
TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO RESEARCH AND DRAFT THE GAUTENG EXECUTIVE ACCOUNTABILITY FRAMEWORK

**Project number/
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0. List of abbreviations

API	Application Programming Interfaces
AVB/GTCC	General Terms and Conditions of Contract (AVB) for supplying services and work 2022
BMZ	German Federal Ministry for Economic Cooperation and Development
DPME	Department of Planning, Monitoring and Evaluation
GEAC	Gauteng Ethics Advisory Council
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GCR	Gauteng City Region
GPG	Gauteng Provincial Government
ICT	Information and Communication Technology
MOU	Memorandum of Understanding
NACAC	National Anti-corruption Advisory Council
NACS	National Anti-corruption Strategy
OTP	Office of the Premier
SOP	Standard Operating Procedures
TIP	Transparency Integrity & Accountability Programme
ToRs	Terms of reference

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 through open public procurement, business integrity and whistleblowing and corruption reporting (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 programme is co-financed by the Swiss State Secretariat for Economic Affairs.

The Gauteng Provincial Government key priorities that guide and inform all its service delivery programmes. The Gauteng Provincial Government (GPG) established the (Gauteng Ethics Advisory Council) GEAC which is a civil society-led body intended to further strengthen partnerships to promote integrity and fight corruption. The GEAC's core functions are to provide advice on oversight, advocacy, ethical leadership, an ethical climate and the rollout of the national and provincial anti-corruption strategies.

2. Description of assignment

The GEAC is embarking on the citizen's advocacy programme on matters of integrity and ethics in Gauteng. Members of the public should be confident to expose unethical behaviour by public officials. Such confidence is enhanced by strong accountability measures against unethical conduct.

The Executive Ethics Code (Proclamation R.41 of 2000) also mandates good governance and accountability. Clause 2.1. of the Executive Ethics Code states that Members of the Executive must, to the satisfaction of the President or the Premier, as the case may be –

- (a) Perform their duties and exercise their powers diligently and honestly.
- (b) Fulfil all the obligations imposed upon them by the Constitution and law.
- (c) Act in good faith and in the best interest of good governance; and
- (d) Act in all respects in a manner that is consistent with the integrity of their office or the government.

Clause 2.2. further states that in deciding whether members of the Executive complied with the provisions of clause 2.1., the President or Premier must consider the promotion of an open, democratic and accountable government.

The inaugural Report on “The State of Ethics, Integrity and Clean Governance in the Gauteng City Region (GCR)” has identified “Effective Executive Accountability” as one of the areas that need clarity. The report is informed by reviews by the legislated assurance providers like the Public Service Commission, the Auditor-General and the Public Protector. Accordingly, the GEAC’s view is that the individual and collective accountability of the Gauteng Executive Council needs to be reassessed to reverse the repetitive pattern of adverse findings by the independent assurance providers.

In this regard, the GEAC undertook to prioritise the formulation of a framework that will clarify “Effective Executive Accountability”. This will serve as a basis for engaging with the Gauteng Executive Council, with a view to ensuring Executive commitment to “Effective Executive Accountability”, prior to rolling out the citizen advocacy programme on matters of integrity and ethics in Gauteng.

Such action supports the Gauteng City Region (GCR) Anti-Corruption Strategy, which highlights good governance as one of the key anti-corruption prevention strategies needed to be put in place. Accountability is the key principle of good governance. Accountability is also one of the ethical and core values of the GCR, as referenced in the GCR Integrity Management Framework.

To strengthen executive accountability, and therefore ethics and integrity in the GCR, the GEAC wishes to develop an effective Gauteng Executive Accountability Framework.

3. Objectives of the Gauteng Executive Accountability Framework

The objectives of the Gauteng Executive Accountability Framework are to-

- a. Promote the culture of accountable, professional, and ethical leadership that places emphasis on good governance and effective service delivery to residents of the GCR;
- b. Provide a clear and concise guide on consequences for unethical behaviour; and
- c. Reflect implications for failure to act accountably and with integrity.

2. Tasks to be performed by the contractor

The Gauteng Office of the Premier (OTP) in partnership with the GIZ’s Transparency, Integrity and Accountability Programme (TIP) is inviting proposals from suitably qualified service providers who will develop the Gauteng Executive Accountability Framework.

The service provider will be expected to-

- a. Conduct an analysis of existing laws, rules, policies, and practices governing accountability of members of the provincial Executive in the context of accountability to the inhabitants of the GCR, within/to the provincial legislature and within the Executive Committee.
- b. Identify gaps and opportunities to strengthen the accountability of Members of the Executive.
- c. Prepare an outline for the Gauteng Executive Accountability Framework in consultation with the GEAC.

- d. Develop a draft Gauteng Executive Accountability Framework according to the outline approved by the GEAC.
- e. Advise, as part of professionalising the public service, how best to professionalise the role of the Executive Authorities.

As a minimum, the Gauteng Executive Accountability Framework must-

- a. Institutionalise a structured Guide for Members of the Executive Council to champion and promote transparency and accountability in their respective portfolios.
- b. Clarify the role of the Premier in holding the Members of the Executive Council, Heads of Department and Chief Executive Officers of the GPG entities accountable; and
- c. Set out measures for managing consequences for any breaches of the Gauteng Executive Accountability Framework.

5. Project Expectations and Deliverable

The service provider is expected to develop the Gauteng Executive Accountability Framework within the period of three (3) months from the date of appointment and submit the draft framework to the GEAC for inputs, comments and approval. The GEAC will submit the Gauteng Executive Accountability Framework for consideration and final approval to the Gauteng Executive Council.

In the process of development of the Gauteng Executive Accountability Framework, the service provider must-

- a. Regularly consult with the GEAC, other project partners and relevant stakeholders;
- b. Present regular progress reports to the GEAC according to an agreed schedule.

6. Expertise required

The envisaged team expected to undertake and deliver on this assignment will have a combination of skills and expertise as described in detail below:

- Extensive experience in corporate governance and leadership
- Experience in designing and delivering professional development courses for senior executives and leaders in both the private and public sectors on corporate governance
- Experience in conducting research for public policy and draft discussion documents
- Have extensive knowledge of the King Code of Governance (all versions)
- Be an expert in risk management and risk mitigation at organizational levels
- Be an expert in developing tools for good governance tools and codes of ethics for senior executives and leaders

The contractor is responsible for providing the following services:

- Conduct research on corporate governance and risk management for the purposes of informing the design of the Gauteng Executive Accountability Framework
- Conduct and facilitate stakeholder workshops for data gathering as well as sharing research results
- Table the research results to project partners at the validation workshop

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 and propose project timelines	05 February 2024
Submit project implementation schedule with timeframes and milestones	15 February 2024
Participate and moderate first stakeholder on-boarding engagement	27 February 2024
Provide first draft version of the 'Framework'	30 March 2024
Participate and moderate second stakeholder workshop on the roll out of the project	15 April March 2024
Provide second version of the draft framework	30 April 2024
Participate and moderate the stakeholder workshop for the validation of the Framework	30 May 2024
Submit final products – Report and the Framework	30 June 2024

Period of assignment: from 05 February 2024 until 30 June 2024.

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 relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1) and its contribution to the **results-based monitoring system** (1.3.2).

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. 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 describe its backstopping concept. The following services are part of the standard backstopping package, which (like ancillary personnel costs) must be factored into the fee schedules of the staff listed in the tender in accordance with Section 3.3.1 of the GIZ AVB:

- Service-delivery control
- Managing adaptations to changing conditions
- Ensuring the flow of information between the tenderer and GIZ
- Assuming personnel responsibility for the contractor's experts
- Process-oriented steering for implementation of the commission
- Securing the administrative conclusion of the project

Further requirements (1.7)

3. 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

- Education/training (2.1.1): University qualification (Post graduate degree) in Social Sciences specifically in corporate governance, ethics, executive leadership development or any equivalent field
- Language (2.1.2): Good business language skills in English
- General professional experience (2.1.3): 10 years of professional experience in corporate leadership and management
- Specific professional experience (2.1.4): 10 years in developing and implementing corporate governance and leadership projects in either the public or private sectors, focusing on risk and good governance
- Leadership/management experience (2.1.5): 10 years of management/leadership experience as project team leader or manager in a company
- Regional experience (2.1.6): 5 years of experience in projects in the region,
- Development Cooperation (DC) experience (2.1.7): 5 years of experience in DC projects
- Other (2.1.8) N/A

Key expert 1

Tasks of key expert 1

- Corporate Governance Analyst will support the Team Leader and the project team focusing on the tools for sound corporate governance, codes of ethics and leadership

Qualifications of key expert 1

- Education/training (2.2.1): Post Graduate Degree in social science or related field
- Language (2.2.2): N/A
- General professional experience (2.2.3): 5 years in research focusing on corporate governance and executive code of ethics
- Specific professional experience (2.2.4): 5 years in working with public and private sector organizations as a corporate governance specialist Leadership/management experience (2.2.5): 5 years in leadership position
- Regional experience (2.2.6): N/A
- Development Cooperation (DC) (2.2.7): N/A
- Other (2.2.8) N/A

Key expert 2

Tasks of key expert 2

- Public Policy Analyst will support the team leader and the project team focusing on the legal and or policy research aspect of the project

Qualifications of key expert 2

- Education/training (2.3.1): Post Graduate Degree in law or equivalent degree
- Language (2.3.2): N/A
- General professional experience (2.3.3): 5 years in participating and leading in legal and or public policy research projects
- Specific professional experience (2.3.4): 5 years working with public or civil society organizations on legal and public policy related projects
- Leadership/management experience (2.3.5)N/A
- Regional experience (2.3.6):N/A
- Development cooperation (DC) experience (2.3.7): N/A

Qualifications of key expert 2

- Other (2.3.8): Not applicable

Soft skills of team members

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

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

4. 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.

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 TL/key expert/short-term expert pool	1	45	45	

Designation of TL/key expert/short-term expert pool	2	35	70	
Travel expenses	Quantity	Price	Total	Comments
Per-diem allowance in country of assignment	5			
Overnight allowance in country of assignment	5			
Transport	Quantity	Price	Total	Comments
International flights <i>Enter destination country</i>				Travel to the place of service delivery
Domestic flights	5			Flights within the country of assignment during service delivery
CO ₂ compensation for air travel <i>Link to 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 budget is earmarked for settling carbon offsets against evidence.

Workshops and training

Please describe in your concept how you implement GIZ's minimum standards for sustainable event management (see annexes to the terms of reference).

The contractor implements the following workshops/study trips/training courses:

- 5 Stakeholder engagement and feedback workshops

5. Inputs of GIZ or other actors

GIZ and/or other actors are expected to make the following available:

- Transportation on site with own project vehicle
- Logistics for workshops: 5

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 .

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 3 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.

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.

Other Requirements

- Please submit your proposal (technical and price proposal) in separate files/folder to ZA_Quotation@giz.de no later than **14.12.2023** all documents must be in PDF.
- Please do not mention any price for this measure on your cover letter/Technical proposal.
- Please submit your tax clearance certificate with the bidding documents.
- Please submit your price proposal in ZAR.
- Our General Terms of Conditions (attached) shall not be changed/amended should you be the winner of this tender. These General Terms and Conditions will form part of the contract should you be awarded this contract. By submitting your proposal, we will conclude that you have read and accepted these terms and conditions.
- Participating more than once in same tender is not allowed and it will lead to your proposal as well as that of the company where you appear more than once being disqualified. The responsibility rests with the companies to ensure that their partners/experts are not bidding/participating more than once in same tender.
- **Bidders are not allowed to communicate directly with any other person regarding this bid other than the procurement official/s. Failure to comply with this requirement may lead to your bid being disqualified.**
- Bidders must strictly avoid conflicts with other assignments or their own interests. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be

considered to have a conflict of interest with one or more parties in this EOI and tender process, if they:

- a) are or have been associated in the past, with a firm or any of its affiliates which have been engaged by GIZ or the Interim Supply Chain Management Council to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the services in this selection process;
- b) were involved in the preparation and/or design of the programme/project related to the services requested under this EOI and tender;
- c) are serving or have been serving in the past three months in the structures of the Interim Supply Chain Management; or
- d) are found to be in conflict for any other reason, as may be established by, or at the discretion of GIZ.

Scientific data

In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to GIZ, and seek GIZ's confirmation on whether or not such a conflict exists.

- Similarly, the Bidders must disclose in their proposal their knowledge of the following:

- a) if the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of GIZ staff involved in the procurement functions and/or the Interim SCM Council or any Implementing partner receiving services under this EOI or tender; and
- b) all other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.

- **Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.**
- **Questions & Answers will be placed on the link provided.**
- **Bids sent via Dropbox and WeTransfer will not be accepted.**