

**Investigators Training on Whistleblowing: Course
Development and Delivery**

Contents

1. General information	1
2. Tender requirements	5
a. Team leader	5
b. Key expert 1: Whistleblowing expert	5
c. Key expert 2: Investigations education expert	6
d. Key expert 3: Design expert	6
e. Appropriateness of proposed concept	7
f. Specification of inputs	7
g. Requirements on the format of the tender	9

1. General information

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”. In order to give effect to this pillar, a conducive and supportive environment for whistleblowers is necessary.

b. Context

Whistleblowers play a vital role in both the public and private sectors by shedding light on wrongdoing, paving the way for investigation and accountability measures. They are a vital part of the anti-corruption ecosystem. Their reports can assist in saving government and businesses money and therefore make a difference by improving institutional and collective wellbeing.

While society in general benefits from their actions, whistleblowers often face recrimination, which has knock-on effects that affect whistleblowers’ lives in profound ways. The legislative framework attempts to address this by prescribing protections. However, such protections – even if robust on paper – often fail to protect whistleblowers in practice.

This is despite the fact that whistleblower disclosures can be the instigating/ initiating factor for important investigations, and whistleblowers can also contribute to investigations by providing further information. It follows that investigators and whistleblowers can often have a close working relationship. However, whistleblowers have expressed that relationships with investigators can be difficult and fraught with tensions. The manner in which investigators engage with whistleblowers can set the tone for the relationship and could be either a negative or a positive experience for the whistleblower. Needless to say, a positive and willing whistleblower can contribute greatly to evidence gathering and piecing the story together. This will assist the investigator to identify new leads and potential witnesses and/or perpetrators and allow them to get a clearer picture of the puzzle. A hostile or tense relationship could lead to the whistleblower sharing minimal information leading to a difficult investigation with the investigator battling to find new evidence or threads that could be followed.

Investigators therefore have a crucial role to play in creating a safer, conducive environment for whistleblowing. Investigators that are skilled and equipped to put whistleblowers at ease, including by informing them of their rights, how to maintain confidentiality, how the investigation process will play out and what to expect, not only minimise harm to whistleblowers but also potentially improve the quality of the investigation as a whole.

Investigators therefore need to have specific skills to manage (a) the whistleblower relationship, (b) establish rapport with the whistleblower and (c) be able to extract information from the whistleblower without alienating them. The Investigator have a responsibility to ensure that the whistleblower identity is not compromised until it is necessary. It is important that these principles are adhered to and that the whistleblower trusts that these principles are adhered to by the investigator.

The aim of this training is to equip investigators with the necessary skills and knowledge to enable them to engage with whistleblowers in a mutually beneficial and harm-minimising manner, including by reflecting on the following issues:

1. The gaps that exist practically in protecting whistleblowers' anonymity where they are still exposed to risk, such as where witnesses divulge the identity of the whistleblowers during proceedings, and how investigators can mitigate such risks.

2. The establishment of a whistleblowing policy that specifically regulates the handling of whistleblowers during and after investigations involving their disclosures, including as this relates to law enforcement.

c. GIZ shall hire the contractor for the anticipated contract term, from 15 November 2023 to 25 March 2024.

d. The contractor shall provide the following service:

1. Initial research

1.1. Consultation: The service provider shall identify a pool of five or more relevant organisations to obtain inputs on the course content. This should include inputs on the course knowledge, format of the training session, design and content of course materials, and practical application of the course content to the work of investigators. This should include consultation with investigators in the public and private service about their experiences regarding working with whistleblowers during investigations. This can be done using an online survey tool.

2.1.1 Desk-based research: The service provider should conduct online research for reputable guidance on how these topics are approached by international/foreign investigations agencies.

2.2 Development of course content: a Facilitator Guidance Document intended for use by trainers which contains instructions about how to conduct the training. This includes:

2.2.1 Suggestions about proposed class size, room set up requirements (e.g whiteboard needed, projector, etc), and whether the course could be delivered feasibly in an online format.

2.2.2 Information forming the basis of the course ('course knowledge') that is thoroughly researched and up to date, including citations and suggestions for further reading. This can include PowerPoint presentations that trainers can use. This information should be enriched by including case studies and real-life testimonials from whistleblowers on their experiences of interacting with investigators.

2.2.3 The training sequence and methodology to be followed by the trainer for each module during the delivery of the course.

2.2.4 Suggested activities that can be conducted during the training session, including ice breakers, individual and group activities based on the course knowledge as well as peer-learning based on the experiences of investigators from working with whistleblowers.

2.2.5 Frequently asked questions and suggested answers.

2.2.6 Instructions about how to incorporate the course materials into the training.

2.2.7 Determine the level at which the course should be pitched in terms of qualifications and experience.

2.2.8 The training course must clearly spell out Learning Outcomes and Assessment Criteria for each module. There must be Formative Assessments after each Module and a Summative Assessment at the end of the course.

Note: The course content should be designed into a training booklet to be used at the 'train the trainer' workshop. The training booklet should be designed such that it is easily readable and understandable and visually appealing. The training booklet is to be delivered in (a) print-ready digital file format AND (b) 20 printed copies. All designs and printing material selection to be approved by GIZ.

2.3 Development of course materials: this includes a short guidebook/hand out materials which summarises essential concepts and which can be used by participants as a reference resource. Course materials should be no more than 20 pages of text. This content should be designed such that it is easily readable and understandable and visually appealing. Course materials are to be delivered in (a) print-ready digital file format AND (b) 80 printed copies. All designs and printing material selection to be approved by GIZ.

2.4 Conduct three training workshops. This should include at least one 'train the trainer' session where trainers are taken through the course in detail and capacitated to deliver training themselves. Two training workshops are to be held in Gauteng, one to be held in another province. Kindly detail anticipated domestic travel expenditure for ONE key expert to a province outside of Gauteng as per the table below, as well as workshop hosting costs. Workshop participants' travel expenses are NOT to be included. Evaluation forms by participants are to be submitted in order to assess the impact of training.

2.5 Course knowledge should include at least the following topics:

2.5.1 Legal framework applicable to whistleblowing as it relates to the whistleblower (general and as employee, legal rights, and whistleblower-investigator interaction points. The aim should be for investigators to understand the extent of legal protection, factors which may compromise such protection, and what is not protected. Investigators should also understand the difficulties that whistleblowers face in accessing legal protection, including deficiencies in the legal framework and the prohibitive cost of legal representation.

2.5.2 An understanding of the risks that whistleblowers face. This should include a discussion on ethical questions that may arise in the course of investigations, such as actions that can put the whistleblower at greater risk.

2.5.3 Safer practices for interacting with whistleblowers in person. This should address strategies to protect the safety and anonymity of the whistleblower as well as the investigator.

2.5.4 Safer practices for telephonic/digital communication and information security. This includes guidance on preferable communication modes (Signal versus WhatsApp for example), ways to preserve anonymity in online communication, ways to store

information security, password protection and encryption as well as other technological and non-digital means.

2.5.5 Organisations active in this space and what services they offer (for referral purposes) in terms of legal, security, psychosocial or other support/assistance.

- The contractor provides equipment and supplies (consumables) and assumes the associated operating and administrative costs. This includes the design, printing and delivery of the course materials.
- The contractor manages costs and expenditures, accounting processes and invoicing in line with the requirements of GIZ.
- The contractor reports regularly to GIZ in accordance with the current AVB of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

2. Tender requirements

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs, 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.

a. Expert 1: 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: Expert 1

- General professional experience (1.1.1): 15 years of professional experience in the investigations sector; 15 years in training and/or education, 7 years of management/leadership experience as project team leader or manager in a company
- Education/training (1.1.1): Masters level university qualification in Investigations, Education, Forensics or other related field preferred.
- Experience in the region/knowledge of the country (1.1.2) N/A
- Language (1.1.3): A1-level language business proficiency in English.

b. Expert 2: Whistleblowing expert

Tasks of key expert 2

- Develop content as it relates to whistleblower protection, synthesis with investigations content (by working with Key Expert 2). This includes:

- Describing legal framework applicable to whistleblower protection as well as pitfalls
- Setting out challenges facing whistleblowers
- Providing case studies for inclusion in training material
- Ensuring that the voices and experiences of whistleblowers is represented in the training.

Qualifications of key expert 2

- Education/training (1.2.1): Master's level university qualification in Law, Governance, Education or other relevant social sciences field of study.
- Professional experience (1.2.1): 8 years' experience in law, ethics, anti-corruption; 3 years of experience working in the field of whistleblower protection and/or advocacy and/or investigations.
- Experience in the region/knowledge of the country (1.2.2) N/A
- Language (1.2.3): A1 -level language proficiency in English

c. Expert 3: Investigations education expert and Course Trainer

Tasks of key expert 3

- Develop content as it relates to practical aspects of investigations, synthesis with whistleblower related content (by working with Key Expert 1), including:
 - Setting out ethical duties in relation to working with whistleblowers
 - Setting out investigations practices that help to ensure safety of whistleblowers and journalists, including in-person safety as well as digital safety;
 - Providing case studies for inclusion in training material
 - Ensuring that the training is responsive to the needs and experiences of investigators.
 - Conducting three training workshops.

Qualifications of key expert 3

- Education/training (1.3.1): Master's level university qualification in Investigations or Education.
- Professional experience (1.3.1): 15 years' experience in investigations; 15 years of experience working in education, including proved experience in course development
- Experience in the region/knowledge of the country (1.3.2) N/A
- Language (1.3.3): A1 -level language proficiency in English.
- .

d. Expert 4: Design expert

Tasks of key expert 4

- Design the course content into a user-friendly and appealing course manual
- Design the course materials

Qualifications of key expert 4

- Education/training (1.4.1): University Qualification in Graphic Design, Multimedia Design or Communications
- Professional experience (1.4.1): 5 years experience in communications; 2 years experience in designing printed media
- Experience in the region/knowledge of the country (1.4.2) N/A

- Language Skills (1.4.3) N/A

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

e. Appropriateness of proposed concept

Please specify between one and five objective criteria which are to be used for an objective evaluation of the concept within the 'Assessment grid for the technical evaluation of tenders' and enter these in the second section of the grid. (2.1 – 2.5).

2.1. Understanding: The tenderer demonstrates an understanding of the context of the project and its intended objectives.

2.2. Methodology: The tenderer sets out a clear description of deliverables and delineates a strategy to produce them. The tenderer is required to describe the key processes for the services for which it is responsible and create an operational plan or schedule that describes how the services are to be provided. In particular, the tenderer is required to describe the necessary work steps.

2.3 Training concept: The tenderer describes a well-defined outline of the training concept, including high-level descriptions of intended learnings and how these can be achieved. The tenderer's bid is aware of, and responsive to, the training needs of investigators.

2.4. M&E, learning, and innovation: The tenderer is required to present its contribution to the results-based monitoring system and describes its contribution to knowledge management for the partner and GIZ and to promote scaling-up effects under learning and innovation.

2.5 The tenderer demonstrates its ability to fully implement the develop and implement the training required.

f. Specification of inputs

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.

The market for carbon credits is made up of a large number of providers, each with different claims as to their climate impact. The [Development and Climate Alliance](#) has published a [list of standards](#). GIZ recommends using the standards specified there

Fee days	Number of experts	Number of days per expert	Comments
<ul style="list-style-type: none"> Preparation/debriefing 	3	1	Team Leader, Key Expert 1, Key Expert 2
<ul style="list-style-type: none"> Implementation 	Team Leader Key Expert 1 Key Expert 2 Designer	10 days 7 days 17 days (inclusive of three days for workshop delivery) 5 days	
Travel expenses	Number of experts	Number of days/nights per experts	Comments
<ul style="list-style-type: none"> Per-diem allowance in country of assignment 	1	3	<p>If course trainer located inside Gauteng, then only 1 day will be allocated for the travel outside of Gauteng.</p> <p>If course trainer located outside Gauteng, then 3 days allocated UNLESS training takes place in trainer's home province, in which case 2 days are allocated.</p>
<ul style="list-style-type: none"> Overnight allowance in country of assignment 	1	3	Please see above.
<ul style="list-style-type: none"> Travel costs (train, private vehicle) 	1	6	Airport shuttle (one-way trip). Please see above.
Flights	Number of experts	Number of flights per experts	Comments
<ul style="list-style-type: none"> Domestic flights 	1	3 return	Please see above.
<ul style="list-style-type: none"> CO₂ compensation for air travel 			A budget is earmarked for

<u>Guidance for GIZ service providers on avoiding, reducing and offsetting GHG emissions (giz.de)</u>			settling carbon offsets against evidence.
Workshops	Number of participants		Comments
Train the Trainer Workshop	Up to 25		Conferencing or similar appropriate venue Day-long training Catering included Travel of participants to venue NOT included
Training Workshop 1 (Gauteng)	Up to 40		
Training Workshop 2 (outside Gauteng)	Up to 40		
Printed Materials	Number of copies		Comments
'Train the Trainer' Booklet	20		Final specifications to be determined after materials drafted. Approximate specifications: - Between 20 – 50 pages of content per book. - Printed in colour - High quality paper with cover - Bound (glue/spiral).
Course Materials	80		

Calculate your financial bid exactly in line with the quantitative requirements of the specification of inputs above. There is no contractual right to use up the full days/travel or workshops or budgets. The number of days/travel/workshops and the budgets will be contractually agreed as **maximum amounts**. The regulations on pricing are contained in the price schedule.

g. Requirements on the format of the tender

The CV submitted for each expert can have a maximum of four pages. The **concept** (if required) should not exceed five pages. 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.

Other Requirements

- Please submit your proposal (technical and price proposal) in separate files/folder to ZA_Quotation@giz.de no later than **10th November 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.**