

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

Procurement Training for Public Protector Investigators	Project number/ cost centre: 20.2016.1-003.00
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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
NACS	National Anti-corruption Strategy
TIP	Transparency, Integrity and Accountability Programme
SECO	Swiss State Secretariat for Economic Affairs
OPPSA	Office of the Public Protector of South Africa

1. Context

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 (NACAC) 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 programme is part of the newly established *Peaceful and Inclusive Societies* cluster of BMZ and the action field *Good Governance*. The TIP is co-financed by the Swiss State Secretariat for Economic Affairs (SECO).

The Office of the Public Protector of South Africa (OPPSA) has approximately 167 investigators located in all provinces and at their National Office in Pretoria. These investigators work on any complaints that are referred to the institution and on cases determined by the OPPSA proactively.

There are also cases related specifically to the Public Procurement system. There are also examples where complainants are also whistleblowers, turning to the OPPSA for support and investigators would need to be sensitised on how to deal with this.

In 2018 training on procurement legislation and procurement methods was conducted.

This training was well received by all investigators and is regarded as a benchmark within the institution. Since 2018, the volume of procurement related cases highlighted by the State Capture Enquiry Commission and changes in the procurement legislative environment has necessitated the need for second or alternative iteration of this training. In addition, between 2018 and 2024 new people have joined as investigators and would require this training. It is also possible to include investigators from other agencies.

While the first course was well balanced and included a section on corruption in procurement, it did not include the first responder role that OPPSA investigators have when it comes to dealing with whistleblowers. Secondly the emergence of Corruption Watch's Procurement Watch Tool now provides additional material and sensitisation of investigators to procurement corruption red flags. These additions would strengthen the training course.

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services:

- To develop the training materials to include recent changes to legislation, Procurement Watch Red Flags, Whistleblowing and First Responder sensitisation and gender and procurement.
- To train all Public Protector investigators. Please note that investigators from other agencies could be added to the training sessions.
- Conduct a post-training assessment.
- To document key lessons from the training and assessment and make recommendations for future training.

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
Develop of Training Material	28.02.2025
Facilitation of Pilot Session -OPPSA Country Office Investigators	20.03.2025
Roll out of training to clustered provinces/ regions x6 sessions	31.07.2025
Report on training process and outcomes with recommendation for future capacity building	30.08.2025

Period of assignment: from **15.01.2025** until **30.09.2025**.

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).

The tenderer is required to present the actors **1.2.1** 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. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

The tenderer is required to describe its contribution to knowledge management for the partner (1.5.1) and GIZ and to promote scaling-up effects (1.5.2) under **learning and innovation**.

Project management of the contractor (1.6)

The tenderer is required to explain its approach for coordination with the GIZ project **1.6.1**. 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.

4. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, based on their CVs (see Chapter 7), 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 the expert 1

- Assess training needs and incorporate relevant aspects that investigators need to be aware of including procurement red flags
- Produce materials to be used in the sessions
- Delivery of training sessions with selected groups of investigators

Qualifications of the expert 1

- Education/training (2.2.1): university degree master's in law, Public Administration, Supply chain, Procurement Law or related.
- Language (2.2.2): C2-level language proficiency in English
- General professional experience (2.2.3): 10 years of professional experience in providing policy and education support on public procurement, Supply Chain Management.
- Specific professional experience (2.2.4): 5 years experience in developing learning materials and delivering training sessions
- Leadership/management experience (2.2.5): 5 years of management/leadership experience as project team leader or manager in a company/institution.

Key expert 2

Tasks of key expert 2

- Assess training needs and incorporate relevant aspects that investigators need to be aware of including procurement red flags
- Produce materials to be used in the sessions
- Delivery of training sessions with selected groups of investigators

Qualifications of key expert 2

- Education/training (2.3.1): Masters in Law, Public Administration, Supply Chain or Public Procurement or related.
- Language (2.3.2): C2 -level language proficiency in English
- General professional experience (2.3.3): 10 years of professional experience in providing policy and education support on public procurement, Supply Chain Management.
- Specific professional experience (2.3.4): 5 years experience in developing learning materials and delivering training sessions.
- Leadership/management experience (2.3.5): 5 years' experience of management/leadership experience as project team leader or manager in a company/institution.

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

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 by 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 on in advance by the officer responsible for the project.

Sustainability aspects for travel

GIZ would like to reduce greenhouse gas emissions (CO₂ emissions) caused by travel. When preparing your tender, please incorporate options for reducing emissions, such as selecting the lowest-emission booking class (economy) and using means of transport, airlines and flight routes with a higher CO₂ efficiency. For short distances, travel by train (second class) or e-mobility should be the preferred option.

If they cannot be avoided, CO₂ emissions caused by air travel should be offset. GIZ specifies a budget for this, through which the carbon offsets can be settled against evidence.

There are many different providers in the market for emissions certificates, and they have different climate impact ambitions. The [Development and Climate Alliance \(German only\)](#) has published a [list of standards \(German only\)](#). GIZ recommends using the standards specified there.

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Designation of Key experts	2	70	140	This includes days for materials development and 5 days for each training session x7 sessions (including pilot) and a wrap up report.
Travel expenses	Quantity	Number per expert	Total	Comments
Travel budget	2	14	28	This includes flights and accommodation and shuttle expenses: <ol style="list-style-type: none"> 1. Domestic Flight 2 experts x 28 flights (inbound and outbound). 2. Overnight accommodation : 2 experts x 35 nights. 3. Per Diem : 2 experts x 35 days average. 4. Shuttle service : Airport to hotel trips up to 28 trips for both experts. Trips between home and airport for both experts up to 28 trips x 26 euro average per trip.
Transport	Quantity	Number per expert	Total	Comments
CO₂ compensation for air travel Link to <i>working aid and table for determining the budget and Guidance for GIZ service providers on avoiding, reducing and offsetting GHG emissions on setting the budget.</i>				A fixed budget of EUR 1680.00/ ZAR 32 088.00 is earmarked for settling carbon offsets against evidence. 2 experts x 14 flights (inbound and outbound) x 60 Euro per flight.

6. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToR. 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 4 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.