



Terms of Reference with Request for Quotations:

Rapporteur for SAHRC National Conference: *“Marking 110 Years of the Native Land Act: Reflecting on Measures Taken Towards Redistribution of Land in South Africa”*

Date: 30-31 August 2023

Venue: Gauteng, exact location TBC

Deadline for Submissions: 20 JULY 2023 at 11h00
SAHRC RFQ 01-2023

1. Background

The South African Human Rights Commission (Commission) is an independent state institution, established in terms of section 181 of the Constitution of the Republic of South Africa (Constitution) to support and strengthen constitutional democracy. In terms of section 184(1) of the Constitution, the Commission is mandated to promote respect for human rights and a culture of human rights; promote the protection, development, and attainment of human rights; and monitor and assess the observance of human rights in the Republic of South Africa.

The Commission intends to convene a national conference to mark one hundred and ten (110) years since the enactment of the Native Land Act, assess the extent to which the State has addressed the legacy of the Act and fulfilled the land reform goals. The conference is scheduled for Wednesday 30 - Thursday 31 August 2023, under the theme *“Marking 110 Years of the Natives Land Act: Reflecting on Measures Taken Towards Redistribution of Land in South Africa.”* The proceedings will be in-person (physical attendance) and simultaneously live streamed on the Commission’s social media platforms.

The conference will offer a platform for collective deliberation with a broad cross-section of stakeholders. The conference will comprise of mainly plenary sessions and discussions led by specialists and experts on key aspects of the land question. Some of the themes that the conference will cover include unpacking the legal framework, in particular Section 25 of the Constitution; the work of the Commission and other relevant institutions on the issue of land; approaches from traditional councils and traditional leaders to

the land question; government measures taken towards implementation of the right to property and possible solutions to address the existing challenges to ensure adherence to constitutional imperatives on the land question.

2. Scope of work and key deliverables.

Through these Terms of Reference, the Commission seeks to identify a person, organization or company that will act as a Rapporteur for the Conference. The Rapporteur will be required to draft and produce a comprehensive Conference Report. Instead of making further recommendations and findings on the challenges faced in respect of land, the report will showcase a critical analysis of the extent to which the State has complied with all previous recommendations.

The Commission requires the Rapporteur to complete the following tasks:

- (a) Engage with Commission staff and key stakeholders to ensure that there is a common understanding on the purpose of the Conference;
- (b) Act as a Rapporteur by attending the proceedings and -use a transcribed version if needed- to draft a comprehensive Conference Report;
- (c) Incorporate comments received from the Commission and key stakeholders in respect of the draft Conference Report within 14 working days of the conference ending; and provide the Commission with a final Commission approved Conference Report by 31 October 2023.

3. Resources

- a) The Commission will provide the Rapporteur (or a representative) with bed, breakfast and other meals as provided to all in-person conference attendees. The bed, breakfast and meals will be covered for a maximum of two nights to only one person and on request at the outset.
- b) The Commission shall not be liable for the costs of any research activities, or any other costs relating to communication, printing, room service, laundry or travel.

4. Project duration (i.e., Duration of contract)

The project duration shall be one calendar month starting from the date that the Conference is held or until such time as the Commission approves the final Conference Report.

5. Payment schedule and method

Payment of 100% of the Rapporteur's fee will be on completion of the output of an approved final Conference Report. The payment method will be via electronic transfer to the Rapporteur's bank account

as per the submitted invoice and will be processed in line with the Commission's Supply Chain Management and Finance processes.

6. Competency and expertise requirements

Key competencies and expertise required include:

- a) Good writing skills in the English language.
- b) A demonstrable knowledge of socio-economic human rights and judicial developments in this regard.
- c) Excellent and demonstrable research, analysis and report writing skills and ability to work under pressure; and
- d) Experience in undertaking similar projects for donor or publicly funded entities and a familiarity with the South African Human Rights Commission's mandate.

The Commission may require samples of reports or similar outputs for the purposes of its selection.

7. Confidentiality, independence, objectivity, and intellectual property ownership

The Rapporteur shall ensure the confidentiality of all communications and documents shared throughout the duration of the contract. The Rapporteur is expected to observe independence and objectivity in the preparation of the Conference Report.

The Commission shall be exclusively entitled to all intellectual property rights in relation to all reports, recommendations, methods, strategies, plans, and processes produced because of this project. The Rapporteur is not permitted to reproduce or publish any of the submissions, documents, presentations, or output of this project, including any extract of same, for any purpose without the express written consent of the Commission. A failure to deliver on any of the terms of the project to the scope outlined above shall constitute a breach of the contract and shall result in the summary termination of the contract accompanied by forfeiture of any outstanding remuneration. The Commission may take such other additional measures it deems appropriate in the event of a breach of the confidentiality, independence, and objectivity aspects.

8. Evaluation Criteria

The following evaluation criteria will be used:

Evaluation on functionality, as in Table 1 below:

- i. Bidders will be evaluated out of 100 and are required to achieve minimum threshold of 70 % out of 100.
- ii. The overall score must be equal or above 70% in order to proceed for Price and BBEE evaluations.
- iii. The following scoring will be used to evaluate bidders
- iv. 0 = Unacceptable, 1 = Serious Reservations, 2 = Minor Reservations, 3 = Acceptable, 4 = Good, and 5 = excellent

Table 1: Functionality evaluation

	Criteria	Percentage weighting
1.	Compliance with mandatory documentation, correctly signed SBD 4 document, latest CSD report at the time of submission and registered on CSD.	20
2.	Skills and competencies of a minimum of 5 years. Skills and competencies will be evaluated by means of a submitted CV of the Rapporteur. Emphasis will be placed on number of years of experience, qualifications and work carried out similar to the one requested in the proposal. 0 = less than 1 year experience 1 = 1 year experience 2 = 2 years of experience 3 = 3 years of experience 4 = 4 years of experience 5 = 5 years or more of experience	20
3.	Previous experience as a Rapporteur in the human rights sector by submission of reference letters which are signed, dated and on the letterhead of the organisation. Reference letters must be for services similar in nature to the proposal. 0 = no reference letters or reference letters that have not met the requirements as stated above	20

	1 = 1 reference letter with the applicable requirements 2 = 2 reference letters with the applicable requirements 3 = 3 reference letters with the applicable requirements 4 = 4 reference letters with the applicable requirements 5 = 5 reference letters with the applicable requirements	
4.	Budget and time lines in detail indicating all the different phases if applicable and total cost breakdown including vat for the report to be compiled.	20
5.	Detailed projected methodology and work plan of how the report will be compiled	20
	Total	100

Price evaluation based on the 80/20 preferential point system.

Only Bidders that have met the 70% threshold in functionality evaluation will be evaluated for price and specific goals. Price and specific goals will be evaluated as follows:

- The price (maximum 80 points)
- B-BBEE status level of contributor (maximum 20 points)

1. Stage 1 – Price Evaluation (80 Points)

Criteria	Points
Price Evaluation $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The following formula will be used to calculate the points for price:

Where

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

2. Stage 2 – Specific goals: BBBEE Evaluation (20 Points)

a. BBBEE Points allocation

A maximum of 20 points may be allocated to a bidder for attaining their B-BBEE status level of contributor in accordance with the table below:

B-BBEE Status Level of Contributor	Number of Points
1	20
2	18
3	16
4	12
5	10
6	8
7	6
8	2
Non-compliant contributor	0

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence: B-BBEE Certificate or sworn affidavit

9. Mandatory procurement documents required:

- Quotation showing a detailed fee breakdown structure and all pricing must be inclusive of any applicable VAT;
- Valid Tax Certificate;
- Proposal
- Central Supplier Database report;
- BBBEE Certificate; if a sworn affidavit is submitted then company financials showing the turnover is less than R50 million to be submitted as proof or any other supporting evidence
- Standard Bid document 4

10. Confidentiality, independence and objectivity

The service provider will hold all material and information exchanged in the course of the implementation of this project in the strictest confidence and will take all steps necessary to prevent dissemination of this information to any third party, without the prior written agreement of the SAHRC as the SAHRC asserts its moral authority and copyright over the report. The service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

11. Contact Details

Submissions must be emailed to: tenderoffice@sahrc.org.za

All submissions must be emailed using the above -mentioned RFQ number

For further information and clarity, contact Adv Mluleki Marongo: mmarongo@sahrc.org.za

Submissions are due by Thursday, 20 July 2023 before 11h00.