

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

CUSTOMIZATION AND ADAPTATION OF ETHICS TRAINING MATERIAL FOR THE LOCAL GOVERNMENT SECTOR	Project number/ cost centre: 20.2106.1-001.00
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0. List of abbreviations

1. API Application Programming Interfaces
2. AVB General Terms and Conditions of Contract (AVB) for supplying services and work 2018
3. BMZ German Federal Ministry for Economic Cooperation and Development
4. DPME Department of Planning, Monitoring and Evaluation
5. DCOG Department of Cooperative Governance
6. GIZ Deutsche Gesellschaft für Internationale Zusammenarbeit
7. MOU Memorandum of Understanding
8. NACAC National Anti-corruption Advisory Council
9. NACS National Anti-corruption Strategy
10. OTP Office of the Premier
11. SALGA South African Local Government Association
12. TIP Transparency, Integrity and Accountability Programme
13. 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.

2. Background

The National School of Government (NSG) is mandated with the responsibility of ensuring that public servants comply with the provisions of established legislation, regulations and systems, and can exercise proper discretion and innovation in solving routine and complex delivery problems. To this end, the NSG is tasked with ensuring that all public servants participate and complete education, training and development initiatives, as per relevant legislation and Cabinet directives.

The Constitution of the Republic of South Africa requires a high standard of professional ethics in the public service. This therefore means that public administration must be governed by the democratic values and principles as well as the standards for professional ethics enshrined in the Constitution. To this end, the NSG is rolling out a course on Ethics in the Public Service which aims to help build an ethical culture in the public service by making officials aware of ethical standards and commitments that they are required, by law, to comply to. It is based on the premise that possessing adequate and relevant knowledge is critical in solving ethical dilemmas. The main aim of this course is to help build an ethical culture in public service.

On 21 September 2023, the NSG made a presentation of the Ethics in the Public Service course to a meeting of the Local Government Anti-Corruption Forum (LGACF). The LGACF was established in October 2020, chaired by the Special Investigating Unit (SIU) and supported by the Department of Cooperative Governance (DCoG) as the Secretariat. The formation of the LGACF is vital for the purpose of fostering collaboration and coordination

amongst the various stakeholders at the local government level on anti-corruption matters. Members of the LGACF include officials from government (including law enforcement agencies), civil society, business and labour.

The purpose of the presentation was to share with members of the LGACF opportunities available in relation to training on ethics and integrity for the local government sector and thereafter explore the possibility of collaboration on how it can be rolled out. The course content is mainly influenced by the Constitution of the Republic of South Africa; the Public Service Act, 1994; and the Public Service Regulations, 2016.

Members of the LGACF resolved that there is a need to customize the course and have a dedicated one for local government which will be based on the Local Government Anti-Corruption Strategy, Code of Conduct for Councilors, Code of Conduct for Officials and other relevant local government prescripts and also have practical examples/scenarios relevant to both councilors and officials at municipalities.

Through this intervention it is envisaged that there will be a better understanding of ethical standards at local government level, how to apply these ethical standards in the workplace and to identify and respond to ethical dilemmas. It is expected that once amended, the free training course will to some extent assist in terms of promoting ethics and integrity in municipalities.

To this end, the NSG in collaboration with DCOG, the South African Local Government Association (SALGA), the SIU, the Department of Public Service and Administration (DPSA), Offices of the Premiers, Provincial Departments of Cooperative Governance and Traditional Affairs (COGTAs) are embarking on a process to customize and adapt the Ethics in the Public Service course for local government. A Reference Group comprised of officials from organisations listed above has been established to oversee the customization of the course.

Members of the Reference Group have been granted observer access to the existing course in order to be able to provide feedback/inputs on issues listed below:

- Content that can be used as it is (e.g., the ethical decision-making tool)
- Content to be reviewed and revised (e.g., the Ethics in the Public Service: resource document)
- Content to be added (e.g., codes of conduct, local government anti-corruption strategy, national anti-corruption strategy, scenarios / stories that deal with critical dilemmas that officials and councillors face / quizzes to assess learners' understanding of content that is added)
- Any other suggestions for the customisation

2. Tasks to be performed by the contractor

The GIZ's Transparency, Integrity and Accountability Programme (TIP) in partnership with DCOG, SALGA and the NSG are seeking to appoint a qualified service provider who will customize and adapt the existing NSG Ethics in the Public Service training material for the local government sector within a period of four months.

The service provider will be expected to-

- a. Conduct a review and analysis of existing NSG Ethics in the Public Service training material laws for the purposes of identifying areas for customization and adaptation for the local government sector.
- b. Identify relevant topics to be included in the revised training material.
- c. Draft the revised and customized training material for discussion with the project team.
- d. Adapt the training material for an online delivery platform including animation.
- e. Present the above products to the project team for discussion and validation.
- f. Adapt the user/training guide of the customized material for the rollout of the training.
- g. Present the final products to the project team and other stakeholders at the validation workshop and handover session.

Project Deliverables

The main project deliverables will be:

- 1) a reviewed, customized, and adapted set of training materials for the local government sector, which will be based on the existing NSG Ethics for the Public Service course. training material for public service on ethics and integrity for the local government sector.
- 2) training material to be used on digital platforms with animation.
- 3) a user manual/training guide for trainers who will be providing the training for the rollout of the training course.

In the process of adapting the training material, the service provider must regularly consult with the project partners, DCOG, SALGA, NSG and TIP for regular updates, progress report and quality assurance in accordance with the agreed project schedule.

6. Expertise required

The course content customization and adaptation (and or development where necessary) will be undertaken by a specialist team of subject matter experts from the local government sector who are familiar with the relevant prescripts as well as typical ethical dilemmas that officials and councillors encounter on a regular basis. In addition the team will possess a combination of the following specialised skills and expertise:

- An expert in public sector training material development including for online training platforms
- An expert in content development for Ethics and Integrity training courses for the public sector
- An expert in a local government with extensive knowledge of Ethics and Integrity challenges faced by the sector
- An experienced story writer (who will develop the relevant dilemmas and scenarios content that officials and councillors can relate to into stories that engage learners in the course)
- A video animator (to create video animations of the stories)
- An experienced Proofreader (who will review and correct content to ensure accuracy and coherence)

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
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Inception meeting and propose project timelines	01 March 2024
Submit project implementation schedule with timeframes and milestones	15 March 2024
Participate in the first stakeholder on-boarding workshop	27 March 2024
Provide first draft version of the 'customized and adapted training material' for discussion	30 April 2024
Present the second version of the training material in preparation for final submission	15 May 2024
Present the animated version of the adapted material to the project partners.	30 May 2024
Present the user manual/training guide for the online learners	15 June 2023
Participate in the stakeholder training material validation workshop and final handover.	30 June 2024

Period of assignment: from 04 March 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)

14. Personnel concept

15. 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 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.

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 management, economics, 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 online training material development for the public sector
- Specific professional experience (2.1.4): 10 years in developing and implementing online training material for the public sectors, focusing on risk, ethics 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

Key expert 1

Tasks of key expert 1

- Online training materials developer for the public sector and or local government expert

Qualifications of key expert 1

- Education/training (2.2.1): Post Graduate Degree in public management, social science or related field
- Language (2.2.2):
- General professional experience (2.2.3): 5 years in online materials development for either the public or civil society sectors focusing on leadership, ethics and or good governance
- Specific professional experience (2.2.4): 5 years in training material development for online audiences

Tasks of Expert 2

- Video animator for online training materials for the public service, will support the team leader and the project team focusing on translating stories and scenarios into animated videos for the local government sector.

Qualifications of Expert 2

- Education/training (2.3.1): Post Graduate Degree in cinematography, media studies or equivalent degree
- Language (2.3.2):
- General professional experience (2.3.3): 5 years in making video animation for online training purposes
- Specific professional experience (2.3.4): 5 years working with storywriters for video animation for online training purposes

Tasks of Expert 3

- Story writer for online training videos, will support the team leader and the project team focusing on writing stories for videos, based on scenarios and case studies which will be provided by the project partners working in the local government sector

Qualifications of Expert 3

- Education/training (2.4.1): Post Graduate Degree in social sciences, economics, management or equivalent degree
- Language (2.4.2):
- General professional experience (2.4.3): 5 years in writing stories for video adaptation for online training purposes
- Specific professional experience (2.4.4): 5 years in translating scenarios and case studies into stories for video adaptation for online training purposes

Tasks of Expert 4

- Proof-reader of stories for online videos as part of the training materials developed for the local government sector

Qualifications of Expert 4

- Education/training (2.5.1): Post Graduate Degree in social sciences, economics, management or equivalent degree
- Language (2.5.2):
- General professional experience (2.5.3): 5 years in providing proof reading services for stories developed for online training videos
- Specific professional experience (2.5.4): 5 years working with video production teams providing playing the role of a proofreader

The tenderer must provide a clear overview of all proposed short-term experts and their individual qualifications.

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

16. 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	2	15	30	
Designation of TL/key expert/short-term expert pool	3	23	69	
Travel expenses	Quantity	Price	Total	Comments
Per-diem allowance in country of assignment	5	1500	4500	
Overnight allowance in country of assignment	4	1500	6000	
Transport	Quantity	Price	Total	Comments
International flights <i>Enter destination country</i>				Travel to the place of service delivery
Domestic flights	1	5000	10000	Flights within the country of assignment during service delivery
Flexible remuneration	2	10000	20000	

<p>CO₂ compensation for air travel</p> <p><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></p>				<p>A budget is earmarked for settling carbon offsets against evidence.</p>
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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

17. 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

18. 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 (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 (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.

19. Option

Requirements

Exercising the option will depend on. The decision on continuation is expected to be made in the period.

The option will be exercised by means of a contract extension on the basis of the individual approaches already offered.

20. Other Requirements

- Please submit your proposal (technical and price proposal) in separate files/folder to ZA_Quotation@giz.de no later than **5th March 2024** all documents must be in PDF.
- Submission to any other email address may invalidate your bid.
- 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.**

Bids sent via Dropbox and WeTransfer will not be accepted