

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

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<b>National Survey and Research on Sextortion</b>	<b>Project number/ cost centre:</b>
	2020.2106.1-001.00

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- 0. List of abbreviations ..... 2
- 1. Context..... 3
- Background of assignment ..... 3
  - OBJECTIVES ..... 4
  - OUTPUTS ..... 4
- 2. Tasks to be performed by the contractor ..... 4
- 3. Concept..... 6
  - Technical-methodological concept ..... 6
  - Project management of the contractor (1.6) ..... 6
  - Further requirements (1.7)..... 7
- 4. Personnel concept..... 7
- 5. Costing requirements ..... 7
  - Sustainability aspects for travel ..... 7
- 6. Requirements on the format of the tender ..... 8

## **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
NACS	National Anti-Corruption Strategy
TIP	Transparency, Integrity and Accountability Programme
ToRs	Terms of reference

## 1. Context

Since the end of the apartheid regime in 1994, South Africa has developed into a stable democracy with a progressive constitution. However, it faces growing governance challenges: lack of good governance at all levels of government as well as endemic corruption in all sectors and mismanagement of public finances. The Transparency, Integrity and Accountability Programme (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 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 meet the requirements of the human rights-based approach, including gender equality (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 lead executing agency for the TIP is the Department of Planning, Monitoring and Evaluation. 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.

These ToRs form part of the TIP's implementation mandate.

### **Background of assignment**

In February 2023, an introductory research paper commissioned by TIP on the subject of sextortion was completed. It covered a comparison of legal frameworks in Africa, explored an appropriate definition and explanation of sextortion, and provided an initial understanding of the manifestation of sextortion with a focus on Gauteng. It provided a definition of sextortion, based on a literature review. The report highlighted some vulnerable sectors including education, delivery of basic services, and policing. However, the research also carried certain limitations, such as being limited in scope to Gauteng, and not capturing statistics on actual incidents of sextortion. While it was helpful in capturing sentiments from experts across various sectors, a recommendation of the report was that further research should be conducted in order to fully understand the scale of the sextortion problem in South Africa.

While sextortion has been identified to be prevalent in education, delivery of basic services, and policing in Gauteng, very little information is available in other provinces. Various civil society organisations have recorded anecdotal evidence as well as reports of sextortion, such as Sonke Gender Justice, AWACN and Corruption Watch. In addition, sextortion has been

reported in the media under the phrases 'sex for jobs' or 'sex for marks' and is mentioned on social media using various colloquial terms.

On 25 May 2023, a conference titled *Addressing Invisibility: Conference on Gender and Corruption* was hosted by TIP, which brought together representatives from civil society, government, and business. Participants learned about and engaged with the subject of gender and corruption, including the question of sextortion. It emerged from an interactive brainstorming session at the conference, that indeed more quantitative and qualitative research is needed on sextortion. Without accurate and authoritative data, it will be difficult to conduct awareness raising and/or advocacy work on sextortion. Proper data could also better inform interventions.

The TIP would like to support partner organisations by commissioning nationally representative research on sextortion. This research should be representative of the population as well as geographically representative. This study aims to assess the understanding, magnitude and impact of sextortion in South Africa. The research will further identify the groups at risk of sextortion and make recommendations regarding strategies that should be taken to address it.

## **Objectives**

- To gather quantitative and qualitative evidence related to the interface between corruption, human rights, and sexual violence;
- To determine awareness of sextortion, including whether it is normalised and what language is used to describe it; If it is normalised, to investigate the social norms and behaviour that contribute to sextortion;
- To investigate communication about this phenomenon on social media;
- To understand the scope and magnitude of the problem of sextortion by determining how often it occurs and the nature thereof;
- To determine how often sexual corruption occurs (as an intentional and equal exchange of sex/sexual favours for a benefit) in comparison to sextortion;
- To identify vulnerable groups (by age, gender, sexual orientation, race etc.), sectors and geographical areas which have high numbers of sextortion;
- To, where possible/appropriate, to record the experiences of survivors of sextortion as qualitative evidence;
- To provide recommendations for advocacy, awareness raising, and policy change where appropriate.

## **Outputs**

- Comprehensive qualitative and quantitative research that is nationally and geographically representative that includes recommendations for further activities based on the findings;
- A designed report in both digital and physical formats for distribution.

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

The contractor is responsible for providing the following services:

- Develop a literature review making use of the literature review contained in the publication *Sextortion: Gendered Corruption in the context of Gauteng, South Africa: An Introductory Study* and incorporating updated or additional information for the purposes of triangulation of data; highlight new findings of info particularly GP;
- Design research questions suitable for the purposes of this project; design a survey instrument and methodology for data collection, and have it validated by the partner organisations;
- Obtain ethical clearance from an appropriate institution (if not possible internally) for the study;
- Pilot the survey;
- Collect data using the survey, select key informant interviews and focus groups (if determined appropriate) in English and other South African languages for inclusivity of participation;
- Analyse the data according to the objectives;
- Provide a draft and then final report on the survey results;
- Produce a designed final version of the report, including print and digital versions;
- Host colloquium to validate report.

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

<b>Milestones/partial works</b>	<b>Deadline</b>	<b>Criteria for acceptance</b>
Inception Meeting report	16 Oct 2023	Maximum 2-page report capturing information regarding communication, agreement on timelines and any other administrative or operational decisions between service provider, Technical Advisor(s) and partner organisations
Literature review	27 Oct 2023	An updated literature review on the subject matter
Methodology and Survey Instrument	10 Nov 2023	Service provider must have consulted with and obtained validation from with partner organisations and Technical Advisors, as well as ethical clearance from an appropriate institution and have a final survey instrument
Draft report	29 Feb 2024	Completion of data collection and preliminary analysis of results in accordance with the objectives set out in this Terms of Reference
Second draft report	15 Mar 2024	Obtain feedback from Technical Advisor(s) and partner organisations

Final report and colloquium	29 Mar 2024	Hosting of a colloquium including partner organisations and other important stakeholders to validate findings
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Period of assignment: from October 2023 until March 2024.

### 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 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).

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 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 months) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

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

#### **Further requirements (1.7)**

Project must consider cross-cutting themes of gender, social class, sexual orientation etc. in analysis of data.

The tenderer must also describe the strategy for data protection in accordance with the Protection of Personal Information Act.

#### **4. Personnel concept**

The tenderer is required to provide a brief overview of the personnel concept that may be necessary for this project. A team leader and a sufficient number of additional qualified experts and team members should be specified. The tenderer must provide a clear overview of all proposed team members and their individual qualifications.

#### **5. Costing requirements**

##### **Sustainability aspects for travel**

GIZ would like to reduce greenhouse gas emissions (CO<sub>2</sub> 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 CO<sub>2</sub> efficiency. For short distances, travel by train (second class) or e-mobility should be the preferred option.

If they cannot be avoided, CO<sub>2</sub> 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.

##### **Contract for Works**

The following basic calculations for the contract for works are a reference value based on the acceptance criteria for each partial work/milestone specified in Chapter 2 (Tasks to be performed by the contractor).

Since the contract to be concluded is a contract for works, we would ask you to offer your services at a lump sum price. Therefore, please divide the lump sum price into the milestones

described below. The price per milestone must contain all relevant costs (fee, travel expenses etc.).

In addition, the assessment of the financial bid is also based on the underlying daily rate. Please also provide the underlying daily rate. A breakdown of days is not required.

<b>Milestones/partial works</b>	<b>Estimated expert days for orientation</b>	<b>Deadline/place/person responsible</b>
Methodology and Survey Instrument	20 days	3 Nov 2023
Draft Report	40 days	16 Feb 2024
Second Draft Report	7 days	29 Feb 2024
Final Report and Colloquium	7 days	15 Mar 2024

## **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.

As the contract to be concluded is a contract for works, please offer a fixed lump sum price that covers all relevant costs (fees, travel expenses etc.). The price bid will be evaluated on the basis of the specified lump sum price. In addition, please also provide the underlying daily rate. A breakdown of days is not required.

## **7. Other Requirements**

- Please submit your proposal (technical and price proposal) in separate files/folder to [ZA\\_Quotation@giz.de](mailto:ZA_Quotation@giz.de) no later than **22<sup>nd</sup> September 2023** 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.**

