Terms of reference – Invitation procedure

“Independent Evaluation of SDC’s Engagement in the Field of Good Governance and Rule of Law from 2017 to 2022”

Mandate for the period of 1.2.2023 to 31.10.2023
In Switzerland and globally

This procedure is based on the Federal Act of 21 June 2019 on Public Procurement (PPA, SR 172.056.1) and the Ordinance of 12 February 2020 on Public Procurement (PPO, SR 172.056.11).

07.12.2022
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## 1 Abbreviations

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<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>AC</td>
<td>Award criteria</td>
</tr>
<tr>
<td>AP</td>
<td>Approach Paper</td>
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<tr>
<td>CLP</td>
<td>Core Learning Partnership</td>
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<tr>
<td>DAC</td>
<td>Development Assistance Council (of the Organisation for Economic Cooperation and Development, OECD)</td>
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<td>EC</td>
<td>Eligibility criteria</td>
</tr>
<tr>
<td>E+C</td>
<td>Evaluation and Controlling</td>
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<tr>
<td>FDFA</td>
<td>Federal Department of Foreign Affairs</td>
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<tr>
<td>GTC</td>
<td>General Terms and Conditions of Business</td>
</tr>
<tr>
<td>IC Strategy</td>
<td>Swiss International Cooperation Strategy 2021-24</td>
</tr>
<tr>
<td>IR</td>
<td>Inception Report</td>
</tr>
<tr>
<td>PPA</td>
<td>Federal Act on Public Procurement</td>
</tr>
<tr>
<td>PPO</td>
<td>Federal Ordinance on Public Procurement</td>
</tr>
<tr>
<td>SDC</td>
<td>Swiss Agency for Development and Cooperation</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>SECO</td>
<td>State Secretariat for Economic Affairs</td>
</tr>
<tr>
<td>SEVAL</td>
<td>Schweizerische Evaluationsgesellschaft</td>
</tr>
<tr>
<td>ToC</td>
<td>Theory of Change</td>
</tr>
<tr>
<td>VAT</td>
<td>Value added tax</td>
</tr>
</tbody>
</table>
2 Purpose of this Document

These specifications describe the objectives that are to be pursued and achieved with this object of procurement. It regulates the procedure and form of the submission of tenders and, together with the General Terms and Conditions of the FDFA, the Federal Act of 21 June 2019 on Public Procurement (PPA, SR 172.056.1) and the Ordinance of 12 February 2020 on Public Procurement (PPO, SR 172.056.11) serves as the basis for the present procedure.

In the case of an invitation procedure, at least three bids shall be collected, if possible, and the Terms of Reference must also be placed on the FDFA mandates platform. The contract is awarded to the most advantageous tender.

3 Goal and Content of the Mandate

The senior management of Swiss Agency for Development and Cooperation (SDC) has instructed the Evaluation and Controlling unit (E+C) to mandate an independent evaluation of SDC’s important portfolio in the field of good governance and rule of law. SDC evaluations serve the triple purpose of informing strategic steering, fostering institutional learning and contributing to accountability towards the Swiss Parliament and public.

E+C will contract an evaluation team which is independent of the Federal Department of Foreign Affairs (FDFA) and SDC and has not been involved in activities covered by this evaluation, including backstopping mandates to support and accompany SDC in the field of good governance, human rights and related activities.

3.1 Background

The strengthening of governance standards and mechanisms is a key objective of international development cooperation. Good, inclusive governance is the basis of rights-based, just and peaceful societies and resilient political institutions. It underpins economic and public sector development and is essential for individual development and well-being. The relevance of good governance is particularly marked in fragile contexts, where the majority of the world’s poor and disadvantaged people live.

Governance is well reflected in the Agenda 2030 and the Sustainable Development Goals (SDGs), adopted in 2015. In particular the SDG 16 – to promote just, peaceful and inclusive societies; provide access to justice for all; and build effective, accountable and inclusive institutions – and the agenda’s underlying call to leave no-one behind are at the core of good governance.

The combined weight of targeted governance programs and governance as a transversal theme makes governance a particularly significant theme at SDC. Under the current Strategy for International Cooperation, 75% of funding are expected to be “governance-focused”, i.e. to address core or transversal governance objectives. The majority of core programs are in the fields of democratization or decentralization. Since the last external review of its governance program, in 2014/15, SDC has undertaken serious efforts to develop concepts, standards and procedures and build human resources to plan and accompany governance interventions, both sectoral and transversal. The SDC Guidance on Governance (2020) is the most comprehensive and relevant reference document.

1 Independence means that the members of the evaluation team have not been employed or mandated by the FDFA, especially the SDC, in the past five years (except having conducted external evaluation mandates) nor have any other strong linkages or dependencies with the FDFA.

2 Switzerland’s International Cooperation Strategy 2021-24 (Bern 2020)

3 All relevant reference documents are indicated in the Draft Approach Paper (Annex 3).
In the context of the current IC Strategy, the present evaluation will provide insights on the implementation of the thematic priority area **Rule of Law** and Objective 4, *promoting peace, governance and gender equality*. It will thus inform the drafting of the final report on the implementation of the IC Strategy.

For a more comprehensive description of SDC’s understanding, approaches, priorities and the current portfolio in the field of good governance kindly refer to the sections 2.1 and 2.2 of the Draft **Approach Paper** for the present evaluation (Annex 3).

### 3.2 Prior Involvement

No potential tenderers were involved in preparing the invitation procedure or drafting the invitation documentation. All tenderers who meet the independence criteria stipulated in footnote 1 and the Eligibility Criterion 9 (cf. annex 1a) are invited to submit a bid.

### 3.3 Objectives and Scope

The present external evaluation will look at SDC’s governance portfolio built in the period of 2017 through 2022 – i.e. under the IC Dispatch 2017-20 and the current IC Strategy 2021-24. It will look both at SDC’s **core programs** – in particular in the fields of democratization and decentralization – and the broad portfolio of **transversal governance** interventions. It will apply a particular focus on current challenges related to governance and institution building in fragile contexts.

It will focus on specific practical learnings for future programming under the current IC Strategy 2021-24. It will combine a forward- and backward-looking approach to produce findings relevant for strategic planning and steering under SDC’s new management structure and for accountability purposes. It will aim at a lean process in order to ensure that first insights will be available by mid-2023 for the drafting of the IC Strategy final report.

Aligned with the OECD-DAC evaluation criteria, the evaluation will assess the relevance, coherence, effectiveness, efficiency, impact and sustainability of SDC’s programs in the field of good governance, looking both at core governance programs and the broad portfolio of transversal governance interventions. It will, among others

- Identify successes, failures, challenges and good practices
- Assess effectiveness and the extent of achievement of governance programs
- Compare SDC’s performance to the practices of “like-minded” development agencies

The evaluation will address the following key issues:

- **Portfolio performance/RBM**: Relevance and effectiveness of SDC’s governance portfolio, in particular core projects in Africa, Asia and Eastern Europe in the areas of decentralization and democratization ➞ Which are the factors of success? What can be improved?

- **Transversal governance**: Benefit of “indirect” governance objectives in the field of agriculture, health and economic development ➞ Do transversal governance components lead to stronger sector intervention outcomes? Do “governance-focused” humanitarian interventions yield better outcomes?

- **Fragility, Authoritarianism and Nexus**: Institution building in fragile, post-conflict or authoritarian contexts ➞ How can governance-focused programming yield results in these contexts and contribute to resilient, people-centered local and national institutions and the rule of law? How do governance programs perform in (triple) nexus settings, what is their additional value?
3.4 **Content of the Mandate**

The evaluation of SDC’s governance portfolio will apply a particular focus on 5-7 selected partner countries. An in-depth analysis (including field missions, if appropriate and feasible) will be conducted in 3-4 countries. Based on the importance of their governance programs, the following focus countries can be recommended (African and Asian countries are considered as fragile by OECD-DAC criteria.)

- Africa: Mali, Niger, Burkina Faso, Tanzania, Mozambique, Somalia
- Asia: Laos, Cambodia, Central Asia (Kyrgyzstan and Tajikistan)
- Eastern Europe: Western Balkans, Ukraine, Georgia

**a) Evaluation Questions**

The indicative evaluation questions are based on the key issues identified above and in line with OECD-DAC standards and evaluation criteria. The list given below is preliminary; the appointed evaluation team will further refine and prioritize the questions in consultation with E+C and the Core Learning Partnership (CLP) during the inception phase.

**Relevance:** *The extent to which a program reflects the priorities and policies of the target group, the host country and Switzerland*

- Are programs in line with Switzerland’s IC Strategies, the Swiss cooperation programs and applicable regional and thematic guidelines?4
- Are programs in the areas of democratisation and decentralisation aligned with development policies and goals at local, national regional and global levels?
- How relevant are SDC’s governance programs as a tool to achieve SDCs development goals?

**Coherence:** *Compatibility with other interventions in a country or sector*

- Are SDC’s interventions well-coordinated with other Swiss government counterparts, (institutional set-up and WoGA), in particular in nexus settings?
- Are SDC’s frameworks and programs complementary to partner countries’ and other donors’ strategic plans?

**Effectiveness:** *The extent to which a program attains its objectives*

- To what extent are the intended objectives (impact, outcome and output) achieved?
- To what degree can governance objectives be achieved in difficult (authoritarian, post-conflict, violent) contexts? How can governance outcomes be pursued if interventions are adapted due to context deteriorations?
- To what point do SDC programs mainstream/integrate governance? How effective are governance components in strengthening sector program outcomes?
- Can transversal governance components improve the effectiveness of humanitarian interventions?

**Efficiency:** *How resources are being used*

- How do governance programs use different modalities such as budgetary support, contributions, partnerships and private sector engagement in order to achieve outcomes efficiently?
- Are SDC and its implementing partners using adequate financial and human resources (skills) for effectively implementing programs/projects?

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4 Applicable reference documents are indicated in the *Draft Approach Paper* (Annex 3).
Impact: The positive and negative changes produced by development interventions.

- Which effects of programs (intended or unintended, positive or negative) can be observed, in particular regarding inclusion, participation and human rights? In what way are people’s lives and community functioning affected?
- To what degree do SDC’s governance programs contribute to transformative changes in terms of attitudes, relations, behaviour, processes, capacities, etc. and in the field of (local) institution building? What are the hindering and facilitating factors?

Sustainability: How long the benefits last

- To what extent are social and economic sustainability issues addressed in an integral way in governance programs? How are possible conflicts between objectives settled?
- To what degree do SDC programs address governance in a systemic way, taking into account interactions with environmental, social and economic aspects?

Additional question

- How do SDC’s approaches and performance in good governance programming compare with “like-minded” donors’ programs? Where could SDC improve by learning from other development agencies?

b) Methodology

The independent evaluation team will assess the evaluation objectives and questions in a neutral and objective way based on DAC standards. The overall evaluation approach should represent an adequate mix of formative and summative elements; selected steps of developmental evaluation are to be considered, where appropriate. Developmental evaluation is tailored to complex environments, combining the rigour of evaluation (evidence-based and objective) with the role of enhancing a program’s capacity by means of using evidence in reflective thinking on its work.

The evaluation team will review and assess existing facts, processes, tools and instruments. It will use or develop adequate instruments for assessing all information, interviews or others within the evaluation. Their findings, conclusions and recommendations will be evidence-based and formulated in an open, constructive, and non-judging manner. The findings and recommendations are expected to inform SDC’s strategic and operational decision making, to enhance institutional learning, and to inform SDC’s constituency, the Swiss parliament and the public.

The evaluation is expected to make use of a mix of different methodological instruments (qualitative and quantitative), such as the following:

- **Portfolio Analysis** as an initial step for the evaluation;
- **Review of relevant documents** from SDC (e.g. evaluation reports; credit proposals; end of phase reports; guiding documents), from SDC partners (program and evaluation reports, case studies, etc.), and from other donors (for comparison), as well as research;
- **Case studies and in-depth analyses** (field missions), including interviews with SDC’s field staff, with projects and programs staff, with partners and strongly recommended where feasible with target population, and policy stakeholders;

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- **Interviews and/or focus group discussions** with SDC staff in Berne from all its operational divisions and with selected cooperation offices (virtual communication);

- **Interviews with other relevant persons**, especially from co-financing partners, implementing partners, knowledge partners, and other donors;

- **Online surveys** as assessed relevant.

The evaluation team will develop a rigorous and appropriate methodology during the inception phase. Among others, it will elaborate an **evaluation matrix**: it will also use, review, reconstruct or if needed develop a **Theory of Change**, which will set the framework for the evaluation. It is important that the methodology is appropriate for assessing both the operational and institutional aspects of the evaluation.

The indicative key questions are only suggestions and are to be reviewed and further developed by the evaluation team during the inception phase.

The evaluation team will exchange and consult with SDC actively in the course of the evaluation process, in particular with SDC’s evaluation manager and the Core Learning Group (CLP) established for the present evaluation. The CLP will be involved in reflecting on the recommendations to the SDC senior management; therefore, elements of participatory/developmental evaluation are to be considered. The roles and responsibilities of all parties involved in this evaluation are described in detail in section 2.9 of the Draft Approach Paper (Annex 3).

c) **Evaluators’ Profile**

The evaluation team will consist of a team of at least two experts (a company, independent experts or consortium) with complementary expertise and experience. The evaluators are expected to bring along the following evaluation and subject-related expertise and experience:

- Practical experience and up-to-date conceptual knowledge in relevant aspects of governance

- Professional experience and skills in robust evaluation methodologies and in evaluating strategies, programs, partnerships, and institutional processes/change – ideally prior experience in evaluation on governance issues and fragile contexts

- Expertise with the OECD-DAC or SEVAL (or equivalent) evaluation standards

- Strong analytical and editorial skills, ability to synthesize and write intelligibly for different audiences

- Knowledge of the Swiss development cooperation system

- Experience in evaluating bilateral and multilateral development cooperation.

In addition, the evaluators are expected to have:

- Practical experience and conceptual knowledge in relevant aspects of Human Rights and development in fragile and authoritarian contexts

- Ability to steer complex processes involving a multiplicity of stakeholders through participatory methods

- Excellent working, communication and writing skills in English

- Good reading skills in German and French (able to read and understand documents)

- Experience with gender sensitive evaluation methodologies

- Experience in developing communication content for a wider public.

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6 See [https://www.seval.ch/standards-kompetenzen/standards/](https://www.seval.ch/standards-kompetenzen/standards/)
**d) Deliverables**

The evaluation will produce the following deliverables:

**Inception Report**

An Inception Report is prepared by the evaluation team following an initial review of relevant documentation and a first round of interviews. It will include:

- Results of a first round of interviews with key persons (including CLP members and members of the directorate) and the desk review
- Conceptual framework(s) to be used in the evaluation, including a (reviewed) Theory of Change, which presents SDC’s logic regarding the thematic priority areas
- Key evaluation questions and methodology
- Analytical framework (evaluation matrix) for answering the evaluation questions with rubrics or assessment scales that will be used for assessing the information, data sources and collection, sampling and key indicators
- Rationale for the selection of focal countries and case studies, considering a balanced choice between geographical regions, types of interventions and contexts, ongoing / completed interventions, etc.
- Draft list of proposed interview partners.

The Inception Report also includes a timeline for the evaluation process. It will explain the strengths, weaknesses and limitations of the proposed process and methodology and list the means used to address these limitations. The evaluation team will also suggest a tentative structure of the final report.

The Inception Report will be written in English and **not exceed 15 pages**, excluding annexes. It will be addressed to E+C, and will be discussed with the CLP.

**Evaluation Report**

A ready-to-print final evaluation report in English will include findings, conclusions and recommendations and consider the following formal requirements:

- The conclusions must be clearly derived from the findings and the recommendations must be clearly based on the conclusions. The report should distinguish between operational and strategic recommendations and indicate the intended user of each recommendation.
- The evaluation report may **not exceed 30 pages** (including an executive summary; excluding annexes), and must be coherent with the formatting guidelines of E+C. The report should contain clear references to important information / data available in the annexes.
- The executive summary is to correspond to the DAC-Standards and should not exceed 3 pages.
- The case studies and in-depth analyses will be presented as annexes.

**Communication products**

Communication tasks will include regular exchange with E+C and meetings with the Core Learning Partnership at key moments of the evaluation. The following deliverables will be expected:

- Presentation of preliminary findings for E+C and CLP members prior to the submission of the draft evaluation report.
- Key messages for external communication, which are clear, concise and easy to understand, containing the main findings, conclusions and recommendations (max. 2
pages). This entails the approval of the factsheet produced by an SDC-mandated graphic designer.

- A short and concise presentation (PowerPoint) on the main findings, conclusions and recommendations for SDC’s internal use.
- Presentation of the Final Report to the SDC Senior Management.

A **good readability** of the deliverables, in particular the final reports, will be required and measured by a standard readability test.

e) **Evaluation Process**

The evaluation will be conducted based on the following work plan.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
<th>Responsible</th>
</tr>
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<tbody>
<tr>
<td><strong>1st CLP meeting</strong>: Finalisation of the <strong>Approach Paper</strong></td>
<td>Dec. ‘22</td>
<td>SDC</td>
</tr>
<tr>
<td><strong>Procurement process</strong> <em>(Details see section 3.6 below)</em></td>
<td>Dec. ‘22/Jan.23</td>
<td>SDC / tenderers</td>
</tr>
<tr>
<td><strong>2nd CLP meeting</strong>: Kick-off meeting with evaluation team</td>
<td>09. or 16.02.23</td>
<td>SDC / Evaluators</td>
</tr>
<tr>
<td>First round of interviews for inception phase, desk study</td>
<td>Feb. ‘23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Interviews with stakeholders, partners, focus group and workshops, if relevant</td>
<td>Feb./March ‘23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Elaboration of Inception Report: evaluation objectives and questions, evaluation design, methodology</td>
<td>Mar./Apr. ‘23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Submit <strong>draft Inception Report</strong></td>
<td>10.04.23</td>
<td>Evaluators</td>
</tr>
<tr>
<td><strong>3rd CLP meeting</strong>: Feedback to Inception Report (with evaluation team)</td>
<td>20.04.23</td>
<td>Evaluators / SDC</td>
</tr>
<tr>
<td>Finalization of the Inception Report <em>(incorporation of comments by SDC), submission</em></td>
<td>05.05.23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Desk-studies, logistic and administrative preparation of evaluation visits, workshops, etc.</td>
<td>May/June ‘23</td>
<td>Evaluators / SDC</td>
</tr>
<tr>
<td>Field visits</td>
<td>May/June ‘23</td>
<td>Evaluators</td>
</tr>
<tr>
<td><strong>4th CLP meeting</strong>: Capitalization workshop with intermediate results <em>(with evaluation team)</em></td>
<td>22.06.23</td>
<td>SDC / Evaluators</td>
</tr>
<tr>
<td>Data analysis and elaboration of Draft Report</td>
<td>July ‘23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Submit Draft Report</td>
<td>21.07.23</td>
<td>Evaluators</td>
</tr>
<tr>
<td><strong>5th CLP meeting</strong>: Feedback on Draft Report. Review of lessons learnt and recommendations <em>(with evaluation team)</em></td>
<td>10.08.23</td>
<td>SDC / Evaluators</td>
</tr>
<tr>
<td>Submit Final Report</td>
<td>25.08.23</td>
<td>Evaluators</td>
</tr>
<tr>
<td>Presentation at SDC Directorate and SDC staff</td>
<td>Sep. ‘23</td>
<td>Evaluators / SDC</td>
</tr>
<tr>
<td>SDC Senior Management Response</td>
<td>Sep./Oct. ‘23</td>
<td>SDC</td>
</tr>
<tr>
<td>Publication</td>
<td>Oct. ‘23</td>
<td>SDC</td>
</tr>
</tbody>
</table>

3.5 **Estimated Amount**

A total number of **130-160 working days** may be allocated to the evaluation team (international and local experts). These working days should also include the allocation for international trips to 3-4 SDC partner countries in Africa, Asia and Eastern Europe as well as 5-6 working visits to Berne (Switzerland). The costs of the trips have to be listed separately (see structure of the financial offer, Annex 4a). The trips will have to be approved by E+C.
The exact number of field visits and the destination countries as well as the number of the trips to Switzerland will be defined during inception phase (the Covid-19 pandemic might affect travelling).

All the price details must be indicated in Swiss Francs (CHF) excl. VAT. The price excl. VAT includes in particular insurance, allowances, social costs, transport, customs etc.

The tenderer will not be reimbursed for any costs arising from the preparation or submission of bid.

### 3.6 Timetable of the Invitation Procedure

<table>
<thead>
<tr>
<th>Date / Deadline</th>
<th>Activity</th>
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<tbody>
<tr>
<td>07.12.2022</td>
<td>Invitation of at least 3 tenderers and publication of the mandate on the FDFA mandates platform</td>
</tr>
<tr>
<td>12.12.2022</td>
<td>Expression of interest in submitting a tender by email: <a href="mailto:sektion.evaluation-controlling@eda.admin.ch">sektion.evaluation-controlling@eda.admin.ch</a></td>
</tr>
<tr>
<td>15.12.2022</td>
<td>Deadline for submitting questions by email: <a href="mailto:sektion.evaluation-controlling@eda.admin.ch">sektion.evaluation-controlling@eda.admin.ch</a></td>
</tr>
<tr>
<td>19.12.2022</td>
<td>Sharing of the questions and answers with all the interested tenderers</td>
</tr>
<tr>
<td>13.01.2023</td>
<td>Deadline for submission of tenders</td>
</tr>
<tr>
<td>January 2023</td>
<td>Evaluation and adjustment of tenders</td>
</tr>
<tr>
<td>End of January 2023</td>
<td>Information of the tenderers by means of individual dispositions: Awarding of the contract and notification of the not considered tenderers</td>
</tr>
<tr>
<td>31.01.2023</td>
<td>Signing of contract</td>
</tr>
<tr>
<td>01.02.2023</td>
<td>Contract start date</td>
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</tbody>
</table>

### 4 Eligibility Criteria

The tenderer must duly fulfil without limitation or modification the eligibility criteria (EC) specified in Annex 1a. The tenderer must also provide, where indicated, the necessary evidence with the submission of the bid.

Only those tenderers who fulfil all formal requirements and eligibility criteria will be evaluated on the basis of the award criteria. The other tenderers will be excluded from the further procedure.

→ Please confirm fulfilment of the eligibility criteria by submitting the Annex 1a "Catalogue of Eligibility Criteria" and the documents mentioned there.
5 Award Criteria

The following table shows the award criteria (AC) and the corresponding weightings, on the basis of which the bids will be evaluated.

<table>
<thead>
<tr>
<th>AC</th>
<th>Award Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC 1</td>
<td>Understanding of the mandate</td>
<td>20%</td>
</tr>
<tr>
<td>AC 1.1</td>
<td>Clarity and Quality of the Technical Offer</td>
<td>30</td>
</tr>
<tr>
<td>AC 1.2</td>
<td>Appreciation of the expectations and requirements</td>
<td>70</td>
</tr>
<tr>
<td>AC 2</td>
<td>Proposed methodology, approach and timeline</td>
<td>25%</td>
</tr>
<tr>
<td>AC 3</td>
<td>Qualification, experience and expertise of the organization</td>
<td>10%</td>
</tr>
<tr>
<td>AC 4</td>
<td>Qualifications of the personnel to be deployed (CVs)</td>
<td>25%</td>
</tr>
<tr>
<td>AC 5</td>
<td>Financial Offer (FO)</td>
<td>20%</td>
</tr>
<tr>
<td>AC 5.1</td>
<td>Clarity and Quality of FO</td>
<td>20</td>
</tr>
<tr>
<td>AC 5.2</td>
<td>Overall Price</td>
<td>80</td>
</tr>
</tbody>
</table>

The overall price is to be submitted in CHF only together with the budget form as per Annex 4a of the tender document and to include the following:

- 3-4 field visits (flight and expenses)
- 5-6 working visits to Berne
- Per diem
- Hotel
- Other expenses

The overall amount (excl. VAT) across the mandate will be estimated using the following formula:

\[
\text{Score} = M \times \left( \frac{P_{\text{min}}}{P} \right)^2
\]

- \( P \) = Price of the bid being assessed
- \( P_{\text{min}} \) = Price of the cheapest bid
- \( M \) = Max. points (= score 5)

<table>
<thead>
<tr>
<th>Score</th>
<th>Fulfilment and quality of the criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Cannot be established - Information has no significance</td>
</tr>
<tr>
<td>1</td>
<td>Very poor fulfilment - Information is incomplete - Data quality is very poor</td>
</tr>
<tr>
<td>2</td>
<td>Poor fulfilment - Information relates inadequately to the requirements - Data quality is poor</td>
</tr>
<tr>
<td>3</td>
<td>Average fulfilment - Information generally relates adequately to the requirements - Data quality is adequate</td>
</tr>
<tr>
<td>4</td>
<td>Good fulfilment - Information focuses well on requirements - Data quality is good</td>
</tr>
<tr>
<td>5</td>
<td>Very good fulfilment - Information clearly relates to the achievement of outputs - Data quality is excellent</td>
</tr>
</tbody>
</table>

Each further award criterion will be evaluated according to the following score table:
6 Structure and Content of the Bid

In the interests of comparability of the submitted documents, the tenderers are expected to adhere to the following **structure of bids**. Each part of the bid is to be submitted as a separate pdf document.

<table>
<thead>
<tr>
<th>Order of PDFs</th>
<th>Contents</th>
<th>Max. Pages</th>
<th>EC/AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Catalogue of Eligibility Criteria</strong> – filled in and duly signed, incl supporting documentation, to evidence full compliance with ECs</td>
<td></td>
<td>EC 1-9</td>
</tr>
<tr>
<td>2</td>
<td><strong>Technical Offer</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Understanding of the mandate</td>
<td>3</td>
<td>AC 1</td>
</tr>
<tr>
<td></td>
<td>Proposed methodology, approach and timeline</td>
<td>5</td>
<td>AC 2</td>
</tr>
<tr>
<td></td>
<td>Qualification, experience and expertise of the organisation</td>
<td>2</td>
<td>AC 3</td>
</tr>
<tr>
<td></td>
<td>Qualifications of the personnel to be deployed (CVs)</td>
<td>max 3 pg. per CV</td>
<td>AC 4</td>
</tr>
<tr>
<td>3</td>
<td><strong>Financial offer</strong> in CHF according to the budget form in annex 4a</td>
<td>Narrative (1 pg.) + budget form</td>
<td>AC 5.1 &amp; AC 5.2</td>
</tr>
</tbody>
</table>

7 Administrative Aspects

7.1 The Contracting Authority

Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC
Evaluation and Corporate Controlling Division
Freiburgstrasse 130
3003 Berne

The SDC’s Evaluation and Controlling Specialist Service is in charge of the awarding procedure and also acts as direct contracting authority towards the tenderer.

7.2 Deadline and Address for Submitting Bids

The complete bid (format pdf) must be submitted to sektion.evaluation-controlling@eda.admin.ch by **13.01.2023**, 23:00 Swiss time at the latest. Bids received late cannot be taken into consideration. They will be returned to the tenderer.

The email must mention “Independent Evaluation of SDC’s Engagement in the Field of Good Governance and Rule of Law” in the reference line. Tenderers must confirm in the e-mail the binding force of the bid. The receipt of the bids submitted via email will be acknowledged via email at the latest until 16.1.2023. Please come back to us if you don’t get a confirmation then (-mails might get lost in spams). In all cases the tenderer must retain proof of the timely submission of the bid.
7.3 Expression of Interest in Submitting an Offer and Receiving Documents
Interested tenderers can express their interest by email until 12.12.2022 and will receive the annexes to these terms of reference.

7.4 Answering Questions
No individual information is given to the tenderers. Any questions must be submitted by 15.12.2022 to sektion.evaluation-controlling@eda.admin.ch. Questions submitted late cannot be answered. The document with all questions received and their answers will be sent to all tenderers by 19.12.2022.

7.5 Type of Procedure
Procurement is carried out by invitation in accordance with the Federal Act on Public Procurement of 21 June 2019, PPA, SR 172.056.1. It is not possible to appeal the award.

7.6 Accordance with GATT / WTO Agreement or Treaty
This is a public contract under Annex 5 no. 1 let. d PPA. There is no right of appeal.

7.7 Evaluation and Adjustment of Bids
Tenders are evaluated in accordance with Art. 38 PPA. Tenders may only be adjusted at the contracting authority’s specific request. Adjustments must be undertaken in accordance with Art. 39 PPA and subject to the conditions set out therein.

7.8 Bidding Consortia
Consortia of tenderers are permitted. If the SDC concludes the contract with several contractors (consortium), all parties must sign, having first designated a person to represent the consortium vis-à-vis the SDC. The representative is expressly authorised to act for and on behalf of the consortium members. The consortium members shall be jointly and severally liable. The tenderer lists all members and their roles.

7.9 Subcontractors
Subcontractors are permitted, subject to the prior approval of the awarding entity. If the tenderer engages subcontractors in order to carry out the work, the tenderer will assume overall responsibility. It must list all the subcontractors involved, together with the roles allocated to them.

Any contractual delegation by the contractor of performance of all or part of the present contract to subcontractors shall be subject to the prior written consent of the contracting authority. Subcontractors and their personnel must satisfy all conditions stipulated in the present contract and the appendices thereto. The contracting authority shall be liable solely to the contractor. In the event that the contractor delegates performance of all or part of the contract, the contractor shall bear sole liability for the acts of any subcontractors. As a general rule the tenderer is required to make the characteristic supply.
7.10 Multiple Tenders by Single Tenderers, Consortia and Subcontractors
Consortia members are allowed to participate exclusively in one bid. The tenderer lists all members and their roles.
Single tenderers are allowed to participate exclusively in one bid.
Subcontractors are allowed to participate in different bids.

7.11 Validity of Bids
180 days after the deadline for receipt of bids.

7.12 Languages of Invitation Document
The invitation document is available in Englisch.

7.13 Language of the Procedure
The present procurement procedure is conducted in English. This means that all statements on the part of the awarding authority are made at least in this language.

7.14 General Terms and Conditions of Business (GTC)
The General Conditions of Business (GTC) of the FDFA for mandates (type A and type B) – version May 2021 shall be deemed to have been accepted by the contractor on submission of the bid.

7.15 Conclusion of Contract
The contract is concluded subject to the prior approval of credits by the FDFA.

8 Further information
8.1 Confidentiality
The parties shall keep confidential any facts and information that are not generally known or in the public domain. In case of doubt, all facts and information shall be treated as strictly confidential. The parties shall take all measures, to the extent that they are commercially reasonable and practicable in technical and organisational terms, to ensure that confidential facts and information are properly protected against access by, or disclosure to, unauthorised third parties.

Any transfer of confidential information by the contracting authority within its own organisation (or within the Federal Administration), or to any third parties appointed, is not deemed to constitute a breach of the obligation of confidentiality. The foregoing also applies to tenderers to the extent that the disclosure of confidential information is required for the performance of the contract, or provisions of the contract are disclosed within the organisation.

The tenderer may not, without the contracting authority's written consent, publicise the fact that a cooperation arrangement with the contracting authority is or was in effect or cite the contracting authority as a reference.

The parties shall ensure that their employees, subcontractors, suppliers and any other third parties appointed comply with the foregoing obligations of confidentiality.
8.2 Integrity Clause

Tenderers undertake to take all necessary measures to avoid corruption and, in particular, agree not to offer or accept payments or other advantages.

Tenderers who breach this integrity clause are required to pay a contractual penalty to the contracting authority amounting to 10% of the value of the contract or at least CHF 3,000 for each instance of breach.

The tenderer notes that any breach of the integrity clause will generally result in cancellation of the award or early termination of the contract for good cause by the contracting authority.

The parties shall inform each other of any well-founded suspicions of corruption.

8.3 Property Rights

All industrial property rights which arise in the course of the performance of the mandate shall pass to the contracting authority.

9 Annexes

<table>
<thead>
<tr>
<th>No.</th>
<th>Annex</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Catalogue of Eligibility Criteria (EC)</td>
</tr>
<tr>
<td>1b</td>
<td>Self-declaration form 'Proof of Compliance with the conditions of participation’ of the Federal Procurement Conference FPC</td>
</tr>
<tr>
<td>1c</td>
<td>Self-declaration form ‘pursuant to Article 29c of the Ordinance on measures in connection with the situation in Ukraine’ of the State Secretariat for Economic Affairs (SECO)</td>
</tr>
<tr>
<td>2</td>
<td>'Tenderer Information' form</td>
</tr>
<tr>
<td>4a</td>
<td>Budget form for legal entities, organisations and self-employed persons</td>
</tr>
<tr>
<td>4b</td>
<td>Fact Sheet on Compensation for Feed and Expenses</td>
</tr>
</tbody>
</table>