government). While there will be overlap in terms of general topics (e.g. why do we need ethics officers? How can ethics officers assist whistleblowers?), chapters concerning specific roles will need to be tailored to the relevant level of government (e.g. the financial disclosures process). The service provider will devise an approach so that both sets of information can be accommodated within the resource.

While specific needs will become apparent during the desk-top research process and through consultation with the partners, topics that can be covered include, for example,:

- Why do we need ethics officers? What is my role as an ethics officer?
- In accordance with the Public Service Regulations, but expanding on what it means to practically implement them such as brief outline of procedures related to functions
- The process of making financial disclosures as prescribed.
- How to approach specific common scenarios that can arise.
- How ethics officers should conduct themselves ('ethics for ethics officers').
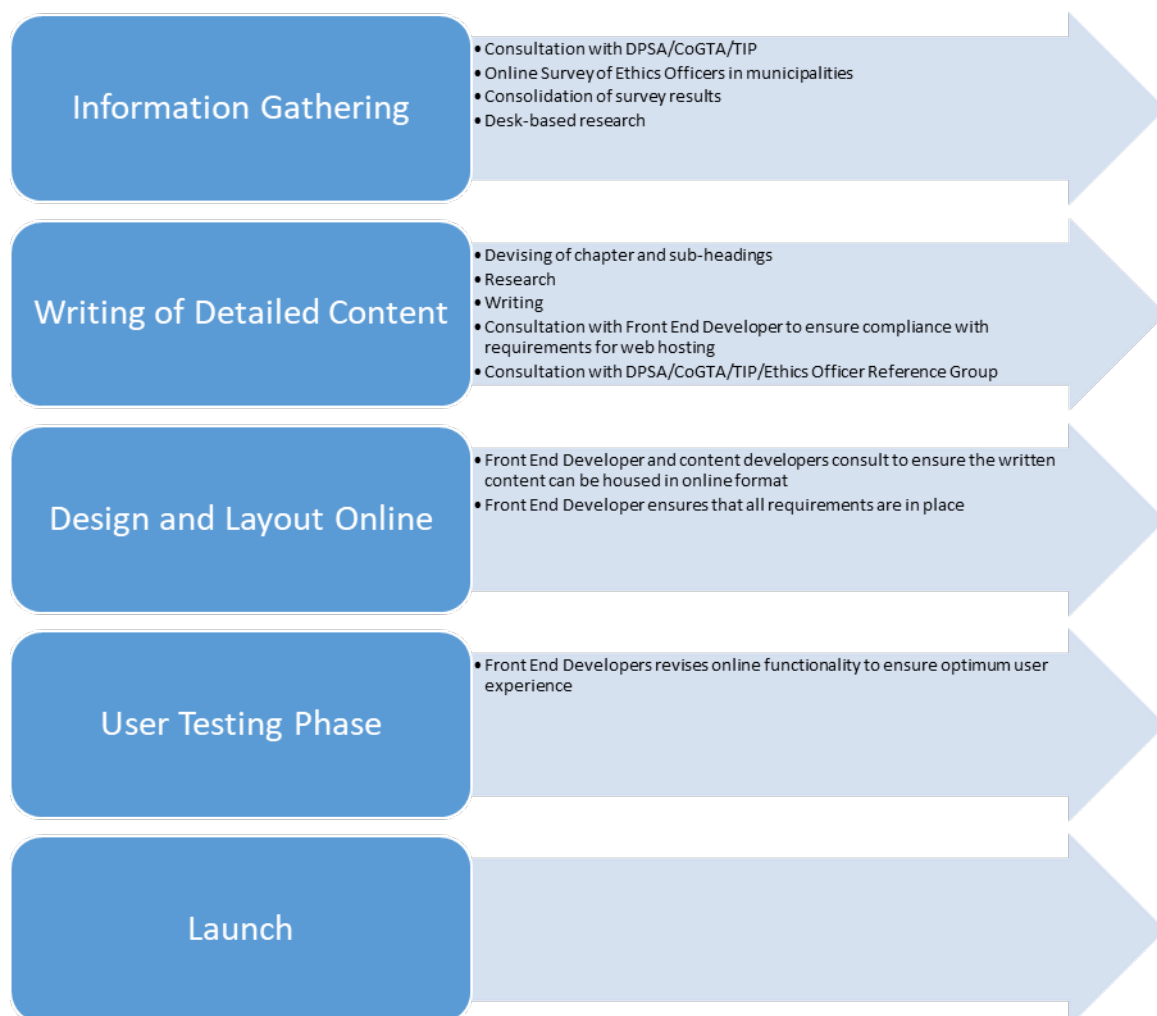- Overview of ethics/integrity governance structures

The purpose of the guidance material is to be accessible, relevant, as well as easy to understand. It must also be capable of having practical application to the work of ethics officers. In addition, it must not have compliance as its main objective – instead, it must help ethics officers to promote integrity and ethical behaviour in departments.

In terms of accessibility, the guidance should be written in English. Simple language should be preferred and graphics and images (including formats such as decision trees) should be used to present the information in a widely understandable manner.

c. Design and layout plus technical aspects for web hosting

Once developed, the guidance materials will be housed on a website in electronic format (i.e. Moodle) and made accessible to ethics officers. As such, the content developers (key experts 1 and 2) are required to work closely with the digital media expert to ensure the content will be ready for conversion to online format (e.g. file formats, use of hyperlinks, etc).

The following diagram details the process that will be followed to bring the project to fruition:

Information Gathering
- Consultation with DPSA/CoGTA/TIP
- Online Survey of Ethics Officers in municipalities
- Consolidation of survey results
- Desk-based research

Writing of Detailed Content
- Devising of chapter and sub-headings
- Research
- Writing
- Consultation with Front End Developer to ensure compliance with requirements for web hosting
- Consultation with DPSA/CoGTA/TIP/Ethics Officer Reference Group

Design and Layout Online
- Front End Developer and content developers consult to ensure the written content can be housed in online format
- Front End Developer ensures that all requirements are in place

User Testing Phase
- Front End Developers revises online functionality to ensure optimum user experience

Launch

In summary, the final product will be a comprehensive, thoroughly researched and up to date informational resource, divided into subject matter chapters, that provide practical guidance

to ethics officers on how to perform their roles in their relevant context in an engaging and easy to understand format.

The contractor reports regularly to GIZ in accordance with the current AVB of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

In addition to the reports required by GIZ in accordance with the AVB, the contractor submits the following reports:

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

Milestones/process steps/partial services	Deadline/place/person responsible
Inception Meeting	1 November 2024
Consultation	1 – 14 November 2024
Online Survey, Desk-Top Research and Development of Chapter Outline	18 October – 31 November 2024
Content Development	31 December 2024
Editing and Finalisation	15 January 2025
User-interface development	15 February 2025
Final handover	28 February 2025

Period of assignment: from 1 November 2024 until 28 February 2025.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 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) (1.1.1).

The tenderer is required to present (1.1.1)the actors relevant for the services for which it is responsible and describe the **cooperation (1.2.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1).

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 (1.4.2).

Project management of the contractor (1.6)

The tenderer is required to explain its approach (1.6.1) for coordination with the GIZ project. In particular, the project management requirements specified in Chapter 2 (Tasks to be performed by the contractor) must be explained in detail.

The tenderer is required to draw up a **personnel assignment plan** (1.6.2) with explanatory notes that lists all the experts proposed in the tender; the plan includes information on assignment dates (duration and expert days) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

Further requirements (1.7)

The contractor is required to detail how it will approach aspects relating to gender and human rights in the resource.

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.

Team leader

Tasks of the team leader

- Overall responsibility for the advisory packages of the contractor (quality and deadlines)
- Coordinating and ensuring communication with GIZ, partners and others involved in the project
- Personnel management, in particular identifying the need for short-term assignments within the available budget, as well as planning and steering assignments and supporting local and international short-term experts
- Regular reporting in accordance with deadlines

Qualifications of the team leader

- Qualifications (2.1.1): Master's degree in law, social sciences, arts, public administration or any other relevant qualification. Qualification in ethics preferred.
- Language (2.1.2): C2-level language proficiency in English
- General professional experience (2.1.3): 15 years of professional experience in the ethics advisory sector
- Specific professional experience (2.1.4): 5 years in guidance/educational material development
- Leadership/management experience (2.1.5): 12 years of management/leadership experience as project team leader or manager in a company
- Regional experience (2.1.6): 10 years of experience in projects in South Africa

Key expert 1: Content Developer

Tasks of key expert 1

- Research and consolidation of information regarding laws, regulations and policies applicable to ethics officers in the national, provincial and local levels of government.
- Devising of chapter outlines
- Development of subject matter content for each chapter

Qualifications of key expert 1

- Education/training (2.2.1): Master's degree in law, social sciences, arts, public administration or any other relevant qualification. Qualification in ethics preferred.
- Language (2.2.2): C2 -level language in English.
- General professional experience (2.2.3): 10 years' experience in ethics advisory
- Specific professional experience (2.2.4): 5 years' experience in public administration
- Regional experience (2.2.6): 5 years' experience in South Africa
- Other (2.2.8): 5 years' experience in writing ethics reference/educational materials/toolkits; 3 years' experience in law.

Key expert 2: Junior researcher

Tasks of key expert 2

- Assist the Content Developer with research and consolidation of information regarding laws, regulations and policies applicable to ethics officers in the national, provincial and local levels of government.
- Assist the Content Developer with development of subject matter content for each chapter

Qualifications of key expert 2

- Education/training (2.3.1): Master's degree in law, social sciences, arts, public administration or any other relevant qualification. Qualification in ethics preferred.
- Language (2.3.2): A1 -level language in English.
- General professional experience (2.3.3): 3 years' experience in ethics advisory
- Specific professional experience (2.3.4): 2 years' experience in public administration
- Regional experience (2.3.6): 2 years' experience in South Africa
- Other (2.3.8): 1 years' experience in writing ethics reference/educational materials/toolkits; 1 years' experience in law.

Key expert 3: Front-end developer

Tasks of key expert 3

- **User Interface (UI) Development:**
  - Create and implement the visual elements of a website or web application.
  - Design and layout web pages using HTML, CSS i.e. tailwind, and other front-end technologies.
- **Responsive Design:**
  - Ensure that the website is accessible and functions well on different devices and screen sizes.
  - Implement responsive design techniques to optimize the user experience on

desktops, tablets, and smartphones.
- **Cross-Browser Compatibility:**
  - Test and ensure that the website works consistently across various web browsers, such as Chrome, Firefox, Safari, and Edge.
  - Address any compatibility issues to provide a uniform experience for all users.
- **Interactivity and Functionality:**
  - Implement interactive features and functionality using JavaScript and related frameworks.
  - Collaborate with back-end developers to integrate front-end components with server-side logic.
- **Optimization and Performance:**
  - Optimize the performance of web pages by minimizing load times and improving overall responsiveness.
  - Use techniques like code splitting, lazy loading, and image optimization to enhance the website's speed.

Qualifications of key expert 3

- Education/training (2.4.1): A bachelor's degree in computer science, web development, or multimedia design. Relevant training or certifications in front-end technologies such as HTML, CSS, and JavaScript would be beneficial.
- Language (2.4.2): C2 -level language in English.
- General professional experience (2.4.3): 4 years of experience in web development, with a focus on front-end technologies.
- Specific professional experience (2.4.4): 3 years demonstrated expertise in designing and implementing user interfaces using HTML, CSS, and JavaScript. A portfolio showcasing previous UI development projects is valuable.

5. Costing requirements

Assignment of personnel and travel expenses

Per-diem and overnight accommodation allowances are reimbursed as a lump sum up to the maximum amounts permissible under tax law for each country as set out in the country table in the circular from the German Federal Ministry of Finance on travel expense remuneration (downloadable at https://www.bundesfinanzministerium.de).

Accommodation costs which exceed this up to a reasonable amount and the cost of flights and other main forms of transport can be reimbursed against evidence

All business travel must be agreed in advance by the officer responsible for the project.

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Team Leader	1	10	10	
Key Expert 1: Content Developer	1	20	20	

Key Expert 2: Junior Researcher	1	10	10	
Key Expert 3: Front-end Developer	1	5	5	
Transport	**Quantity**	**Price**	**Total**	**Comments**
Domestic flights	**4**	**3000**	**12000**	1x flight per expert within the country of assignment during service delivery
Overnight allowance in country of assignment	4			
Accommodation	4			
Travel expenses (train, car) • Taxi/Car/Uber	1			Travel within the country of assignment, transfer to/from airport etc.
Other costs	**Number**	**Price**	**Total**	**Comments**
Flexible remuneration	**1**	**37000**	**37000**	A budget of EUR is foreseen for flexible remuneration. Please incorporate this budget into the price schedule. Use of the flexible remuneration item requires prior written approval from GIZ.

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 English (language).

The complete tender must not exceed 10 pages (excluding CVs). 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 CVs of the personnel proposed in accordance with Chapter 0 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English (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.