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**TERMS OF REFERENCE & CALL FOR PROPOSALS:**

**Strengthening the Institutional Capacity of the South African National Preventive Mechanism**

**SAHRC RFQ 02-2023**

**Deadline for Submissions: 08 August 2023**

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**1. PURPOSE AND PROJECT DESCRIPTION**

- 1.1 The purpose of this document is to request for proposals from qualifying service providers to support the South African Human Rights Commission (SAHRC) in implementing a project to strengthen the institutional capacity of the South African National Preventive Mechanism (SA NPM).

**2. BACKGROUND**

- 2.1 South Africa ratified the [Optional Protocol Against Torture and Other Cruel Inhuman and Degrading Treatment or Punishment](#) (OPCAT) on 20 June 2019. Under the OPCAT, States are required to designate, maintain or establish national bodies responsible for torture prevention known as National Preventive Mechanisms (NPM). The Preamble to the OPCAT states that ‘the protection of persons deprived of their liberty ... can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention’. Article 3 states that: “*Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.*” In 2019, South Africa established its National Preventive Mechanism ([NPM](#)). The NPM among others provides for regular independent monitoring of all places where persons are or may be deprived of liberty. The South African model is based on a co-operative structure and is comprised of the [South African Human Rights Commission](#), [Independent Police Investigative Directorate](#), [Judicial Inspectorate for Correctional Services](#),

the Military Ombud and the [Heath Ombud](#). These parties form a coordinating committee to manage the NPM.

- 2.2 While the NPM has been established, several institutional aspects require attention to bring South Africa's NPM in full compliance with the OPCAT and specifically, the prevention mandate. The NPM has been working on creating awareness of its existence with particular emphasis on the distinction between the different mandates noting that it resides within pre-existing institutions. The need for awareness is also underpinned by the potential benefits to South Africa in general and persons who are or may be deprived of their liberty. On this basis, a project is being implemented to strengthen the NPM's institutional capacity.

### 3. KEY OBJECTIVES OF THE PROJECT

- 3.1 The project is designed to strengthen the institutional capacity of the South African NPM through the following:
- 3.1.1 Reinforcing the preventive focus and integrating a human rights-based methodology in South Africa's NPM monitoring functions (**creating a common understanding of the prevention aspect within the framework of the OPCAT**).
  - 3.1.2 Ensuring that all NPM members incrementally incorporate the requirements of the OPCAT into their working methods (**practical translation of the prevention aspect**).
  - 3.1.3 Build a more cohesive preventive body grounded in the spirit of the OPCAT as a unitary preventive mechanism (**reinforcing a cohesive mechanism**).
  - 3.1.4 Increase the institutional visibility of the mechanism by designing a strategy for augmented public awareness of the mechanism (**increased visibility and awareness**).
  - 3.1.5 Assess and advance a positive and mutually constructive dialogue and cooperation framework with civil society (**civil society integration**).

### 4. PROJECT SCOPE AND DELIVERABLES

#### 4.1 Institutionalisation of the prevention aspect

- 4.1.1 Conduct the NPM self-assessment to identify institutional and practical shortcomings.
- 4.1.2 Review and assess the NPM institutions' methodology needs and produce a report with appropriate recommendations.
- 4.1.3 Develop guidelines on preventive monitoring with due regard to compliance with the OPCAT and other instruments such as the Istanbul Protocol.

#### 4.2 Creating awareness and visibility

- 4.2.1 Draft a media and communication strategy.
- 4.2.2 Draft a fact sheet on institutional mandates and referral pathways for use by those deprived of liberty.

#### 4.3 Learning and capacity development

4.3.1 Training of Independent Correctional Centre Visitors (ICCVS) on OPCAT preventive monitoring and reporting.

4.3.2 Develop a guideline to assist NPM officials exposed to violence or threats or other traumas while performing their duties.

#### **4.4 Establish the NPM Civil Society Forum**

4.4.1 Conduct a comparative jurisdictional analysis on the integration of civil society in the work of the NPM.

4.4.2 Convene a dialogue with relevant NPMs for shared learning and exchange of best practices.

4.4.3 Organise an expert consultation on the integration of civil society in the work of the NPM.

4.4.4 With lessons from 4.4.1-3, consider and develop a feasible framework for NPM collaboration with civil society.

### **5. REQUIRED EXPERTISE**

5.1 Key competencies and expertise required include:

5.2 A demonstrable knowledge of domestic and international human rights standards such as the Bill of Rights and the OPCAT, South Africa's history on torture and other ill-treatment, relevant judicial and legislative developments in relation to torture prevention.

5.3 A demonstrable knowledge of oversight institutions within the framework of the OPCAT.

5.4 Excellent and demonstrable drafting and educating skills.

5.5 Excellent and demonstrable research, analysis, writing, accuracy, and ability to work under time pressure.

5.6 Experience in undertaking similar projects for public sector organizations and knowledge of the SAHRC's and NPM mandate. The SA NPM may require samples of similar outputs for the purposes of its selection.

5.7 Specifically, the service provider must have:

5.7.1 Knowledge of criminal justice reforms and the prevention of torture and other ill-treatment.

### **6. PROJECT DURATION (I.E. DURATION OF CONTRACT)**

6.1 The project must be undertaken and completed within 90 days. The deliverables must be completed to the satisfaction of the SAHRC.

### **7. PAYMENT SCHEDULE AND METHOD**

Note that related project costs such as printing, data, or materials cost or related expenditure incurred using external services will not be borne by the SAHRC.

Payment method would be via electronic transfer to service provider bank account per submitted invoices. Quotations to include the total amount for the proposal inclusive of vat.

## 8. EVALUATION CRITERIA

Please note that the following evaluation criteria will be used: All quotes received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

0 = Unacceptable, 1 = Serious Reservations, 2 = Minor Reservations, 3 = Acceptable, 4 = Good, and 5 = excellent

Evaluation on functionality, as in Table 1 below:

- I. Bidders will be evaluated out of 100 points and are required to achieve minimum threshold of 70%.
- II. The overall score must be equal or above 70% to proceed to for Price and Specific goals evaluations.
- III. The minimum threshold for qualification by functionality is 70%, assessed as per criteria listed in Table 1 below:

Table 1: Functionality evaluation

	<b>Criteria</b>	<b>Percentage weighting</b>
<b>1.</b>	Demonstrated experience in working with NHRIs/NPMs, service providers will be assessed on references included for executing a project of similar magnitude in the last 3 years, signed and on the letterhead of the company  0 = no reference letters submitted, or they are not in the last 3 years or not signed and on the letterhead of the company  1 = 1 reference letter submitted  3 = 2 reference letters submitted  5 = 3 relevant reference letters submitted	25
<b>2.</b>	Bidder's proposed project methodology and plan outlining how the SAHRC's requirements will be met	25
<b>3.</b>	Skills and competencies of the lead expert in the form of curriculum vitae's  0 – no CV submitted	25

Terms of Reference for the NPM Institutional Strengthening

	1 – Qualifications 2 - Qualifications and experience 3 – Qualifications and experience and skills relevant to the terms of reference 4 to 5 – Qualifications, experience, skills relevant to the terms of reference, contactable references	
4.	Cost effectiveness of the quote including breakdowns of the implementation phases and total cost of the project must be included in the quotation	25
	<b>Total</b>	<b>100</b>

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

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

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

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

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

- The price (maximum 80 points)
- Specific goals will comprise of B-BBEE status level of contributor (maximum 20 points)

**Stage 1 – Price Evaluation (80 Points)**

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

The

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

$P_s$  = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

**Stage 2 – BBEE Evaluation (20 Points)**

**a. BBEE 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 SUBMISSION REQUIREMENTS**

9.1 To be considered as the preferred service provider, kindly submit the following:

9.1.1 **Proposal indicating the service providers’ experience, success rates, conceptualisation of the project, process, and method of delivery, costing and any other relevant information.**

- 9.1.2 Valid Tax Clearance Certificate.
- 9.1.3 Company profile
- 9.1.4 Signed SBD 4 document.
- 9.1.5 Standard bid document 6.
- 9.1.6 Standard bid document 7.2
- 9.1.7 BBBEE Certificate.
- 9.1.8 Central supplier database report at the time of submission

**NB: Failure to provide required documents will result in disqualification.**

## **10. CONFIDENTIALITY, INDEPENDENCE, AND OBJECTIVITY**

The service provider will hold all material and information exchanged during 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.

The service provider shall ensure the confidentiality of all communications and documents shared with her/him/them throughout the duration of the contract.

The SA NPM shall be entitled exclusively to all intellectual property rights in and to all reports, material, recommendations, methods, strategies, plans, and processes produced because of this project.

The service provider 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 SA NPM.

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 SA NPM may take such other additional measures it deems appropriate in the event of a breach.

## 11. CONTACT DETAILS

- 11.1 Submissions must be emailed to: [tenderoffice@sahrc.org.za](mailto:tenderoffice@sahrc.org.za)
  - 11.2 All submissions should be emailed using **SAHRC RFQ 02-2023** as the title.
  - 11.3 Submissions are due by 08 August 2023, before 11h00.
  - 11.4 For any further clarity please email: [kpakati@sahrc.org.za](mailto:kpakati@sahrc.org.za)
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