Terms of reference – Invitation procedure

Qualitative Gender Equality and Social Inclusion Assessments for SDC Nepal’s Cooperation Programme

for the period 01.01.2023 to 31.12.2026

in Kathmandu, Nepal

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).

29.8.2022
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1 Abbreviations

<table>
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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AC</td>
<td>Award criteria</td>
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<tr>
<td>EC</td>
<td>Eligibility criteria</td>
</tr>
<tr>
<td>FDFA</td>
<td>Federal Departement of Foreign Affairs</td>
</tr>
<tr>
<td>GESI</td>
<td>Gender Equality and Social Inclusion</td>
</tr>
<tr>
<td>GTC</td>
<td>General Terms and Conditions of Business</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>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

3.1 Background

The SDC is the Development Agency of Switzerland’s Federal Department of Foreign Affairs (FDFA) and it is responsible for coordinating and implementing Switzerland’s international development activities. Under its Swiss Cooperation Strategy for Nepal 2018-2022, Switzerland pursued a comprehensive approach, aiming to ensure that “women and men benefit from equitable socio-economic development and exercise their rights and responsibilities in an inclusive federal state”. The Strategy had three strategic priorities, namely 1) Federal State Building, 2) Employment and Income, and 3) Migration.

To support the ongoing process of federal state building, Switzerland’s engagement in Nepal is structured along three spheres of intervention: high-level policy dialogue, technical support to policy development and implementation, and programmatic interventions to support federalisation across sectors. Gender Equality and Social Inclusion is a guiding principle and a way of working across all three spheres of intervention.

Gender Equality and Social Inclusion (GESI) is a concept that recognises differences between women and men, and between persons with different gender identity, ethnicity or caste affiliation. These differences are socially constructed norms based on which access to decision-making processes, economic resources or social recognition is granted or withheld. In addition to social discrimination, economic deprivation is a second exclusion factor for many. The concept of disadvantaged groups recognises the strong association between the two factors. The GESI approach aims to address unequal power relations, rebalancing them and reducing disparities between individuals and groups of individuals. It aims at ensuring that everybody is granted equitable opportunities, and that services and resources are available to all people.
Through its upcoming Swiss Cooperation Programme for Nepal 2023-26\(^1\), Switzerland will continue its strategic approach based on the three priorities outlined above, envisaging as overall goal that “women and men improve their socio-economic well-being in an inclusive and accountable federal state”. Consequently, SDC Nepal seeks to make an impact on gender equality and social inclusion. Projects and programmes make efforts to identify and address exclusionary patterns and mechanisms, including through targeted measures and/or the quantitative targeting of beneficiaries. Nevertheless, project-level monitoring and evaluation systems generally do not allow for a qualitative assessment of the project’s contribution to enhance gender equality and social inclusion. Assessing the overall impact of the Swiss portfolio on gender equality and social inclusion outcomes in Nepal is also a challenge.

The proposed research framework for the mandate is therefore expected to include a mix of qualitative and analytical tools: literature review, document analysis, and field research consisting of focus group discussions, interviews with key informants, informal conversations, semi-structured and unstructured interviews with project/programme target groups (sites where projects have been completed or are ongoing).

3.2 Prior involvement

No potential tenderers were involved in preparing the invitation procedure or drafting the Terms of Reference. All tenderers that meet the criteria set are invited to submit a bid.

3.3 Objectives

The overall goal of the present consultancy assignment is to enhance SDC Nepal’s GESI approach, to assess the extent to which SDC Nepal’s portfolio contributes to GESI outcomes, and to further improve the integration of gender equality and social inclusion at the strategic level as well as in project design, implementation and monitoring and evaluation.

The mandate contains the following specific objectives:

a) **Assessment of GESI outcomes**: The overall GESI impact of the Swiss Cooperation Programme at the political, policy and programmatic level is assessed and recommendations are provided to enhance it. For this, qualitative project-level assessments will be conducted, providing an in-depth analysis of GESI approaches and results of the project. They do not constitute an audit or a validation of a project’s result framework.

b) **Documentation of findings and good practices**: findings of project-level assessments are aggregated and analysed, and recommendations are made at the project and portfolio level.

c) **Cooperation Programme**: GESI aspects are well reflected in the periodic review of the Swiss Cooperation Programme 2023-2026, as well as in the preparation process of the Swiss Cooperation Programme 2027-2030.

3.4 Content of the mandate

3.4.1 Qualifications and competencies

The mandate is expected to be implemented by a team of one international consultant (overall lead, technical and methodological expertise, written deliverables, etc.), with the support of one or more local consultants (e.g. for field work, stakeholder consultations, draft assessment reports, etc.). Consortia of bidders are not permitted.

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\(^1\) To be approved, therefore not yet publicly available. However, it is a continuation of the previous Strategy 2018-2022.
The consultant(s) shall have the following expertise and skills:

- Solid practical and academic background related to gender equality and social inclusion issues internationally and in particular in the context of Nepal;
- At least 8 years of relevant professional experience in research, monitoring and evaluation with a focus on gender and social inclusion issues;
- Solid understanding of Nepal’s development context, including knowledge of SDC’s priority sectors;
- Excellent analytical skills (quantitative and qualitative) and strong ability to communicate and summarise analysis in writing;
- Excellent writing and editing skills in English (for the international consultant);
- A strong sensitivity and responsiveness to GESI, ability to integrate this approach in trainings and concepts;
- Experience in conducting workshops and coaching, ability to pass on knowledge in a participative and innovative manner;
- Good interpersonal skills and time management.

3.4.2 Tasks and Deliverables

a) Assessment of GESI outcomes

- Based on qualitative research principles and taking into account SDC’s GESI approach (Annex 1), design a methodological framework to qualitatively assess the gender equality and social inclusion outcomes of SDC projects and programmes.
  \textit{Deliverable: assessment framework (first half of 2023).}
- Conduct qualitative GESI outcome assessments of selected SDC projects and programmes.
  \textit{Deliverable: project assessment reports (3 per year, starting 2023).}

b) Documentation of findings and good practices

- Summarise the main findings of the GESI outcome assessments, identify good practices and make recommendations for adjustments at the project and/or portfolio level.
  \textit{Deliverable: summary note (1 per year, starting 2023)}
- Facilitate reflections and learning on GESI for SDC Nepal programme staff and/or project implementing partners.
  \textit{Deliverable: conduct at least one workshop per year.}
- Provide support and backstopping to the SDC GESI focal point.
  \textit{Deliverable: provide timely and relevant support upon request.}

c) Cooperation Programme

- Critically assess the overall GESI impact of the Swiss Cooperation Programme and advise on potential portfolio adjustments to enhance GESI impact.
  \textit{Deliverable: summary report (end of 2025/beginning of 2026).}
- Provide GESI related inputs for the periodic review of the Swiss Cooperation Programme 2023-2026 (if applicable), as well as in the preparation process of
3.5 Estimated amount

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Number of Days (indicative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Assessment of GESI outcomes</td>
<td>170</td>
</tr>
<tr>
<td>b) Documentation of findings and good practices</td>
<td>30</td>
</tr>
<tr>
<td>c) Cooperation Programme Monitoring and Steering</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total Days 2023-2026</strong></td>
<td><strong>215</strong></td>
</tr>
</tbody>
</table>

The overall price is to be submitted in CHF (excl. VAT) together with the budget form as per Annex 4 (type B) of the tender document and has to include, but not limited to, the following:
- Remuneration (daily fees)
- Fees for sub-contractors (if applicable)
- Air tickets and travel expenses (international and domestic)
- Food and accommodation
- Travel expenses

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>
</tr>
</thead>
<tbody>
<tr>
<td>29.08.2022</td>
<td>Invitation of at least 3 tenderers and publication of the Terms of Reference on the <a href="#">FDFA mandates platform</a></td>
</tr>
<tr>
<td>09.09.2022</td>
<td>Expression of interest in submitting a bid by email: <a href="mailto:kathmandu@eda.admin.ch">kathmandu@eda.admin.ch</a></td>
</tr>
<tr>
<td>09.09.2022</td>
<td>Deadline for submitting questions by email: <a href="mailto:kathmandu@eda.admin.ch">kathmandu@eda.admin.ch</a></td>
</tr>
<tr>
<td>15.09.2022</td>
<td>Sharing of the questions and answers with all the interested tenderers</td>
</tr>
<tr>
<td>30.09.2022</td>
<td>Deadline for submission of bids</td>
</tr>
<tr>
<td>October 2022</td>
<td>Evaluation of submitted bids</td>
</tr>
<tr>
<td>November 2022</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>December 2022</td>
<td>Signing of contract</td>
</tr>
<tr>
<td>01.01.2023</td>
<td>Contract start date</td>
</tr>
</tbody>
</table>
4 Eligibility criteria

The tenderer must duly fulfil without limitation or modification the eligibility criteria listed in annex EC. The tenderer must also provide, where indicated, the necessary evidence with the submission of the bid. **Confirmation of the fulfilment of the eligibility criteria must be given in ‘Annex EC: Confirmation of Eligibility Criteria and documents to be submitted’.**

Only those tenderers that 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.

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>Qualifications and experience of the proposed team (CVs, references)</td>
<td>30%</td>
</tr>
<tr>
<td>AC 2</td>
<td>Understanding of the mandate and proposed methodological approach (concept note)</td>
<td>50%</td>
</tr>
<tr>
<td>AC 3</td>
<td>Financial offer – overall price</td>
<td>20%</td>
</tr>
</tbody>
</table>

The overall price is to be submitted in CHF (excl. VAT) only together with the budget form as per Annex 4 (type B) of the tender document and to include, but not limited to, the following:

- Remuneration submitted according to point 3.5.
- Fees for sub-contractors (if applicable)
- Air tickets and travel expenses (international and domestic)
- Food and accommodation
- Travel expenses

The overall amount (excl. VAT) is calculated as follows:

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

\[
P = \text{Price of the bid being assessed}
\]

\[
P_{\text{min}} = \text{Price of the cheapest bid}
\]

\[
M = \text{Max. points (= score 5)}
\]

Each award criterion will be evaluated according to the following score table:

<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>
</tbody>
</table>
6  **Structure and content of the bid**

The tenderer must adhere to the following structure in the interests of fairness and in order to expedite the evaluation process.

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Contents</th>
<th>Max. No. Pages</th>
<th>EC/AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>Cover letter with signature(s) and documents evidencing organisational capability</td>
<td>-</td>
<td>EC 1</td>
</tr>
<tr>
<td>01</td>
<td>Annex EC: Confirmation of Eligibility criteria and documents to be submitted</td>
<td>-</td>
<td>EC 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EC 6</td>
</tr>
<tr>
<td>02</td>
<td>Self-declaration form 'Proof of Compliance with the conditions of participation' – duly filled in and signed</td>
<td>-</td>
<td>EC 2</td>
</tr>
<tr>
<td>03</td>
<td>'Tenderer Information' form – duly filled in and signed</td>
<td>-</td>
<td>EC 3</td>
</tr>
<tr>
<td>04</td>
<td>Acceptance of GTC and Code of Conduct</td>
<td>-</td>
<td>EC 4</td>
</tr>
<tr>
<td>05</td>
<td>Qualifications and experience of the proposed team</td>
<td>2 pages for references, CVs no limit</td>
<td>AC 1 / AC 6</td>
</tr>
<tr>
<td></td>
<td>• CVs of the proposed team members, including language skills</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 3 references of mandates conducted in the past 10 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>Understanding of the mandate and proposed methodological approach (concept note)</td>
<td>10 pages</td>
<td>AC 2</td>
</tr>
<tr>
<td>07</td>
<td>Financial offer according to the budget form Annex 4 (type B) in CHF (excl. VAT)</td>
<td>-</td>
<td>AC 3</td>
</tr>
</tbody>
</table>

**7  Administrative Aspects**

7.1 **Official name and address of the contracting authority**

The Federal department of Foreign Affairs, Swiss Agency for Development and Cooperation, acting through the Embassy of Switzerland in Nepal 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 is to be submitted by **30.09.2022** at the latest to address indicated below.

The bids (format pdf) must be submitted to kathmandu@eda.admin.ch by 30.09.2022, 23:00 (CEST) at the latest. Bids received late cannot be taken into consideration. They will be returned to the tenderer.
The email must mention ‘GESI Assessment’ in the reference line. Tenderers must confirm in the email the binding force of the bid. The receipt of the bids submitted via email will be acknowledged via email at the latest until 06.10.2022.

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 09.09.2022 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 09.09.2022 to kathmandu@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 15.09.2022.

7.5 Type of procedure
Procurement is carried out by invitation o tender 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 In accordance with GATT / WTO agreement or treaty (as applicable)
No: 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
Bidding consortia are not permitted.

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 and subcontractors
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 are available in English only.

7.13 Language of the procedure
The present procurement procedure is conducted in English only. This means that all statements on the part of the awarding authority are made 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.
### Annexes

Interested tenderers will receive annexes 1-5 upon expression of interest until 09.09.2022.

<table>
<thead>
<tr>
<th>No.</th>
<th>Annex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex EC</td>
<td>Annex EC: Confirmation of Eligibility criteria and documents to be submitted</td>
</tr>
<tr>
<td>1</td>
<td>Self-declaration form 'Proof of Compliance with the conditions of participation'</td>
</tr>
<tr>
<td>2</td>
<td>'Tenderer Information' form</td>
</tr>
<tr>
<td>3a</td>
<td>General Terms and Conditions (GTC) of the Federal Department of Foreign Affairs (FDFA) for mandates (type A and B) – version May 2021</td>
</tr>
<tr>
<td>3b</td>
<td>Code of conduct for contractual partners of the FDFA</td>
</tr>
<tr>
<td>4</td>
<td>Budget form type B – for legal entities, organisations and self-employed persons</td>
</tr>
<tr>
<td>5</td>
<td>SDC Nepal Gender Equality and Social Inclusion Approach Paper</td>
</tr>
</tbody>
</table>