

Germany – Business development consultancy services – 81317232-Short-term expert pool for support to Good Governance in Kenya**OJ S 113/2025 16/06/2025****Contract or concession notice – standard regime
Services**

1. Buyer**1.1. Buyer**

Official name: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Email: giz-vergabe@bho-legal.com

Legal type of the buyer: Public undertaking, controlled by a central government authority

Activity of the contracting authority: General public services

2. Procedure**2.1. Procedure**

Title: 81317232-Short-term expert pool for support to Good Governance in Kenya

Description: Corruption remains a major obstacle to Kenya's prosperity. Governance challenges persist, particularly in the areas of transparency and accountability. In 2024, Kenya ranked 121 out of 180 countries on Transparency International's Corruption Perception Index underscoring the scale of the problem. Fiscal constraints continue to limit the government's ability to deliver essential services. Public debt stands at 70.2% of GDP and domestic revenue generation remains low. At the subnational level, counties often lack the tools and capacities for effective planning and results-based service delivery. This affects access to quality health, education, and infrastructure - particularly for women, youth, and marginalized groups. In 2024, public dialogue around fiscal policy reforms highlighted the need for more inclusive and transparent governance. In response, the government withdrew a controversial finance bill and reaffirmed its commitment to reform. Kenya's recent inclusion on the Financial Action Task Force's (FATF) grey list further signals the need to strengthen institutional frameworks to address illicit financial flows and ensure better compliance with global standards. Objective The programme promotes good governance in Kenya by strengthening anti-corruption and public financial management systems, and by enhancing accountability and transparency at both national and county levels. It also supports efforts to curb illicit financial flows and improve compliance with international standards. In addition, the programme contributes to the transparent and accountable use of climate finance by reinforcing fiscal governance and service delivery. Approach To achieve its objective, the program focuses on the following four key result areas: Output 1: Enhancing the legal and institutional framework for managing public finances and combating corruption. Output 2: Strengthening mechanisms for holding state actions accountable, particularly in relation to gender justice and whistleblower protection. Output 3: Improving administrative practices at the sub-national level to support impact-oriented performance management, in line with the recommendations of the State Secretariat for Impact-Oriented Public Service Delivery, while integrating a gender-sensitive approach. Output 4: Strengthening administrative measures to combat Illicit Financial Flows. This consultancy contract concentrates on the three BMZ-commissioned Outputs (1, 2 and 4). Each output area comprises a tailored set of interlinked activities including analytical work; legal and policy advice; organisational development; and capacity development through formal and on-the-job trainings, coaching and mentoring; as well as peer-to-peer learning. The

programme cooperates with national authorities, civil society organisations, as well as 15 counties. The lead executing agency for the project is the Office of the Attorney General and Department of Justice (OAG&DoJ). Other key partners include the Ethics and Anti-Corruption Commission (EACC), Office of the Director of Public Prosecution (ODPP), Public Procurement Regulatory Agency (PPRA), Office of the Auditor General (OAG), Commission on Administrative Justice (CAJ), Council of Governors (CoG), Kenya Revenue Authority (KRA), Assets Recovery Agency (ARA), Directorate of Criminal Investigations (DCI), Financial Reporting Centre (FRC). In addition to state institutions, the project collaborates with civil society organizations and county governments. The ultimate beneficiaries of the programme are the citizens of Kenya who will benefit from a more citizen-oriented, trustworthy and accountable governance.

Procedure identifier: 7675eb7c-5de8-4c98-87c9-8f8a66c1db84

Internal identifier: 81317232

Type of procedure: Negotiated with prior publication of a call for competition / competitive with negotiation

The procedure is accelerated: no

2.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 79411100 Business development consultancy services

2.1.2. Place of performance

Country: Kenya

Anywhere in the given country

2.1.4. General information

Additional information: Bekanntmachungs-ID: CXTRYY6YTE88X83M All communication takes place in English via communication tool in the project area of the procurement portal.

Legal basis:

Directive 2014/24/EU

vgr -

2.1.6. Grounds for exclusion

Sources of grounds for exclusion: Notice

Breaching of obligations set under purely national exclusion grounds: In accordance with §§ 123,124 GWB, § 22 LkSG

Participation in a criminal organisation: In accordance with §§ 123,124 GWB, § 22 LkSG

Terrorist offences or offences linked to terrorist activities: In accordance with §§ 123,124

GWB, § 22 LkSG

Money laundering or terrorist financing: In accordance with §§ 123,124 GWB, § 22 LkSG

Fraud: In accordance with §§ 123,124 GWB, § 22 LkSG

Corruption: In accordance with §§ 123,124 GWB, § 22 LkSG

Child labour and including other forms of trafficking in human beings: In accordance with §§ 123,124 GWB, § 22 LkSG

Breaching obligation relating to payment of taxes: In accordance with §§ 123,124 GWB, § 22 LkSG

Breaching obligation relating to payment of social security contributions: In accordance with §§ 123,124 GWB, § 22 LkSG

Breaching of obligations in the fields of environmental law: In accordance with §§ 123,124 GWB, § 22 LkSG

Breaching of obligations in the fields of social law: In accordance with §§ 123,124 GWB, § 22 LkSG

Breaching of obligations in the fields of labour law: In accordance with §§ 123,124 GWB, § 22 LkSG

Insolvency: In accordance with §§ 123,124 GWB, § 22 LkSG

Assets being administered by liquidator: In accordance with §§ 123,124 GWB, § 22 LkSG

Business activities are suspended: In accordance with §§ 123,124 GWB, § 22 LkSG

Analogous situation like bankruptcy, insolvency or arrangement with creditors under national law: In accordance with §§ 123,124 GWB, § 22 LkSG

Grave professional misconduct: In accordance with §§ 123,124 GWB, § 22 LkSG

Agreements with other economic operators aimed at distorting competition: In accordance with §§ 123,124 GWB, § 22 LkSG

Conflict of interest due to its participation in the procurement procedure: In accordance with §§ 123,124 GWB, § 22 LkSG

Direct or indirect involvement in the preparation of this procurement procedure: In accordance with §§ 123,124 GWB, § 22 LkSG

Early termination, damages, or other comparable sanctions: In accordance with §§ 123,124 GWB, § 22 LkSG

Misrepresentation, withheld information, unable to provide required documents and obtained confidential information of this procedure: In accordance with §§ 123,124 GWB, § 22 LkSG

5. Lot

5.1. Lot: LOT-0001

Title: 81317232-Short-term expert pool for support to Good Governance in Kenya

Description: This tender involves the supply and management of expert services to support the implementation of the Strengthening Good Governance in Kenya (GoGo) programme, implemented by GIZ. The Strengthening Good Governance programme in Kenya aims at improving governance in Kenya in terms of anti-corruption, accountability, transparency and Illicit Financial Flows. The Good Governance programme is commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) and co-financed by the European Union (EU) and is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The programme cooperates with national authorities, civil society organisations, as well as 15 counties (both Executive and legislature). The services will be delivered through a national long-term expert and a pool of national and international short-term experts in form of technical and administrative services related to the three key BMZ-outputs of the project: - Output 1: Enhancing the legal and institutional framework for managing public finances and combating corruption. - Output 2: Strengthening mechanisms for holding state actions accountable, particularly in relation to gender justice and whistleblower protection. - Output 4: Strengthening administrative measures to combat Illicit Financial Flows. The contractor's services will follow the objectives of the project and support its implementation in three output areas. The key activities to be supported by the tender include: Support for Anti-Corruption and Public Financial Management Measures - Conduct selected anti-corruption studies/research to inform and reform policy interventions in Kenya. - Develop evidence analysis guide on corruption, bribery, economic crimes and unethical conduct charges - Conduct Peer-to-Peer Mentorship Sessions on Alternative Dispute Resolution (ADR) for Asset Recovery and develop ADR guidelines for ARA - Build capacity on complex financial investigation, money laundering, investigation in relation to beneficial ownership, trusts, cryptocurrency, legislative drafting. - Undertake a comprehensive audit and review of all obsolete, irrelevant and conflicting anti-corruption laws. Support the Office of the

Attorney General on Anti-corruption coordination and steering structure of the programme work. - Provide technical support to relevant institutions to effectively enhance good governance in the area of climate finance. This includes support on conducting a Citizen Accountability Audit on climate finance. - Support at least 10 counties to review and implement recommendations from the Auditor General's audit reports and Public Procurement Regulatory Authority's (PPRA) audit reports. This will also include a mentorship period to support the implementation. - Develop and implement digital accountability tools like the citizen eye/citizen feedback platform mobile Application (APP). Enhance the Access to Government Procurement Opportunities (AGPO) portal to integrate with other government systems and add new features. - Provide technical support to public procurement and audits including the development and review of procurement related manuals and frameworks, beneficial ownership review of the AGPO programme and review of the Citizen Accountability Audit (CAA) manual. Support for Accountability Mechanisms - Provide technical support to Commission on Administrative Justice (CAJ) in development of administrative justice and access to information policy and legal mechanisms for county governments in promoting transparency and accountability. - Provide technical Support to CAJ in institutionalization of performance contracting in county governments. - Provide technical and expert support in scaling up of the Complaints Management Information System (CMIS) in complaints management including but not limited to components on complaints resolutions and customization for county governments. - Provide technical and expert Support in scaling up of CMIS in complaints management including but not limited to components on complaints resolutions and customization for county governments. - Provide technical and expertise support to CAJ in whistleblower protection mechanism establishment, including considering a digital application option. - Train and mentor to Civil Society Organizations (CSOs) on strategy and content on transparency and accountability mechanisms targeting specific sectors (climate financing, complaints resolutions, access to information and legislative oversight) tying to the Open Government Partnership (OGP) engagements framework. Support towards Developing Measures to Combat Illicit Financial Flows - Train (case-based) and/or mentor Law Enforcement Agencies on Financial Investigations and asset recovery. - Support the prosecution of Money Laundering cases. - Conduct trainings for the Designated Non-Financial Businesses and Professions (DNFBPs) sector on Financial Action Task Force (FATF) compliance obligations. - Develop an Online Trust Beneficial Ownership Register and Trust Lodgement Platform. - Support legal reforms in the IFF sector Cross-cutting activities - Support in programme's ongoing communication activities - Conduct videography of programme success stories Tasks of the pool manager - Manage two short-term expert pools (administrative, financial, budget, reporting, monitoring, quality assurance) - Organise conferences, workshops, events and trainings All documents (e.g. reports, studies, trainings, analyses, assessments, strategies) have to be provided in English. Trainings in the counties might have to be conducted in local language.

Internal identifier: 81317232

5.1.1. Purpose

Main nature of the contract: Services

Main classification (cpv): 79411100 Business development consultancy services

Options:

Description of the options: GIZ may optionally commission contract amendments and/or increases based on the criteria in the tender documents to the successful bidder of this tender.

For details, please see the terms of reference.

5.1.2. Place of performance

Country: Kenya

Anywhere in the given country

5.1.3. Estimated duration

Duration: 25 Months

5.1.4. Renewal

Maximum renewals: 2

Other information about renewals: GIZ may optionally commission contract amendments and /or increases based on the criteria in the tender documents to the successful bidder of this tender. For details, please see the terms of reference.

5.1.6. General information

The names and professional qualifications of the staff assigned to perform the contract must be given: Tender requirement

Procurement Project not financed with EU Funds.

The procurement is covered by the Government Procurement Agreement (GPA): yes

This procurement is also suitable for small and medium-sized enterprises (SMEs): yes

Additional information: #Besonders auch geeignet für:other-sme#

5.1.7. Strategic procurement

Aim of strategic procurement: Reduction of environmental impacts

Description: Environmental protection and climate action (climate change mitigation /adaptation):

Aim of strategic procurement: Fulfilment of social objectives

Description: Gender equality; Strengthening mechanisms for holding state actions accountable, particularly in relation to gender justice and whistleblower protection; The tenderer is required to outline in the tender how it can prevent negative impacts on gender equality in its area of responsibility and how it can contribute to improving gender equality through corresponding measures

Approach to reducing environmental impacts: Climate change mitigation

Social objective promoted: Gender equality

5.1.9. Selection criteria

Sources of selection criteria: Notice

Criterion: Other economic or financial requirements

Description: EN-A1: Principles for the execution of orders (Mit dem Teilnahmeantrag; Mittels Eigenerklärung): The eligibility criteria are not from the same category as stipulated above, as there is no suitable category. 1. Self-declaration: name of company and address, tax ID, registration and commercial register number or equivalent register in accordance with the legal provisions of the country of origin. 2. No grounds for exclusion pursuant to § 123, § 124 GWB, § 22 LkSG, EU-Russia sanctions 3. Declaration of bidding consortium and/or declaration of subcontractors (if applicable)

Criterion: Other economic or financial requirements

Description: EN-A2: Conditions for the reduction of candidates (Mit dem Teilnahmeantrag; Mittels Eigenerklärung): If we receive more than 5 requests to participate, we will make a selection on the basis of the criteria laid out in the procurement documents/contract notice and invite tenders only from the 5 candidates with the highest scores. We reserve the right to cancel the procurement procedure if we receive fewer than 3 requests to participate. A technical ranking on the basis of the assessment criteria listed below will be used to obtain the

named number of 5 tenderers that will be requested to submit a tender. More than the required number of references may be provided but the number of 10 references should not be exceeded. If you are participating in the procedure as part of a candidate/bidding consortium, please note that the total number of references for all members of the consortium combined should not exceed 10. Only references that have the required minimum commission value of EUR 250.000,00 will be assessed. Only references that have started and/or finished in the last three years will be assessed. If a reference project satisfies both the minimum criteria and the weighted criteria, it will be counted for both assessments. Only reference projects will be assessed if the reference project description clearly explains why the reference meets the required technical eligibility criterion and makes it possible to clearly assign the reference to a required eligibility criterion. The maximum number of points that can be achieved per weighted criterion is 10 points. Weighted criteria for the selection of candidates: Technical experience: 1. Anti-Corruption 20% 2. Public Financial Management 20% 3. Transparency & Accounting 20% 4. Illicit Financial Flows (IFF) & AML-CFT 20% 5. Management of short-term expert pools 10% 6. Regional experience in Botswana, Burundi, Eswatini, Ethiopia, Ghana, Lesotho, Liberia, Kenya, Namibia, Malawi, Rwanda, South Africa, Tanzania Uganda, Zambia and/or Zimbabwe (10%)

Criterion: References on specified services

Description: EN-B1: Technical and professional ability (Mit dem Teilnahmeantrag; Mittels Eigenerklärung): 1. The technical assessment is only based on reference projects with a minimum commission value of 250.000 EUR. 2. At least 5 reference projects in the technical field Governance and at least 5 reference projects in the region in Botswana, Burundi, Eswatini, Ethiopia, Ghana, Lesotho, Liberia, Kenya, Namibia, Malawi, Rwanda, South Africa, Tanzania Uganda, Zambia and/or Zimbabwe in the above mentioned technical field in the last 3 years

Criterion: Average yearly turnover

Description: EN-C1: Economic and financial standing (Mit dem Teilnahmeantrag; Mittels Eigenerklärung): Average annual turnover for the last three years (last-but-four financial year can be included in case of tenders held within 6 months of end of last financial year), at least: 1.500.000 EUR.

Criterion: Other economic or financial requirements

Description: EN-C2: Economic and financial standing (Mit dem Teilnahmeantrag; Mittels Eigenerklärung): Average number of employees and managers in the last three calendar years, at least 15 persons.

Criterion: References on specified services

Description: If we receive more than 5 requests to participate, we will make a selection on the basis of the criteria laid out in the procurement documents/contract notice and invite tenders only from the 5 candidates with the highest scores. We reserve the right to cancel the procurement procedure if we receive fewer than 3 requests to participate. A technical ranking on the basis of the assessment criteria listed below will be used to obtain the named number of 5 tenderers that will be requested to submit a tender. More than the required number of references may be provided but the number of 10 references should not be exceeded. If you are participating in the procedure as part of a candidate/bidding consortium, please note that the total number of references for all members of the consortium combined should not exceed 10. Only references that have the required minimum commission value of EUR 250.000,00 will be assessed. Only references that have started and/or finished in the last three years will be

assessed. If a reference project satisfies both the minimum criteria and the weighted criteria, it will be counted for both assessments. Only reference projects will be assessed if the reference project description clearly explains why the reference meets the required technical eligibility criterion and makes it possible to clearly assign the reference to a required eligibility criterion. The maximum number of points that can be achieved per weighted criterion is 10 points. Weighted criteria for the selection of candidates: Technical experience: 1. Anti-Corruption 20% 2. Public Financial Management 20% 3. Transparency & Accounting 20% 4. Illicit Financial Flows (IFF) & AML-CFT 20% 5. Management of short-term expert pools 10% 6. Regional experience in Botswana, Burundi, Eswatini, Ethiopia, Ghana, Lesotho, Liberia, Kenya, Namibia, Malawi, Rwanda, South Africa, Tanzania Uganda, Zambia and/or Zimbabwe (10%) - Assessment of technical eligibility / weighted criteria for the selection of candidates
The criteria will be used to select the candidates to be invited for the second stage of the procedure

Weight (percentage, exact): 100

Information about the second stage of a two-stage procedure:

Minimum number of candidates to be invited for the second stage of the procedure: 5

Maximum number of candidates to be invited for the second stage of the procedure: 5

The procedure will take place in successive stages. At each stage, some participants may be eliminated

The buyer reserves the right to award the contract on the basis of the initial tenders without any further negotiations

5.1.11. Procurement documents

Languages in which the procurement documents are officially available: English

Deadline for requesting additional information: 04/07/2025 23:59:59 (UTC+2) Eastern European Time, Central European Summer Time

Address of the procurement documents: <https://ausschreibungen.giz.de/Satellite/notice/CXTRYY6YTE88X83M/documents>

Ad hoc communication channel:

URL: <https://ausschreibungen.giz.de/Satellite/notice/CXTRYY6YTE88X83M>

5.1.12. Terms of procurement

Terms of the procedure:

Estimated date of dispatch of the invitations to submit tenders: 29/07/2025

Terms of submission:

Electronic submission: Required

Address for submission: <https://ausschreibungen.giz.de/Satellite/notice/CXTRYY6YTE88X83M>

Languages in which tenders or requests to participate may be submitted: English

Electronic catalogue: Not allowed

Variants: Not allowed

Tenderers may submit more than one tender: Not allowed

Deadline for receipt of requests to participate: 15/07/2025 12:00:00 (UTC+2) Eastern European Time, Central European Summer Time

Information that can be supplemented after the submission deadline:

At the discretion of the buyer, some missing tenderer-related documents may be submitted later.

Additional information: GIZ asks the applicant or bidder to submit, complete or correct documents, within the framework laid down by law.

Terms of contract:

The execution of the contract must be performed within the framework of sheltered employment programmes: No

Conditions relating to the performance of the contract: The execution conditions result from the information given in the contract notice and the tender documents.

Electronic invoicing: Required

Electronic ordering will be used: yes

Electronic payment will be used: yes

5.1.15. Techniques

Framework agreement:

No framework agreement

Information about the dynamic purchasing system:

No dynamic purchase system

Electronic auction: no

5.1.16. Further information, mediation and review

Review organisation: Vergabekammern des Bundes

Information about review deadlines: According to Article 160, Section 3 of the German Act Against Restraint of Competition (GWB), application for review is not permissible insofar as 1. the applicant has identified the claimed infringement of the procurement rules before submitting the application for review and has not submitted a complaint to the contracting authority within a period of 10 calendar days; the expiry of the period pursuant to Article 134, Section 2 remains unaffected, 2. complaints of infringements of procurement rules that are evident in the tender notice are not submitted to the contracting authority at the latest by the expiry of the deadline for the application or by the deadline for the submission of bids, specified in the tender notice. 3. complaints of infringements of procurement rules that first become evident in the tender documents are not submitted to the contracting authority at the latest by the expiry of the deadline for application or by the deadline for the submission of bids, 4. more than 15 calendar days have expired since receipt of notification from the contracting authority that it is unwilling to redress the complaint. Sentence 1 does not apply in the case of an application to determine the invalidity of the contract in accordance with Article 135, Section 1 (2). Article 134, Section 1, Sentence 2 remains unaffected.

Organisation providing additional information about the procurement procedure: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Organisation receiving requests to participate: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

8. Organisations

8.1. ORG-0001

Official name: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Registration number: 993-80072-52

Postal address: Dag-Hammarskjöld-Weg 1 - 5

Town: Eschborn

Postcode: 65760

Country subdivision (NUTS): Main-Taunus-Kreis (DE71A)

Country: Germany

Email: giz-vergabe@bho-legal.com

Telephone: +49 619679

Fax: +49 6196791115

Internet address: <https://www.giz.de>

Roles of this organisation:

Buyer

Organisation providing additional information about the procurement procedure

Organisation receiving requests to participate

8.1. ORG-0002

Official name: Vergabekammern des Bundes

Registration number: 022894990

Postal address: Kaiser-Friedrich-Straße 16

Town: Bonn

Postcode: 53113

Country subdivision (NUTS): Bonn, Kreisfreie Stadt (DEA22)

Country: Germany

Email: vk@bundeskartellamt.bund.de

Telephone: +49 2289499-0

Fax: +49 2289499-163

Internet address: <https://www.bundeskartellamt.de>

Roles of this organisation:

Review organisation

8.1. ORG-0003

Official name: Datenservice Öffentlicher Einkauf (in Verantwortung des Beschaffungsamts des BMI)

Registration number: 0204:994-DOEVD-83

Town: Bonn

Postcode: 53119

Country subdivision (NUTS): Bonn, Kreisfreie Stadt (DEA22)

Country: Germany

Email: noreply.esender_hub@bescha.bund.de

Telephone: +49228996100

Roles of this organisation:

TED eSender

Notice information

Notice identifier/version: 2ca1468f-ec2b-476a-bcf5-86e7863b2a9e - 01

Form type: Competition

Notice type: Contract or concession notice – standard regime

Notice subtype: 16

Notice dispatch date: 13/06/2025 00:00:00 (UTC+2) Eastern European Time, Central European Summer Time

Languages in which this notice is officially available: English

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