



**TERMS OF REFERENCE & CALL FOR PROPOSALS WITH QUOTATIONS:
COMMISSIONERS' END OF TERM REPORT COMMISSIONERS' PROGRAMME**

SAHRC RFQ 03-2023

Deadline for Submissions: 10 August 2023

1. PURPOSE AND PROJECT DESCRIPTION

- 1.1 The purpose of this document is to request for proposals with quotations from qualifying service providers to provide a report on the Commissioners term at the South African Human Rights Commission

2. BACKGROUND

The South African Human Rights Commission (Commission or SAHRC) is constitutionally mandated to safeguard, advocate and monitor the human rights enshrined in the Constitution of the Republic of South Africa. To achieve this, the Commission has dedicated thematic focus areas for human rights, designating each Commissioner a set number of rights outlined in the Bill of Rights. The Commissioners will be presenting a consolidated Handover Report at the end of their term, which outlines the scope of their focal areas, achieved targets, legacy, and outstanding activities from their respective portfolios.

In 2017, the President appointed 8 Commissioners for a fixed term of 7 years. Over that period of 7 years, the Commissioners have provided guidance in developing the vision of the institution by setting its priorities and ensuring that its policies, programmes and allocated resources are consistent with the mandate of the SAHRC. Of the 8 Commissioners, 6 will be reaching the expiration of their 7-year tenure in December of 2023. The Commission has therefore decided to commission a report of the work of the Commissioners over their period of seven years. In this regard, the Commission has developed a concept note explaining the intention and objectives of the 7-year report project.

3. KEY OBJECTIVES OF THE PROJECT

- 3.1 The project is designed to strengthen the institutional capacity of the South African Human Rights Commission through the following:

4. PROJECT SCOPE AND DELIVERABLES

The consultant is expected to:

1. acquaint him or herself with the work done by each of the Commissioners through research including by studying relevant Commission reports to learn more about the work done by the Commission in the promotion, and protection of human rights and monitoring and assessing the observance of human rights;
2. interview each Commissioner to learn (more) about the focus areas assigned to him or her as well as the work done in each focus area over the seven-year period from 03 January 2017 to 31 December 2023;
3. identify what was sought to be done and what was achieved in each focus area during each of the 7 years under the direction of the responsible Commissioner. What was or were the ultimate or overall objective or objectives of the focus area over the period?;
4. determine what worked well, what made it successful and what were the lessons learnt by the focus area?;
5. what did not work well and why? What were the challenges encountered by the focus area and by the Commissioner / Commission which had a direct or indirect impact on the achievement of a successful implementation of plans? What solutions, if any, did the focus area employ and what lessons, if any, were learnt from that experience?;
6. what work did the focus area plan to do but could not do? What were the challenges that contributed to that result?;
7. produce the first draft of the report by 30 November 2023 and discuss it with Commissioners as a group;
8. produce and deliver the second revised draft report to the Commission by 31 January 2024;
9. include a chapter towards the end of the report containing the assessment by each Commissioner whether he or she achieved what he or she sought to achieve over the period of 7 years;
10. deliver the final report by not later than 15 March 2024. Such report should be printed in black and white, on one side of the page, on a white A4 size paper, free of grammar and spelling mistakes, and neat. It should not be bound and must be accompanied by an electronic version thereof.

The writer may be asked to hand over SAHRC official materials made available to her or him for purpose of researching and / or writing the report. However, he or she shall surrender all

rights to the report once it is completed and handed over to the Commission and shall have no claim to the report thereafter;

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 the relevant judicial and legislative developments in relation to torture prevention.
- 5.3 Excellent and demonstrable drafting and educating skills.
- 5.4 Excellent and demonstrable research, analysis, writing, accuracy, and ability to work under time pressure.
- 5.5 Experience in undertaking similar projects for public sector organizations and knowledge of the SAHRC's mandate.
- 5.6 Specifically, the service provider must have:
 - 5.6.1 Knowledge of the South African Human Rights Commission.

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

- 6.1 The project must be undertaken and as per the deliverables indicated above. The deliverables must be completed to the satisfaction of the SAHRC.
- 6.2 The first draft should be presented on the 30th of November 2023
- 6.3 The second draft on the 31st of January 2024
- 6.4 The final report to be presented to Commissioners on the 15th of March 2024.

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:

Terms of Reference for Commissioners 7 year report

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

	Criteria	Percentage weighting
1.	Demonstrated experience in working on similar projects, 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
2.	Bidder's proposed project methodology and plan outlining how the SAHRC's requirements will be met	25
3.	Skills and competencies of the lead expert only in the form of curriculum vitae 0 – no CV submitted 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	25
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

Total	100
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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
<p>Price Evaluation</p> $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The

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

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

Stage 2 – 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 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 7.2

9.1.6 BBBEE Certificate.

9.1.7 Central supplier database report at the time of submission

9.1.8 Service providers that have received lots of work from the Commission in the last 6 months might be disqualified due to supplier rotation.

9.1.9 To be considered, service providers must quote within the thresholds of quotations from National Treasury inclusive of Vat.

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 SAHRC 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 SAHRC.

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 SAHRC 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**
 - 11.2 **All submissions should be emailed using **SAHRC RFQ 03-2023** as the title.**
 - 11.3 **Submissions are due by 10 August 2023, before 11h00.**
 - 11.4 **For any further clarity please email Kelebogile Monewe: Kmonewe@sahrc.org.za**
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