

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

CONFIDENTIAL

Research on specialized curricular for judges and exploration of how the whistleblowing ecosystem has been capacitated to support the curricular	Project number/ cost centre: 20.2106.1-001.00
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0. List of abbreviations

AG	Commissioning party
AN	Contractor
GTCC	General Terms and Conditions of Contract for supplying services and work
FK	Expert
FKT	Expert days
KZFK	Short-term expert
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:

- the active involvement of citizens, who contribute to the implementation of the NACS through initiatives that encourage transparency, integrity and accountability (output 1),
- the strengthening of institutional capacity so that the relevant state actors, particularly the National Anti-corruption Advisory Council (NACAC), are empowered to steer and coordinate the implementation of the NACS (output 2); and
- Multi-stakeholder partnerships to improve transparency, integrity and accountability (output 3).

The TIP targets the whole-of-government and whole-of-society and actively pursues a human rights-based approach including gender equality. The strategic reference points for the TIP are the NACS, the National Development Plan, the UN's Agenda 2030 (Sustainable Development Goals 16.5 and 16.6), South Africa's Medium-term Strategic Framework 2019-2024, Germany's Feminist Development Policy and the Agenda 2063 of the African Union.

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 part of the action field Good Governance in the Peaceful and Inclusive Societies cluster of BMZ in South Africa. The TIP is co-financed by the Swiss State Secretariat for Economic Affairs (SECO).

Background of assignment

The TIP programme aims to improve the whistleblowing eco-system by enabling a safer whistleblowing environment. The programme cooperates with organisations that support whistleblowers and has brought together those representatives in a multi-stakeholder partnership named "Whistleblower Support Platform for Reform" (WSPR).

The main aim of WSPR is to co-create initiatives to improve the whistleblowing eco-system and it serves as a platform to validate and disseminate information relevant to whistleblowing and or whistleblowers. To this end, in June 2024 the TIP programme took policymakers, practitioners and relevant stakeholders in the field of whistleblower protection on a learning journey to Eastern Europe to understand how those countries set up mechanisms that enable a safer whistleblowing environment.

Throughout the engagement it was evident that the circumstances and contexts in Eastern Europe are different from the South African ones in terms of size, population and the level of retaliation faced by whistleblowers. However, even with these differences, many lessons and structures were discussed during the learning journey which may benefit South Africa's corruption reporting systems. The South African delegation expressed a particular interest in learning about the specialisation of judges and prosecutors in Serbia, where they are trained through the judicial academy of Serbia and attain certification to deal with whistleblowing cases. In Serbia, the training is developed and delivered in conjunction with a civil society organisation Pištaljka to bring in the lived experiences and nuances in whistleblowing cases

that may be otherwise overlooked if the cases are only viewed through a legal lens. Furthermore, only certified judges and prosecutors may preside over whistleblowing matters which ensures full understanding of the complexities in these cases.

TIP is looking for a service provider to conduct research on the existing South African judicial, curriculum and identify the gaps in respect of the specialization of anti-corruption and whistleblowing mechanisms. Furthermore, research should seek to investigate how the whistleblowing value chain (police, investigators, independent agencies, specialised units etc.) have been capacitated to support whistleblowers.

The aim of the research is to conduct a benchmarking exercise, with other jurisdictions (up to 10) that employ a specialised curricular/and or training for judges, prosecutors, magistrates, police and investigators, then provide recommendations for the South African context. Although, the Serbian learning journey focused more on the judiciary, we would like to utilise this research to include law enforcement and other stakeholders in the eco-system in their approach to whistleblowing and anti-corruption curricular and training.

The partners in this project are at the Department of Justice and Constitutional Development and the National Anti-corruption Advisory Council who will be the main beneficiaries of the research report.

The report and its learnings shall form the basis to then develop the South African training curricular on whistleblowing for judges, magistrates, prosecutors, police and investigators as well as other role players as identified in the research.

2. Tasks to be performed by the contractor

- a. Conduct research on whistleblowing and anti-corruption curricular examining the current curricular and training for whistleblowing and anti-corruption in South Africa available to judges, magistrates, prosecutors, police and investigators.
- b. Provide a comparative analysis of up to 10 (ten) existing anti-corruption and whistleblowing curricular used in anti-corruption courts and law enforcement in other jurisdictions, utilizing qualitative data collection which must include interviews with for example: training colleges, facilitators of curricular, magistrates, law enforcement, independent agencies, specialised units and others as determined by the research.
- c. Produce a research report (printable PDF version), including an executive summary of the findings and recommendations to partners for the South African context. Further, the research report needs to cover the following:
 - The rationale for the adaptation of specialized curricular in other jurisdictions
 - The responsible persons of the development and implementation process of specialized curricular
 - Challenges, successes and lessons in implementation
 - Demonstratable impact of the specialized curricular in other jurisdictions
- d. The research findings must be presented on at least 3 different occasions to relevant stakeholders. The format (e.g. webinars, presentations etc.), the audience will be determined in consultation with partners. GIZ will take responsibility for logistics.
- e. The Contractor shall report regularly to GIZ in accordance with the applicable General Terms of Conditions of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

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

Milestones	Date
Inception Meeting	June 2025
Desktop Research	June 2025
Feedback on Desktop research findings	June 2025
Interviews and data collection and collation	July 2025
Finalisation of Research	August 2025
Presentation	August 2025

Period of assignment: from **June 2025** until **September 2025**.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

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 draw up a **personnel assignment plan** with explanatory notes that lists all the experts proposed in the tender; the plan includes information on assignment dates

(duration and expert days) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

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

- Qualification (2.1.1): University/tertiary degree in Politics sciences/ and or Law
- Language (2.1.2): Good business language skills in English (C2-level)
- General professional experience (2.1.3): 10 years of professional experience in conducting legal research utilizing various methodologies
- Specific professional experience (2.1.4): 5 years' experience in curricular development and training
- Leadership experience/management (2.1.5): 5 years of management/leadership experience as a team leader in projects or as a manager in companies

Key expert 1 (Researcher)

Tasks of key expert 1

- Conduct the research
- Ensure that the data is comparative, reliable and valid
- Analyse the data and provide recommendations

Qualifications of key expert 1

- Qualification (2.2.1): University postgraduate/tertiary degree in Politics/ and or Law
- Language (2.2.2): Language skills on C2-Level in English proficiency
- General professional experience (2.2.3): 3-5 years of professional research experience in political sciences/ and legal research utilizing various methodologies
- Specific professional experience (2.2.4): up to 4 years' experience in context relating to whistleblowing and anti-corruption.

Key Specialist 2 (Graphic Designer)

Tasks of Key Specialist 2

- Design and layout the report

Qualifications of Graphic Designer

- Qualification (2.3.1): University/Tertiary diploma/degree, recognized certification in Graphic design
- Language (2.3.2): C2 -level language proficiency in English
- General professional experience (2.3.3): 2 years' experience in layout and design of handbooks

4. Costing requirements

Assignment of personnel and travel expenses

Per diem 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 from the [German Federal Ministry of Finance – tax treatment of travel expenses and allowances for international business travel as of 1 January 2024/2025 \(GERMAN ONLY\)](#)).

Accommodation allowances are reimbursed as detailed in the specification of inputs below.

With special justification, additional Accommodation costs up to a reasonable amount 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 has undertaken an obligation 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.

CO₂ emissions caused by air travel must 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
Team Lead	1	10	10	
Researcher	1	50	50	
Graphic Designer	1	5	5	

Travel expenses	Quantity	Number per expert	Total	Comments
Per-diem allowance in country of assignment	6	2	ZAR	The daily allowance of ZAR will be given for the total of 6 days in city of assignment amongst the experts
Overnight allowance in country of assignment <i>If an on-site assignment takes place over the weekend, overnight allowances for weekends can be reimbursed between the fee days.</i>	6	2	ZAR	Accommodation for experts for travel within city of assignment for ZAR per night
Transport	Quantity	Number per expert	Total	Comments
Domestic flights	6	2	ZAR	Flights within the country of assignment during service delivery
CO₂ compensation for air travel	1		ZAR	A fixed budget of ZAR is earmarked for settling carbon offsets against evidence.
Travel expenses (train, car) <ul style="list-style-type: none"> Kilometers claim and or public transport for potential interviews and presentations at ZAR4.87 per/km 	500	ZAR4.87	ZAR	Travel within the country of assignment, transfer to/from airport etc.
Other costs	Number	Price	Total	Comments
Flexible Remuneration	1	ZAR 20 000	ZAR 20 000	A budget of ZAR 20 000 is foreseen for flexible remuneration. Please incorporate this budget into the price schedule.

5. Inputs of GIZ or other actors

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

- GIZ will provide the venue for in person presentations.
- Logistics for presentations: GIZ will provide transportation for participants that may require transport to and from the venue.

6. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToR. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English (language).

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English (language).

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule.

7. Annexes