

# **Selection procedure for consultancy and support services (CSS) in Nepal**

## **Terms and Conditions for Tender**

### **1 General**

#### **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, the submission of tenders and any other communication regarding this procedure: **CSS\_NPL@ewde.de**

Documents relating to the award of the contract as well as Tenderer questions and their responses can be downloaded from: <http://bfdw.de/cssnpl>

#### **1.2 Award method and steps of the procedure**

The selection procedure takes place on the basis of the negotiated award procedure without a call for competition according to the German [Regulation on subthreshold procurement](#) (Unterschwellenvergabeordnung - UVgO), whereby a public invitation to submit tenders is issued. The details of the selection procedure are set out below.

Any references to the negotiated procedure and the public invitation to tender are made because funding is provided by public funds. This does not justify any rights of companies, candidates or Tenderers.

The procedure takes the following steps:

##### 1. Stage: Public notice:

By means of public notice, the client publicly invites an unlimited number of undertakings to submit tenders. At the same time, the complete procurement documents (including terms and conditions for tender at hand) will be made available for download.

##### 2. Stage: Filing the initial tender

Tenderers submit their initial tenders following a public notice and the procurement documents. The "Letter of Tender" form must be used for this purpose. The initial tender must be submitted to the Client by the binding deadline with the information, documents and evidence referred to under item 6.10.

The Client first checks whether the undertakings have submitted an admissible tender, whether they are suitable and efficient (eligible) for providing the service and whether grounds for exclusion exist. From all admissible tenders which are eligible where no grounds for exclusion exist, at least three Tenderers per lot will be selected on the basis of the award criteria set out in point 8 and invited to commence negotiations.

### 3. Stage: Negotiations

During the negotiations, the selected Tenderers are given the opportunity to present their tenders and demonstrate their skills and approaches to the assignment. The Client will ask questions about the proposal submitted with the tender and other relevant issues. Participants in the negotiations must include one person from the Tenderer's side authorised to represent the Tenderer and at least one person who would be tasked with the execution of the contract in the event of being awarded a contract.

Negotiations will take place using suitable electronic communication media (telephone, Skype, etc.) or at a location to be determined by the Client. If negotiations take place outside the country in which the Tenderer is domiciled, the Client will reimburse the Tenderer, upon presentation of evidence, the travel expenses for a maximum of two persons in accordance with the provisions of the German Federal Travel Expenses Act ([Bundesreisekostengesetz](#) – BRKG) up to a total amount of 4,000 Euro for both persons in total.

If the Client declares a need for additional negotiations or clarification after the regular schedule has run its course, the Client will invite the Tenderers for further negotiations.

The Client reserves the right to award a contract according to the award criteria under item 8 without engaging in negotiations on the respective tender.

### 4. Stage: Final tenders

At the end of the negotiations, the Client will set a uniform time limit for the submission of final tenders which are no longer being negotiated.

## **2 Performance as per contract**

This pertains to items I, II and III of the terms of reference.

### **2.1 Type and scope of service**

This pertains to items IV, V and VI of the terms of reference.

### **2.2 Breakdown into lots**

The performance to be rendered breaks down into two lots. Lot 1 pertains to financial management, Lot 2 covers outcome-and-impact-oriented planning, monitoring, evaluation (PME). For further details, please refer to item V of the terms of reference.

Tenderers may submit tenders for one lot or for both lots. It is possible to submit tenders on both lots (discount, see 8.2 last paragraph), in accordance with the letter of tender.

### **2.3 Framework agreement and annual contracts**

A Framework Agreement will be entered into for each lot. On the basis of the Framework Agreement, annual contracts, usually covering 12 months, are assigned to the Framework Agreement partner. The Client will draw up an annual planning overview (Annex 1 to the Framework Agreement) revealing the requirements and scope of annual contracts. The planning overview will be coordinated with the contractor. On that basis, annual contracts are assigned in accordance to no. 3 of the Framework Agreement.

## **2.4 Place of performance**

The place of performance is the country/region: **Nepal**

Consultancy and support services will usually be provided at the site/headquarters of the partner organisations or digitally. For information on the locations of the currently funded partner organisations, please refer to Item IV of the Terms of Reference.

If necessary and after prior consultation with the Client, the Contractor will also conduct consultations and training for several partner organisations. A suitable location will be selected in mutual agreement between client and contractor for these events, taking into account economic feasibility.

## **3 Performance period**

The duration of the Framework Agreement will begin on the date on which the contract is awarded and will end on 30 September 2025.

The Client has the unilateral right to terminate the Framework Agreement as of 30 September 2023.

Notice of termination must be received by the contractor in writing by 30 June 2023.

The Client may request an extension of the Framework Agreement by up to 12 months beyond the above-mentioned end of term. The extension option must be received by the contractor in writing by 30 June 2025.

## **4 Documents of the selection procedure**

The selection procedure contains the following documents:

- Terms and conditions for tender at hand
- Letter of tender with attachments/forms 1 - 8
- Framework agreement with Annexes 1 - 8
- Terms of reference with Annexes 1 - 2

The documents can be downloaded from the download address supplied in item 1.1. The Framework Agreement with the Annexes contains the terms of contract, which also include the terms of payment.

## **5 Ambiguities, clarification, Tenderer information**

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.

Such notifications and other inquiries will be communicated exclusively via email using the email address indicated in item 1.1.

The enquiries received by the Client and replies thereto will be made available in the form of Tenderer information at the download address indicated in item 1.1 until **20 August 2021 12:00 pm UTC+1**.

During the awarding process, Tenderers are obliged to obtain regular information on the published Tenderer information at the download address indicated under item 1.1.

## **6 Tenders**

### **6.1 General**

The initial tender must be received by the Client by the end of tender period (see 6.2).

The initial tender and all subsequent tenders must contain all required documents as laid down in item 6.10 below and in the form for the Letter of Tender (in particular self-declarations, particulars, certificates or other supporting documents).

Since demanding and accepting documents at a later date is at the discretion of the Client and is not permissible for all documents, it is in the Tenderer's own interest to submit a complete tender from the outset.

For the initial tender and all further tenders, the form sent by the Client for the letter of tender including annexes must be used. All tenders must be signed. The names of the signatories and, if applicable, the full name of the persons they represent (in the case of companies, full company address) must be rendered in block letters or by stamp.

### **6.2 Tender period**

The initial tender must have been received in electronic form by the end of the tender period at the email address of the client specified in Item 1.1.

The tender period ends:

**on 24 August 2021 at 12.00 pm UTC+1 (Berlin local time).**

**Tenders submitted after the deadline will be excluded.**

### **6.3 Language**

The tender must be made in English or in German.

### **6.4 Changes to the tender**

Changes to entries made by the Tenderer must be verifiable beyond doubt. Any amendments or corrections to the tender by the Tenderer must be submitted in the same form as the tender before the end of the tender period.

### **6.5 Changes to the documents**

Tenders containing deviations from the mandatory requirements of the Client will not be considered.

### **6.6 Ancillary tenders**

Ancillary tenders (variant tenders) will not be accepted.

### **6.7 Pricing**

The fields provided for the entry of prices in the letter of tender must be completed in full. All quoted prices must be given in euros (EUR, €), including all taxes and duties to be invoiced and fractions thereof in full cents.

#### **6.8 Participation in the award procedure**

Participation in the award procedure is subject to the condition 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 that they meet all the requirements described for the application and the performance of the contract.

#### **6.9 Bidding consortia**

Bidding consortia are permitted to the extent that they are permitted under competition law.

Bidding consortia must provide a list of the members of the consortium, together with the name of the authorised representative of the bidding consortium and a legally signed declaration by all the members of the consortium to the effect that the authorised representative of the consortium legally represents the members listed vis-à-vis the Client and that all members of the consortium are jointly and severally liable.

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

All members of a consortium must make the declarations of the absence of grounds for exclusion in II. 1. to 3. letter of tender. Proof of eligibility by Annex 2 to 5 to the letter of tender are judged in the assessment of the eligibility in total.

## 6.10 Documents to be submitted with the tender

**For both lots, the completed and signed letter of tender must be submitted along with pricing details, including the annexes and forms provided. This will include, inter alia, the following:**

Brief description of the company, in particular information on its business activities, number of employees and structure, corporate structure and, if applicable, affiliation with a group (corporate relationships, but also other financial investments or economic ties, in particular obligations to assume losses, letters of comfort or other financial safeguards via a parent company). In this regard, it is critical that Tenderers demonstrate that institutional neutrality and impartiality are guaranteed in the performance of the contract. In the case of a consortium, the information referred to in III.1 shall be provided for all the members. Individual consultants who participate as bidders also submit a company presentation which shows that they are entitled to provide the service and which shows the focus of their activities.

The following self-declarations (see form "Letter of tender"):

- Declaration of the Tenderer that they have fulfilled their obligations relating to the payment of taxes and charges and social security contributions.
- Declaration of the Tenderer that no insolvency proceedings or similar legal proceedings have been filed, opened or refused due to lack of funds to cover costs of the proceedings, and that the Tenderer is not undergoing liquidation.
- Tenderer's declaration that neither the company nor its management have been guilty of serious misconduct calling into question the good repute of the Tenderer.

By signing the Letter of Tender, the Bidder declares that the above reasons for exclusion do not exist. At the request of the Client, evidence must be provided by a competent authority, e.g. a public authority, that obligations to pay taxes, levies and social security contributions have been duly fulfilled and that no conviction or fixing of a fine has been imposed on a person whose conduct is attributable to the applicant for a criminal offence referred to in Art. 123 (1) of the German Act against Restraints of Competition (Gesetz gegen Wettbewerbsbeschränkungen – GWB) or a similar provision from other countries. If documents or certificates are not issued in the applicant's country of origin or establishment, they may be replaced by an affidavit in lieu of an oath. In States where there is no affidavit, the affidavit may be replaced by a formal declaration made by a representative of the undertaking concerned before some competent judicial or administrative authority, a notary or a duly authorised professional or commercial organisation in the applicant's country of origin or country of establishment.

Declaration by the Tenderer on total sales of the undertaking and sales of the type of service relevant to the award procedure during the last three financial years.

Information on the average number of employees by area of activity over the last three years (full-time equivalent)

**The tender for lot 1 must also include the following:**

A list of similar services or activities performed in the last three years with an indication of the specific focus of performance, value, performance period and point of contact at the respective client. Experience with and knowledge about financial management should be presented and demonstrated using a brief description regarding:

- Work provided by and collaboration with NGOs, legal framework for civil society organisations or NGOs (This competence is mandatory and must be proven)
- Funding requirements of international donor organisations
- Training and consulting, also in digital formats (This competence is mandatory and must be proven)
- Financial management (This competence is mandatory and must be proven)
- where available: Consulting and training for civil society organisations in the field of financial management
- if available: the management of donor funds, contracts and procurement guidelines.
- if available: internal control systems
- if available: other relevant capacity building measures

A proposal for the provision of services addressing the following items. The proposal should not comprise more than 10 pages:

- Understanding of the regional civil society context in the execution of contracts: Please describe your understanding of the specific challenges faced by civil society organisations in the relevant country/region.
- What services do you offer in terms of consultancy and support in the area of financial management (taking into account the objective of communicating funding requirements and building capacities for their implementation)? Please describe the specific problems of civil society organisations in the field of financial management.
- How do you identify the specific needs for support that you want to meet (project requirements: How do you communicate and apply guidelines to specific contexts of partner organisations and projects?)
- How do you advise partner organisations on how to improve their financial management systems?
- How do you communicate demands regarding the funding requirements and strengthen the capacities for their implementation?
- How do you take advantage of your experience with similar tasks in the execution of the assignment?
- What methods do you use? How do you take gender aspects into account in your consulting work?
- Describe how you update and expand your methodological expertise, taking into account new approaches.
- Which digital formats have you already worked with? Which FM content can you offer digitally? Which formats and methods would you suggest for that?

Personnel concept with details:

- on the number of individuals responsible for carrying out the contract (project managers/consultants)
- on personnel organisation,
  - e.g., how do you ensure that the various areas of responsibility are covered?

- How are employee replacements handled? How are performance levels ensured in the case of temporarily high demand (peaks), how do you ensure reachability of points of contact?
- Identification of the individuals responsible, with details of their qualifications and experience, and submission of their CVs (maximum of 4 pages per person).

**The tender for lot 2 must also include the following:**

A list of similar services or activities performed in the last three years with an indication of the specific focus of performance, value, performance period and point of contact at the respective client. Using a brief description, the tenderer must present and demonstrate experience with and knowledge about Outcome-and-impact-oriented PME, and experience and knowledge with/about:

- Work provided by and collaboration with NGOs, legal framework for civil society organisations or NGOs (This competence is mandatory and must be proven)
- Funding requirements of international donor organisations
- Training and consulting, also in digital formats (This competence is mandatory and must be proven)
- outcome-and-impact-oriented PME (planning, monitoring, evaluation) (This competence is mandatory and must be proven)
- where available: Consulting and training of civil society organisations in the field of outcome-and-impact-oriented PME
- where available: experience with project design, planning and monitoring
- where available: implementation or monitoring of evaluations
- if available: with other relevant capacity building measures

A proposal for the provision of services addressing the following items. The proposal should not comprise more than 10 pages:

- Understanding of the regional civil society context in the execution of contracts: Please describe your understanding of the specific challenges faced by civil society organisations in the relevant country/region.
- What services do you offer in terms of consultancy and support in the area of outcome-and-impact-oriented PME (taking into account the objective of conveying the concept of outcome-and-impact-oriented focus and building capacities for its implementation)? Please describe the specific problems of civil society organisations in the field of outcome-and-impact-oriented PME.
- How do you identify the specific needs for support that you want to meet (project requirements: How do you communicate and apply guidelines to specific contexts of partner organisations and projects?)
- How do you advise partner organisations on how to improve their PME systems?
- How do you convey the approach of outcome-and-impact-oriented management, the relevant funding requirements and strengthen implementation capacities for project planning and monitoring?
- How do you take advantage of your experience with similar tasks in the execution of the assignment?
- What methods do you use? How do you take gender aspects into account in your consulting work?
- Describe how you update and expand your methodological expertise, taking into account new approaches.



- Which digital formats have you already worked with? Which PME/WO content can you offer digitally? Which formats and methods would you suggest for that?

Personnel concept with details on:

- the number of individuals responsible for carrying out the contract (project managers/consultants)
- personnel structure
  - e.g., how do you ensure that the various areas of responsibility are covered?
  - How are employee replacements handled? How are performance levels ensured in the case of temporarily high demand (peaks), how do you ensure reachability of points of contact?
  - Identification of the individuals responsible, with details of their qualifications and experience, and submission of their CVs (maximum of 4 pages per person).

## 6.11 Withdrawal of tenders

Tenders may be withdrawn in writing, by email or by telex until the end of the tender period.

## 7 Binding period

The Tenderer is bound by his tender until the binding period expires. The binding period ends on:

31 January 2022

## 8 Award criteria and evaluation of tenders

### 8.1 Tenders excluded from evaluation

Tenders that deviate from the specifications of the tender documents, are not received on time or in the right form, or are not signed will be excluded from evaluation.

### 8.2 Award criteria: Determining the most economic tender

The award criteria are pricing (criterion 1) and the proposal for the provision of services, defined in item 6.10 (criterion 2). The evaluation of the second criterion takes into account the presentation of the tender during the negotiation.

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

Detailed breakdown of the evaluation

#### Award criterion 1 (pricing):

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

$$\frac{\text{Cheapest offer} \times 30}{\text{Price of the tenderer}}$$

#### Award criterion 2 (proposal):

The evaluation factors for the proposal differ between lot 1 and lot 2. Insights gained during the negotiations are incorporated into the evaluation. Subordinated factors and the points available for each of them break down as follows:

Evaluation of the Proposal for Lot 1			Maximum number of points	
1a	Considering the regional civil society context in the execution of the contract, taking into account the specific challenges of the partner organisations as civil society organisations in the relevant country/region. Knowledge and consideration of civil society in the relevant country/region.		10	
1b	Consultancy and support approaches in financial management, taking into account the objective of conveying funding requirements and strengthening capacities for their implementation, taking into account:	quality and adequacy of the presentation of critical issues and support needs	10	30
		quality of the consulting approach, process design and results monitoring	10	
		diversity of methods, participatory and adult education methods, taking gender issues into account	6	
		innovation and consideration of new methodological approaches, including digital formats	4	
1c	Personnel proposal under consideration:	traceability and coherence of the personnel proposal with regard to assigning consultants (covering the various areas of responsibility)	3	15
		the organisation, replacements, dealing with peaks in service demands, availability of points of contact	3	
		qualification of the persons tasked with the execution of the contract on the basis of training and experience	9	
1d	<p>Presentation of the proposal and individuals tasked with the execution of the contract in negotiations, taking into account</p> <ul style="list-style-type: none"><li>- technical expertise</li><li>- consulting expertise</li><li>- methodological expertise (in particular facilitation skills, didactic skills, analytical skills, skills to bolster the ability to take action)</li><li>- understanding of roles (appropriate role of external consultant and relations between consultant and partner organisation)</li><li>- willingness to innovate</li><li>- ability to communicate</li><li>- change of perspective</li><li>- adequate handling of persons to be consulted, showing sensitivity for gender issues</li></ul>		15	
Maximum total to be awarded for proposal Lot 1			70	

Evaluation of the Proposal for Lot 2				Maximum number of points	
2a	Considering the regional civil society context in the execution of the contract, taking into account the specific challenges of the partner organisations as civil society organisations in the relevant country/region. Knowledge and consideration of civil society in the relevant country/region.			10	
2b	Consulting and support approaches for outcome-and-impact-oriented PME, taking into account the objective of conveying outcome-and-impact-oriented focus and strengthening the capacities for its implementation, taking into account	quality and adequacy of the presentation of critical issues and support needs	10	30	
		quality of the consulting approach, process design and results monitoring	10		
		variety of methods used, participatory and adult education methods, taking into account gender issues	6		
		innovation and consideration of new methodological approaches, including digital formats	4		
2c	Personnel proposal under consideration:	traceability and coherence of the personnel proposal with regard to assigning consultants (covering the various areas of responsibility)	3	15	
		the organisation, replacements, dealing with peaks in service demands, availability of points of contact	3		
		qualification of the persons tasked with the execution of the contract on the basis of training and experience	9		
2d	Presentation of the proposal and individuals tasked with the execution of the contract in negotiations, taking into account <ul style="list-style-type: none"><li>- technical expertise</li><li>- consulting expertise</li><li>- methodological expertise (in particular facilitation skills, didactic skills, analytical skills, ability to bolster the ability to take action)</li><li>- understanding of roles (appropriate role of external consultant and relations between consultant and partner organisation)</li><li>- willingness to innovate</li><li>- ability to communicate</li><li>- change of perspective</li><li>- adequate handling of persons to be consulted, showing sensitivity for gender issues</li></ul>			15	
Maximum total to be awarded for proposal Lot 2				70	

The higher a tender is rated on a specific criterion, the more points it will receive. A tender receives the maximum number of points for a comprehensive, conclusive and comprehensible presentation that meets the requirements of the contract and raises the expectation that the Client's objective would be implemented using the highest performance standards.

The points for all the criteria for each will be added up. The tender with the highest number of points will be awarded the contract.

The evaluation is carried out separately for each lot. Undertakings may, in accordance with the letter of tender, submit an overall tender for both lots which provides for a discount if both lots are

awarded. The final decision will be based on the overall value for money of both lots together. This is to say, if a combined tender for lot 1 and lot 2 due to a discount receives more points than the sum of the two best placed tenders for lot 1 and lot 2, the combined tender covering both lots will be awarded the contract.

## **9 Costs of the tender**

No costs will be reimbursed for the preparation of the tender and the selection and negotiation interview (except travel expenses as per 1.2, if applicable).

## **10 Agreements restricting competition**

Agreements restricting competition will result in the exclusion of the tender.

If such agreements do not become known until after the contract has been awarded, the Client will be entitled to terminate the contract.

## **11 Data protection/confidentiality**

The Tenderer agrees that their personal data provided may be processed and stored for the award procedure and that the unsuccessful Tenderers will be informed of the name of the entity that has been awarded the contract.