

Better Migration Management (BMM) – Procurement Process and Procurement Principles

The Capacity Development (CD) measures implemented by BMM are clearly defined on the basis of the country packages which are agreed upon by the BMM Steering Committee. Possible equipment needs related to CD measures are evaluated following a stringent procurement process and decided upon on the basis of comprehensive procurement principles. The BMM Procurement Process, which leads to the approval or denial of equipment requests, and the BMM Procurement Principles, which guide all decisions made in this context, is presented below.

BMM Procurement Principles

1. Full Compliance with the BMM Guiding Principles of Intervention

All procurement made in the context of BMM is in full compliance with the Guiding Principles of Intervention as agreed during the BMM Steering Committee meeting at the inception of the programme.¹ The core elements of these Guiding Principles are: applying a comprehensive and holistic approach, making a positive contribution, ensuring conflict-sensitivity and adhering to “do no harm” principles, mainstreaming human rights and gender issues, applying a region-wide approach, seeking and promoting ownership, fostering complementarity, and promoting innovative partnership.

2. Full Compliance with the General Procurement Principles of GIZ

All procurement in the context of BMM is in full compliance with the General Procurement Principles² of GIZ approved by EU and BMZ, which define the details for implementing measures. GIZ is compliant with the regulations that govern public procurement and that determine a transparent, cost-effective, competitive process for procurement in partner countries as well as (above defined thresholds) in Germany and Europe, based on EU law, which is incorporated in German legislation. All BMM implementing partners are obliged to fully comply with the General Procurement Principles of GIZ.

3. Full Compatibility with BMM’s Objectives and Understanding of Migration Management

BMM only procures equipment that is necessary for achieving our jointly agreed objectives and that does not contradict our joint understanding of migration management, which centrally aims at capacity building and puts particular emphasis on “do no harm” principles and the protection of human rights (compare above). Equipment explicitly excluded from procurement within the context of BMM includes, amongst others: all kinds of weapons and defensive goods (such as shields, helmets and batons) that may be used for aggressive conduct, public surveillance equipment of any kind (such as CCTV cameras), as well as military equipment and dual-use goods³.

¹ BMM – Description of Action, Chapter 3.1, “Guiding Principles of Intervention” (p. 9), Annex I to the Delegation Agreement CRIS No. [EUTF05 – HoA – REG – 20]. Online: http://ec.europa.eu/europeaid/better-migration-management-description-action_en (13.05.2017).

² See for example Chapter 2 “Procurement at GIZ” (p. 7-9), Report on the procurement of goods and services and the conclusion of financing agreements (2015). Online: <https://www.giz.de/en/downloads/giz2016-en-procurement-report-2015.pdf> (13.05.2017)

³ According to the European Council Regulation on the control of export, transfer, brokering and transit of dual use items: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009R0428-20161116&from=EN>

BMM Procurement Process

1. Establishing the Basis for Procurement-related Decisions

The **BMM Steering Committee** approves country packages that clearly define the scope and objectives of concrete Capacity Development (CD) measures, in the context of which procurement-related issues may arise. The Steering Committee confirms the country packages on the basis of the annual report and approves potential changes at the Steering Committee meetings.

2. Identifying Potential Equipment Needs

Following the approval of country packages by the Steering Committee, **BMM Management and BMM Regional Coordinators** create an overview of potential equipment needs to ensure successful implementation of CD measures. **BMM Implementing Partners** contribute to the identification of equipment deemed necessary to ensure successful implementation in their areas of responsibility. Schematically, the process leading to the identification of consolidated lists goes as follows:

a) Implementing Partners create detailed lists of potential equipment needs.

These lists are supplemented by rationales which explain why the listed equipment needs are necessary and reasonable to ensure successful implementation of the respectively relevant CD measures. The lists include all information necessary for informed decision-making such as relevant technical specifications, description of intended and potential usage, required human capacity (skills) and potential upgrading possibilities. The lists include information concerning the estimated degree of compliance of the future use of the listed equipment with the BMM Procurement Principles explained above as well as concerning compliance with relevant legal regulations such as international sanctions. Equally included are details on the monitoring process throughout the entire implementation phase, and the agreed disposition and expected use of the equipment at the end of the CD measure.

b) Following the submission of the detailed lists of potential equipment needs by Implementing Partners, **BMM Management conducts a comprehensive assessment of these lists and the provided rationales to identify their approximate costs and the possibility and probability of equipment-related political, technical, or human rights-related risks.**

c) **BMM Management subsequently sends the outcome of its assessment to the respective **Implementing Partner** to facilitate the generation of mutually agreed lists.**

3. Taking Procurement-related decisions

Following the submission of mutually agreed lists to GIZ, **GIZ headquarter management in coordination with BMM management approves or denies the requests for listed equipment** in strict adherence with the BMM Guiding Principles detailed above. GIZ is responsible for ensuring full compliance with the guiding principles and relevant laws and regulations.

4. Informing Steering Committee

GIZ informs the BMM Steering Committee about programme progress including **approved equipment requests** on a regular basis. All procurement-related information, including the detailed lists of potential equipment needs and rationales submitted by Implementing Partners will be made available to Steering Committee members upon request.