

Procurement procedure for consultancy and support services (CSS) for Kenya

Terms and Conditions for Tender

1 General principles

1.1 Client:

Evangelisches Werk für Diakonie und Entwicklung e. V.
for Brot für die Welt
Caroline-Michaelis-Str. 1
10115 Berlin
Germany

The following email address is to be used for tenderer questions, submission of tenders and further communication regarding this contract:

css_ken@ewde.de

The tender documents, along with the questions and answers from tenderers, can be downloaded at: <https://fuv.brot-fuer-die-welt.de/css-ken/>

1.2 Award method and procedure

The procurement procedure takes place in accordance with the negotiated award procedure without a competitive tender pursuant to §12 of the German [Unterschwellenvergabeordnung](#) (UVgO/ regulation on sub-threshold procurement). The details of the selection process are set out below.

The procedure is as follows:

1st stage: Invitation to tender and contract notice

Several tenderers, in principle at least three, are invited to submit a written tender. In addition, the Client publishes the invitation to tender on its website. All entities with an interest in the contract may submit a bid.

2nd stage: Submission of the initial tenders

On the basis of the contract notice and the procurement documents, the tenderers submit their initial tenders. The “Letter of Tender” form must be used for this purpose. The initial tender must be submitted to the Client by the binding tender deadline with the information, documents and evidence referred to in Section 2.2.

The Client first reviews whether the entities have submitted an admissible tender, whether they are eligible to deliver the service and whether there are any grounds for exclusion. From these tenders, three tenderers per lot are selected on the basis of the award criteria set out in Section 3 and invited to negotiate. The tenderers are not entitled to negotiation talks.

3rd stage: Negotiations

During the negotiations, the selected tenderers are given the opportunity to present their tender and to outline their capabilities and approach to the contract. The Client asks questions about the concept submitted with the tender and other relevant issues. The negotiations must be attended

on behalf of the tenderer by a person authorised to represent the tenderer and, if possible, by all persons who will provide the consultancy and support services in practice (including subcontractors).

The negotiation will take place using the Zoom communication service.

Should the Client see a need for further negotiation or clarification after the negotiations, the Client invites the tenderers to further negotiations.

The Client reserves the right to award the contract to a tender in accordance with the award criteria under Section 3, even without having negotiated first.

4th stage: Final tenders

Following conclusion of the negotiations, the Client sets a common deadline for the submission of the final tenders, which are no longer being negotiated.

1.3 Service to be performed

This pertains to Sections I, II and III of the Terms of Reference.

1.4 Type and scope of the service

This pertains to Sections IV, V and VI of the Terms of Reference.

1.5 Place of service delivery

The place of service delivery is the country/region: Kenya

Consultancy and support is usually provided at the location/headquarters of the partner organisations as well as digitally or with several partner organisations together in the region as well as digitally. This considered, it is advantageous if the Client is based in the country/region or has a local office. Intercontinental travel expenses to partner organisations are not reimbursed.

Please refer to Section IV of the Terms of Reference for information on the locations or areas where the currently funded partner organisations are based.

1.6 Division into lots

The service is divided into two lots. Lot 1 covers the field of financial management, Lot 2 the field of outcome-and-impact-oriented planning, monitoring, evaluation and learning (PMEL). For further details, please refer to Section V of the Terms of Reference.

Tenderers may submit tenders for one lot or for both lots. Complete bids for both lots (discount, cf. 3.3) are possible in accordance with the Letter of Tender.

1.7 Variant tenders

Variant tenders are excluded.

1.8 Tender costs

No costs will be reimbursed for the preparation of the tender and the selection and negotiation meeting.

1.9 Framework agreement and annual contracts

A four-year framework agreement is concluded for each lot. Based on the framework agreement, annual contracts, usually with a term of up to 12 months, are placed with the framework agreement partner. A prerequisite for the award of the annual contract is the preparation of a planning overview (Annex 1 to the framework agreement) showing the anticipated demands and scope for the annual contract. The planning overview is coordinated with the Client. On that basis, annual contracts are assigned in accordance with Section 3 of the framework agreement.

1.10 Documents for the selection procedure

The documents are structured as follows:

- Terms of Reference
- Terms and Conditions for Tender
- Letter of Tender form with Annexes / forms 1–4
- Model Framework Agreement with Annexes 1–7

1.11 Terms of contract

The Framework Agreement with the annexes contains the terms of contract, which also include the terms and conditions for payment.

The number of days/trips/workshops and the budget are agreed in the contract as “up to” amounts. Under the contract, the Contractor is not entitled to fully exhaust the days/travels/workshops/budgets if this is not necessary for the objective of the service delivery.

1.12 Tenderer questions

The tenderers must ensure that the documents are complete immediately after they have been retrieved. If the documents are incomplete or, in the opinion of the tenderer, contain ambiguities, the tenderer must inform the Client immediately before submitting the tender.

Notes and questions concerning the award procedure and the procurement documents must be sent to the following email address no later than three working days before the tender deadline:

css_ken@ewde.de

The questions and answers, insofar as they are of general interest, will be made available to all tenderers in anonymised form on the award platform <https://fuv.brot-fuer-die-welt.de/css-ken/>.

Tenderers are not allowed to contact persons involved in the procedure outside the Fund and Procurement Management Unit (FuV) of Brot für die Welt (Bread for the World) in the ongoing procurement procedure on issues relating to the procedure.

1.13 Participation in the procurement procedure

A prerequisite for participation in the procurement procedure is that tenderers are entitled to provide the service described in accordance with the legal provisions of the state in which they are established. Individual consultants may also apply, provided they meet all the described requirements for application and performance of the contract, such as economic capacity.

1.14 Bidding consortia

Bidding consortia are permitted insofar as they are admissible under competition law.

Bidding consortia must submit a list of the members of the bidding consortium with the name of the authorised representative of the bidding consortium and a declaration signed with legally binding effect by all members of the bidding consortium stating that the authorised representative of the bidding consortium legally represents the listed members towards the Contractor and that all members of the bidding consortium are jointly and severally liable.

Bidding consortia are only allowed to change their membership before the end of the tender submission period by withdrawing the tender and submitting a new tender of the newly formed bidding consortium.

All members of a bidding consortium must issue the declarations of the absence of grounds for exclusion in Annex 1.8 of the Letter of Tender. The evidence of eligibility according to Annex 1.1 to 1.4 to the Letter of Tender is assessed in total when assessing eligibility.

1.15 Subcontractors

If necessary, the tenderer may also use third parties for the performance of the contract and commission them with the performance of the services or parts of the services. If subcontractors are intended to be engaged by the tenderer(s), this must be stated in the tender. The eligibility of subcontractors must be demonstrated in accordance with the tender documents. If a subcontractor not already named before the award of contract is to be engaged at a later date or if a subcontractor is to be replaced during the term of the contract, the consent of the Client must be requested at least four weeks before the planned engagement. The Contractor is also accountable to the Client for the delivery of the service as agreed when using subcontractors.

1.16 Agreements restricting competition

Agreements restricting competition result in exclusion of the bid.

If these only become known after the award of the contract, they entitle the Contractor to terminate the contract.

1.17 Sanctions list screening

According to international legal requirements, based on UN resolution no. 1390 (2002), UN resolution no. 1373 (2001), UN resolution no. 2253 (2015), EC regulation no. 881/2002, EC regulation no. 2580/2001, EU regulation no. 2016/1686 and EU regulation 2017/1390, every organization is required to ensure that financial resources are not paid to individuals and organizations that are on the sanctions list of the United Nations and/or European Union and, in case of transactions in US-Dollar, of the USA. The implementation of appropriate safeguards is mandatory.

Please be informed that, therefore the Client screens its contractual partners against the sanctions list of the United Nations and the European Union (and if necessary the US), to avoid any payments or transfers of funds to individuals or organizations that are on the above-mentioned lists.

1.18 Data protection/confidentiality

The tenderer agrees that the personal data provided by him/her may be processed and stored for the procurement procedure and that unsuccessful tenderers may be informed of the name of the successful tenderer.

If personal data is passed on by the tenderer in the context of the procurement procedure (e.g. own employees, named contact persons at references), the obligation to provide information pursuant to Art. 13 GDPR or § 17 of the Kirchengesetz über den Datenschutz der Evangelischen Kirche in Deutschland [DSG-EKD /Data Protection Act of the Protestant Church in Germany] must be observed, i.e. the employees concerned must be informed accordingly and their consent to the processing of their personal data in connection with the submission of the bid must be obtained.

Upon conclusion of a contract, a data protection declaration must be signed by the Contractor.

2 Tenders

2.1 General principles

For the preparation of the offer, the fillable Word templates “Letter of Tender” including annexes provided in electronic form must be used. Electronic submission takes place via **css_ken@ewde.de**.

A natural person authorised to represent the tenderer, a contact person for questions and full contact details must be provided.

2.1.1 Language

The tender must be submitted in **English** or **German**.

2.1.2 Tender submission period

The initial tender must be received by the Client in electronic form via **css_ken@ewde.de** by the end of the tender submission period.

The tender submission period ends:

7th February 2025 by 5:00 PM
(Berlin, Germany, local time, equivalent to UTC+1)

Tenders received after the deadline will be excluded.

2.1.3 Binding period

The tenderer is bound by his/her tender until the expiry of the binding period. The binding period ends on:

30th June 2025.

2.1.4 Amendments to the procurement documents

Tenders that contain deviations from the mandatory specifications of the Contractor are not considered.

2.1.5 Amendments to the tender

Amendments made by the tenderer to his/her entries must be unequivocal. Any amendments or corrections to the tender by the tenderer must be submitted in the same form as the tender before the expiry of the tender submission period.

2.1.6 Withdrawal of tenders

Tenders may be withdrawn up to the expiry of the tender submission period.

2.1.7 Follow up requests for documentation / incomplete tenders

Since requests for incomplete documents are at the discretion of the Client and are not unconditionally permissible for all documents, it is in the tenderer's own interest to submit a complete tender from the outset.

2.2 Components of the tender

The completed and signed Letter of Tender must be submitted together with details of the price and including the annexes and forms provided. The Letter of Tender must include, but is not limited to, the following:

2.2.1 Documents for the assessment of eligibility

The contract will only be awarded to clients who meet the following criteria and thus demonstrate their expertise and capacity. The documents for the assessment of eligibility must be completed **in full** in order to be considered in the application process. **All** templates of the Letter of Tender must be completed for this purpose (Annexes 1 to 4).

- (1) Brief company description or description of the individual applicant, in particular information on business activities, number of employees and structure, company structure and, if applicable, affiliation to a group (interdependencies under company law, but also other financial interests or economic links, in particular loss assumption obligations, letters of comfort or other financial safeguards via a parent company). In this context, the applicants have to prove in particular that institutional neutrality and impartiality are guaranteed in the execution of the contract. In the case of a **bidding consortium**, this information are provided for all members. —Annex 1.1 in the Letter of Tender
- (2) Declaration by the tenderer on the total turnover of the entity or the individual tenderer as well as the turnover in the type of service corresponding to the procurement procedure in the last three business years—Annex 1.2 in the Letter of Tender
- (3) Information on the average number of employees by job field in the last three years (full-time equivalents)—Annex 1.3 in the Letter of Tender
- (4) References—A list of the main comparable services or activities performed in the last three years for each lot in accordance with the requirements of Annex 1.4 with details of the specific services, the value, the period of performance, the place of performance, the working language and the contact person at the respective contractor—Annex 1.4 in the Letter of Tender

(5) Self-declaration—Annex 1.8 in the Letter of Tender

- The tenderer's declaration that he/she has met his/her obligations to pay taxes, duties and contributions to the statutory social security system
- The tenderer's declaration that no insolvency proceedings or comparable legal proceedings have been applied for, opened or rejected for lack of funds to cover the costs of the proceedings, or that he/she is in liquidation.
- The tenderer's declaration that neither the entity nor its management staff have committed any serious misconduct that calls into question the integrity of the company

In the course of the procedure, the Contractor may request the tenderer to submit current evidence from a competent body, e.g. an authority, that the obligations to pay taxes, duties and social security contributions have been duly fulfilled and that there is no conviction or imposition of a fine on a person whose conduct is the responsibility of the tenderer for an offence specified in § 123 (1) GWB [Competition Act] or a comparable provision of other countries. If documents or certificates are not issued in the applicant's country of origin or country of establishment, they may be replaced by an affirmation in lieu of oath. In countries where there is no affirmation in lieu of oath, the affirmation in lieu of oath may be replaced by a formal declaration made by a representative of the entity concerned before some competent judicial or administrative authority, a notary public or a professional or trade organisation authorised for that purpose in the country of origin or the country of establishment of the applicant.

(6) Further explanations to the tender—Annex 1.9 in the Letter of Tender

Additional information if applicable:

(7) Declaration of the bidding consortium—Annex 1.5 in the Letter of Tender

Bidding consortia must submit a legally binding declaration signed by all members of the bidding consortium stating that each member of the bidding consortium is jointly and severally liable for the contractual performance of the service and that the authorised representative of the bidding consortium legally represents the listed members towards the Contractor and is in particular entitled to submit the tender and to accept payments with effect for each member.

(8) Declaration of commitment regarding reliance on the capacities of other entities—Annex 1.6 in the Letter of Tender

(9) Subcontractor declaration—Annexes 1.7.1 and 1.7.2 in the Letter of Tender

Declaration on the intended use of subcontractors, specifying the parts of the services to be performed by the subcontractor

2.2.2 Content tender

- (1) A concept for the provision of services addressing the following points. The concept should not exceed 10 pages in total.

For Lot 1 "Financial Management":

Section 01: Country context / civil society

- Understanding of the civil society context in the execution of the contract: Please describe your understanding of the specific challenges of civil society organisations in the relevant country

Section 02: Problem analysis financial management

- Please outline the specific problems faced by civil society organisations in the area of financial management. What challenges do you see for civil society organisations / NGOs in the financial management of their projects?

Section 03: Consultancy approach in the field of financial management

- Which principles do you take into account in the design and implementation of the consultancy services offered to your clients?
- How do you identify the specific support needs of partner organisations in the field of financial management?
- How do you advise partner organisations to improve their financial management systems?
- How do you strengthen capacities for financial management?
- How do you promote sustainability of the effects of your consultancy work?

Section 04: Methodological consultancy design

- Which methods, tools, and formats do you work with?
- How do you take gender aspects into account within your consultancy design and choice of methods?
- Which digital formats have you already worked with? What financial management content can you offer digitally? What formats and methodologies do you plan to use?
- How do you promote knowledge management for sustainable capacity building in civil society organisations / NGOs?
- How do you update and develop your methodological competence, taking into account new approaches and methods, and tools.

Section 05: Monitoring

- How would you monitor progress of the advised organisations in terms of capacity strengthening in financial management?

For Lot 2 “outcome-and-impact-oriented PMEL”:

Section 01: Country context / civil society

- Understanding of the civil society context in the execution of the contract: Please describe your understanding of the specific challenges of civil society organisations in the relevant country

Section 02: Problem analysis outcome-and-impact-oriented PMEL

- Please outline the specific problems faced by civil society organisations in the area of outcome-and-impact-oriented PMEL. What challenges do you see for civil society organisations / NGOs in the outcome-and-impact-oriented planning and implementation of their projects?

Section 03: Consultancy approach in the field of outcome-and-impact-oriented PMEL

- Which principles do you take into account in the design and implementation of the consultancy services offered to your clients?
- How do you identify the specific support needs of partner organisations in the field of outcome-and-impact-oriented PMEL?
- How do you advise partner organisations to improve their PMEL systems?
- How do you strengthen capacities for outcome-and-impact-oriented project planning and monitoring?
- How do you promote sustainability of the effects of your consultancy work?

Section 04: Methodological consultancy design

- Which methods, tools, and formats do you work with?
- How do you take gender aspects into account within your consultancy design and choice of methods?
- Which digital formats have you already worked with? What content in the PMEL / outcome-and-impact orientation area can you offer digitally? What formats and methodologies do you plan to use?
- How do you promote knowledge management for sustainable capacity building in civil society organisations / NGOs?
- How do you update and develop your methodological competence, taking into account new approaches and methods, and tools.

Section 05: Monitoring

- How would you monitor progress of the advised organisations in terms of capacity strengthening in the area of PMEL / outcome-and-impact orientation?

(2) A personnel concept with details (Annex 4 in the Letter of Tender):

- on number of persons entrusted with the execution of the contract (project manager / consultant)
- on personnel organisation,
 - E.g. how are the different areas of responsibility covered
 - How is the work of the various people involved coordinated?
 - How is consistent quality of consultancy and learning from consultancy ensured?
 - How are substitutions made, how is the service ensured at times of high demand (peaks), how is the accessibility of the contact persons guaranteed?
 - Nomination of the responsible persons and all consultants proposed for the contract (including subcontractors) with indication of the field of activity and information on qualifications and experience. A full breakdown

of estimated days per consultant (the total number of consultancy days is stated in the tender documents).

- Submission of their CVs (maximum 4 pages per person according to EUROPASS). CVs have to include consultancy work relevant for this assignment.

2.2.3 Financial offer—Annex 3 in the Letter of Tender

Indication of the daily rate in EUR of the consultant(s) taking into account the specifications in the Terms and Conditions for Payment (Annex 3 of the Framework Agreement).

The fee includes remuneration and other ancillary costs (e.g. for telephone charges, postage, Zoom licences, bank charges, etc.—cf. Section 6 Terms and Conditions for Payment).

Travel time is remunerated at half the agreed fee rate. Reimbursement of the costs for meals or a daily allowance will not be paid. The specifications for pricing are defined in the Terms and Conditions for Payment (Annex 3 of the Framework Agreement). After conclusion of the contract (award of contract), daily fee rates can neither be negotiated nor adjusted.

For **contractors based abroad**, the fee must in principle include all local and national taxes and duties (including value-added tax or analogous types of tax).

In the case of **Clients based in Germany**, the net price must be stated.

Travel expenses are reimbursed according to the Terms and Conditions for Payment (Annex 3 of the Framework Agreement). All regional trips must be coordinated with the Contractor in advance. The costs must be kept as low as possible in the interest of economic efficiency. Inter-continental travel is not usually provided.

3 Award criteria and tender evaluation

3.1 Exclusion of tenders from the evaluation

Tenders which deviate from the specifications in the procurement documents and which are not received in due form or time are excluded from the evaluation.

3.2 Eligibility

The eligibility of the tenderer will be assessed on the basis of the following criteria:

- Economic capacity (Annex 1.1 of the Tender Letter)
- Professional and personal capacity (Annexes 1.3 and 4 of the Tender Letter)
- Technical capacity (IT infrastructure etc.) (Annex 1.9 of the Tender Letter)
- References (Annex 1.4 of the Tender Letter)

3.3 Award criteria: Determination of the most economical tender

The award criteria are, firstly, the price and, secondly, the concept for the service delivery as described in Section 2.2.2. In the evaluation of the second criterion, the presentation of the tender during the negotiation is taken into account.

The evaluation is done by awarding points. A maximum of 100 points will be awarded for a tender. Up to 30 points are awarded for criterion 1 (price) and up to 70 points for criterion 2 (concept).

The evaluation in detail:

Award criterion 1 (price):

The points for the price offer are calculated according to the following formula:

$$\frac{\text{Cheapest tender} \times 30}{\text{Tenderer price}}$$

Award criterion 2 (concept):

The evaluation criteria for the concept are different for Lot 1 and Lot 2. The evaluation takes into account the knowledge gained during the negotiations. The sub-criteria and the points that can be achieved for each are as follows:

Evaluation Concept Lot 1			Maximum score		Weighting factor (WF)*	Evaluation points EP)**	Performance point***		
1a	Consultancy and support approaches in financial management, taking into account the objective of communicating funding conditions and strengthening capacities for their implementation, taking into account:		Quality and adequacy of the presentation of the understanding of the civil society context in the country, problem analysis and support needs		10	30	3.33	0 to 3	=WF x EP
			Quality of the consultancy approach, process design and results monitoring		10		3.33	0 to 3	=WF x EP
			Diversity of methods, participatory and adult education methods under consideration of gender aspects		10		3.33	0 to 3	=WF x EP
1b	Personnel concept taking into account:	the transparency, plausibility and efficiency of the personnel concept with regard to the composition of the consultants (coverage of the different areas of responsibility, gender diversity, languages, geographical localisation)	7	25	2.33	0 to 3	=WF x EP		
		the organisation, substitution, dealing with peaks in workload, availability of contact persons	3		1.00	0 to 3	=WF x EP		
		the qualification of the persons entrusted with the execution of the contract on the basis of training and experience	15		5.00	0 to 3	=WF x EP		
1c	Presentation of the concept and the persons entrusted with the execution of the contract in the negotiations, taking into account: - Professional expertise - Consultancy skills - Methodological competence (especially moderation competence, didactic skills, ability to analyse, promotion of ability to act / application competence) - Understanding of roles (appropriate role of an external consultant and relationship between consultant and partner organisation receiving consultancy) - Willingness to innovate in the professional and methodological consulting approach - Communication skills - Change of perspective - Adequate interaction with advised individuals, especially gender sensitivity and socio-cultural context		15		5.00	0 to 3	=WF x EP		
Total maximum achievable for concept Lot 1			70						

Evaluation concept Lot 2			Maximum score		Weighting factor (WF)*	Evaluation points EP)**	Performance point***		
2a	Consultancy and support approaches in outcome-and-impact-oriented PMEL, taking into account the objective of communicating the concept of outcome-and-impact orientation and strengthening capacities for its application, taking into account:		Quality and adequacy of the presentation of the understanding of the civil society context in the country, problem analysis and support needs		10	30	3.33	0 to 3	=WF x EP
			Quality of the consultancy approach, process design and results monitoring		10		3.33	0 to 3	=WF x EP
			Diversity of methods, participatory and adult education methods under consideration of gender aspects		10		3.33	0 to 3	=WF x EP
2b	Personnel concept taking into account:	the transparency, plausibility and efficiency of the personnel concept with regard to the composition of the consultants (coverage of the different areas of responsibility, gender diversity, languages, geographical localisation)	7		25	2.33	0 to 3	=WF x EP	
		the organisation, substitution, dealing with peaks in workload, availability of contact persons	3			1.00	0 to 3	=WF x EP	
		the qualification of the persons entrusted with the execution of the contract on the basis of training and experience	15			5.00	0 to 3	=WF x EP	
2c	Presentation of the concept and the persons entrusted with the execution of the contract in the negotiations, taking into account: - Professional expertise - Consultancy skills - Methodological competence (especially moderation competence, didactic skills, ability to analyse, promotion of ability to act / application competence) - Understanding of roles (appropriate role of an external consultant and relationship between consultant and partner organisation receiving consultancy) - Willingness to innovate in the professional and methodological consulting approach - Communication skills - Change of perspective - adequate interaction with advised individuals, especially gender sensitivity and socio-cultural context		15		5.00	0 to 3	=WF x EP		
Total maximum achievable for concept Lot 2			70						

**Weighting factor: Maximum number of points / max. evaluation points

*** evaluation points

0 points	Objective not met
1 point	Objective reasonably met: comprehensible presentation, focus partly corresponds to the task
2 points	Objective well met: overall compelling and coherent presentation, focus largely corresponds to the assignment
3 points	Objective met with distinction: coherent and compelling presentation, focus on the specifics of the assignment

****Performance points: Result of weighting factor times evaluation points in the respective category

The performance points for all criteria provided for the respective lot are added together. The tender with the highest number of points (in whole natural numbers) will be awarded the contract.

Discount:

The scoring will be done separately for each lot. Entities may submit an aggregate tender for both lots in accordance with the Letter of Tender, which provides for a discount if both lots are awarded. What matters is the overall cost-effectiveness for both lots in total. I.e. if an aggregate tender for Lot 1 and Lot 2 receives more points due to a discount than the sum of the two best placed bids for Lot 1 and Lot 2, the award will be made to the aggregate tender for both lots (discount).

Equivalent tenders:

Should equivalent tenders be identified in this procedure (same number of points), the tenderers will be selected in terms of cost-effectiveness and sustainability in accordance with point 1.5:

- Tenderers based in the country
- Tenderers based in the region
- Tenderers based outside the region