

Questions of Applicants and Answers:

Country: India

We can only guarantee a timely reply to questions received until **26 September 2023**.

Question 1: The number of days mentioned in the tender are 190 for India and possibly 120 for Bangladesh for Lot 2. Is it possible to apply and offer less number of days? Can the maximum number of days be negotiated?

Date of Answer: 13.09.2023

Answer: The Terms of Reference are binding regarding the tender specifications. Therefore, it is not possible to offer a less number of consultancy days than stated in the Terms of Reference. The number of consultancy days are not part of the negotiations.

Question 2: Is it possible for a freelancer to apply or is there a risk of to be considered “bogus self-employed”?

Date of Answer: 13.09.2023

Answer: The Contractor will be solely responsible for fulfilling their obligations under labour and insurance law or obligations mandated by the police and the employers' liability insurance association. The submission of a tender in a bidding consortium or the employment of subcontractors for partial services is possible.

Question 3: There are several procurement procedures for Consultancy and Support Services (CSS) in different countries. Is it possible to apply to two tenders?

Date of Answer: 13.09.2023

Answer: One can apply for several procedures. By submitting a tender, the tenderer confirms / assures that he / she is able to perform the contract or contracts for which he / she has applied.

Question 4: If more than one consultant is engaged with different daily rates (e.g. junior/senior), an average daily rate in Euros (€) must be stated (Annex 3 Financial tender in the document Tender Letter). Does the contractor invoice the average daily rate or the differentiated daily rate per position after the services have been provided?

Date of Answer: 22.09.2023

Answer:

The basis for remuneration under the Framework Agreement and the annual contracts is the daily rate for consultants, which must be stated in the tender (Annex 3 Financial Tender in the Document Letter of Tender). The bidder may offer a uniform daily rate for all consultants or different daily rates for different designated consultants (e.g. junior and senior consultants) in the tender in Annex 3. This applies regardless of whether the intended consultants are employed by the bidder or are subcontracted and also regardless of where the consultants are located. If different daily rates for consultants are quoted, these shall be the basis of compensation during the term of the contract. In this case, when invoicing, it must be stated in the statement of activities in accordance with 1.1 of the Terms of Payment which consultant (name, function) provided the service specified in the statement of activities. The average daily rate shall be used only for the evaluation of the tenders within the procurement procedure in accordance with Section 3.3 in the document of the Terms and Conditions of Tender.

Question 5: I am domiciled in Germany and enter my information in this section earmarked for “domicile in Germany”, where do I enter the subcontracted person (based in India), also in the

same section or "abroad section"?

Date of Answer: 22.09.2023

Answer: Also in the "domicile in Germany" section, since the potential contractor is domiciled in Germany and invoicing is carried out via the contractor.

Question 6: The rates are different and according to the instructions I sum it up the two rates and divide by two. That does not reflect the reality, for example if a consultant with a higher rate takes 2/3 of the consultancy days and the subcontracted consultant takes 1/3 of the work and has a lower rate. How can I take average rates?

Date of Answer: 22.09.2023

Answer: If different daily rates are offered, an average daily rate is formed from the daily rates offered for the different consultants as described in Annex 3 for the evaluation of the tenders in the award procedure. The average daily rate is only relevant for the comparison of the offers in the context of the evaluation of the offers in the award procedure and therefore does not reflect different frequencies of use for the sake of simplicity. It plays no role for the remuneration during the term of the contract.

Question 7: Does the contractor have any role in partner selection, i.e. pre-grant assessment or due diligence of the partner organization?

Date of Answer: 22.09.2023

Answer: No, the contractor is not involved in selecting partner organisations. Other external experts or auditors typically handle the process of conducting pre-grant assessments. This separation of roles is deliberate: 1. the consultant assumes specific tasks related to consultancy in financial management topics (role of contractor), and 2. the external auditor/external expert focuses on assessing organizational capacity as the foundation for financial support from Brot für die Welt.

Question 8: In Lot 1 bullet 1 (Page 3, File 1_Terms of Reference) states "Identification of consultancy and support needs of partner organizations regarding financial issues which are related to funding requirements". We are of the understanding that consulting & support needs of partner organization which do not fall under the scope of work mentioned by BFTW are only required to be identified and not primarily addressed by the contractor. Is the understanding correct?

Date of Answer: 22.09.2023

Answer: The role of the contractor extends beyond merely identifying consultancy and support needs; it also involves taking measures to assist organisations in developing their financial management systems, processes, and project management capabilities. Importantly, these measures will always be planned and implemented in agreement with the project officer in charge at Brot für die Welt.

Question 9: In point 2.2.2 Content Tender (Page 7, 2_Terms of Reference_CSS), it is mentioned that the concept for the provision of services addressing the problems mentioned by BFTW should not exceed 10 pages in total. Is this limit prescribed individually for Lot 1 & Lot 2 or does it apply to both the lots?

Date of Answer: 22.09.2023

Answer: The information refers to the individual lots. The concept per Lot should therefore not exceed 10 pages.

Question 10: In point 4, Partner Field (Page 3, File 1_Terms of Reference) The Client is currently funding around 80 projects in India and 150 in South Asia run by about 70 resp 120 partner organisations of varying sizes. The project duration is usually three years with total funding of between EUR 100,000 and EUR 2,000,000 covering all areas of sustainable development. Gender equality, climate change and inclusion are cross-cutting issues in all areas of cooperation. The

partner organisations of the client are NGOs. Could you please give a detailed break-up of the partners, projects and thematic areas in India, Nepal and Bangladesh?

Date of Answer: 22.09.2023

Answer: We are working with small, middle size and larger organization including lobbying in all three mentioned countries. We are working with secular and faith based organization and that are active nationwide in all three counties. In India we are not working in the west, but in almost all regions of the country especially in the central country, the north east and to some extent in the south part. Thematic areas are very broad from organic farming, climate adaptation, gender and support of the civil society among others.

Question 11: In Lot 2 bullet 2 (Page 3, File 1_Terms of Reference): It is mentioned that 'Consultancy on the fulfilment of funding requirements regarding outcome-and-impact-oriented PMEL and the preparation of interim and final reports. These include a stringent impact logic and coherent planning in terms of problem analysis, target groups, activities and realistic targets and indicators formulated at impact level, a monitoring system that includes the regular, evidence-based measurement of outcomes and impacts, and reporting that is outcome-and-impact-oriented and related to targets and indicators.' The aforementioned interim and final reports refer to project progress reports or monitoring reports? If they are the latter, we understand that Contractor has to prepare them. A clarification in this regard will be helpful.

Date of Answer: 22.09.2023

Answer: It is the duty of Partner organizations monitoring the progress of their projects regularly. POs have to write bi-annually activity reports and annually narrative report. The contractor can support POs in the monitoring and reporting phase (e.g. development of data collection and data analysis tools). But the contractor will not write the reports in place of the partner organization.

Question 12: In Lot 2 bullet 3 (Page 3, File 1_Terms of Reference) it is stated that the contractor needs to support in the implementation of selective changes in the partner organisation and/or the project that are necessary to meet the funding requirements. Could you please elaborate on the nature of selective changes or provide one or two illustrations of the same?

Date of Answer: 22.09.2023

Answer: Changes in the partner organization might be some staff turn over. In this case, the contractor might support the organization in a training for a new M&E officer. Changes in the project might be, that e.g. because of a natural disaster, the project area isn't accessible at all. In this case, the contractor can support the partner organization in reviewing their activities for still achieving the objectives.

Question 13: In Lot 2 bullet 4 (Page 3, File 1_Terms of Reference) it is mentioned that contractor needs to support in the identification of possible further consultancy needs beyond specific changes? Could you pls elaborate on the nature of further consultancy needs or provide one or two illustrations of the same? In case the contractor has in-house capabilities of providing the solution for identified needs, would we be allowed to bid for the same?

Date of Answer: 22.09.2023

Answer: During the support of partner organization on topics of Outcome and Impact Orientation you might identify other needs, e.g. you work with them on the quality of reports and you realize that they need some more consultancy in the practical use of data collection tools. In this case, you can discuss the identified need with Brot für die Welt and clarify whether the need is covered by the Framework Agreement. For more extensive needs outside the CSS mandate, a separate contract would be awarded for which the contractor can submit a tender, provided there is no conflict of interest. For example, a conflict of interest would exist when conducting pre-financing audits of partner organizations that were simultaneously advised by the contractor as a Lot 1 financial management consultant.

Question 14: Can you guide us with the difference between Consortium and Relying on the resource of the other agency so that we can choose the appropriate option for us.

Date of Answer: 28.09.2023

Answer: We cannot guide bidders concerning the options for taking part in the tender. This is the responsibility of the bidder and we are not able to assess the different possibilities and its advantages for the bidder. But we are happy to explain the difference between a bidding consortium (§32 UVgO), subcontractors (§ 26 UVgO) and the Reliance on Resources of Other Undertakings (§ 34 UVgO):

A **bidding consortium** is usually chosen, for example, if one can only provide part of the total services required or can only contribute to part of the required services for capacity reasons. In case of award of contract the bidding consortium is the contracting party. An authorised representative of the bidding consortium legally represents the members of the bidding consortium towards the Contractor. All members of the bidding consortium are jointly and severally liable.

A **subcontractor** concludes a contract with the bidder. Only the bidder is contracting party of Evangelisches Werk für Diakonie und Entwicklung e. V. für Brot für die Welt.

In the case of “**Reliance on the resource of other entities**”, the bidder draws on the resources of another company (undertaking) to prove eligibility. The company, which is providing its resources, is not a contracting party of Evangelisches Werk für Diakonie und Entwicklung e. V. für Brot für die Welt. However, it must be proven that the funds required for the execution of the contract will actually be made available. The bidder has to proof that it actually has access to the resources required for the contract by submitting, for example, a declaration of commitment from these undertakings. However, a candidate or tenderer can only rely on the capacities of other undertakings, in respect of providing evidence of the required professional ability such as educational and professional qualifications or of the relevant professional experience, if said undertakings provide the performance for which these capacities are required. Where a candidate or tenderer calls upon the capacities of another undertaking to meet the requirements in terms of economic and financial standing, the contracting entity requires the candidate or tenderer and the other undertaking to share joint liability for performance of the contract, to an amount commensurate with the scope of the “borrowed” capacities. Annex 1.8 must be submitted for the company providing its resources.