



**TERMS OF REFERENCE & CALL FOR PROPOSALS**  
**RESEARCHER FOR THE SOUTH AFRICA WATER JUSTICE TRACKER**

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**Deadline for Submissions: Friday, 14 June 2024**

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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 work as a researcher for the South Africa Water Justice Tracker Project.

**2. BACKGROUND**

2.1. The South African Human Rights Commission (SAHRC) is an independent state institution supporting constitutional democracy and established in terms of the Constitution of South Africa, 1996. The SAHRC is mandated amongst others to promote, protect and monitor human rights.

2.2. Further, the SAHRC is mandated with monitoring and assessing the observance of human rights and carrying out research. The SAHRC has concluded a partnership agreement with the University of Witwatersrand (Wits). In terms of the partnership agreement, the SAHRC and Wits will be developing the South Africa Water Justice Tracker.

**3. SOUTH AFRICA WATER JUSTICE TRACKER**

3.1. The South Africa Water Justice Tracker (Project) will be a database on the constitutional right of access to sufficient water based on a synthesis of existing certification processes, reports, court judgments, directives and formal complaints organized on the basis of the appointed Water Services Authorities (WSAs) in

South Africa. The profiles of each WSA will integrate with a Geographic Information System (GIS) based online tool, that will enable policy- and decision-makers, activists, officials and citizens to track progressive realisation of the right to sufficient water.

3.2. In the financial year 2023/24 which ran from 1 April 2023 to 31 March 2024, and which was Year 1 of the Project, the deliverables completed were the development of profiles of WSAs in the Provinces of KwaZulu Natal, Limpopo, Mpumalanga, Gauteng, North West and Eastern Cape.

3.3. In the financial year 2024/25, which will be year 2 of the Project, the following deliverables are expected:

**Table 1 – Deliverables for year 2 of the Project**

<b>Deliverables</b>	<b>Year 2024/25 (1 April 2024 – 31 March 2025)</b>
1. Development of 19 Water Services Authorities profiles in Free State	1 July 2024 to 30 September 2024
2. Development of 26 Water Services Authorities profiles in Northern Cape	1 October 2024 to 30 December 2024
3. Development of 25 Water Services Authorities profiles in Western Cape	01 December 2024 to 31 January 2025
4. 1x Synthesis provincial report for KwaZulu Natal	01 January 2025 to 31 January 2025
5. Finalisation of excel spreadsheet for KZN, Limpopo, Mpumalanga & Gauteng as input into GIS online tool	01 October 2024 to 31 January 2025
6. 1x Synthesis provincial report for Limpopo	01 February 2025 to 28 February 2025
7. 1x Synthesis provincial report for Mpumalanga	01 March 2025 to 31 March 2025

8. Attendance and presentation at consultations and verification engagements with WSAs in Limpopo; Mpumalanga; Gauteng; North West; Eastern Cape and Free State	During the financial year period

3.4. In the financial year 2025/26, which will be year 3 and the last year of the Project, the following deliverables are expected:

**Table 2 – Deliverables for year 2 of the Project**

<b>Deliverables</b>	<b>Year 2025/26 (1 April 2025 – 31 March 2026)</b>
1. 1x Synthesis provincial report for Gauteng	1 April 2025 to 31 May 2025
2. 1xSynthesis provincial report for Eastern Cape	1 June 2025 to 31 July 2025
3. 1xSynthesis provincial report for North West	1 August 2025 to 31 September 2025
4. 1xSynthesis provincial report for Free State	01 October 2025 to 30 November 2025
5. Finalisation of excel spreadsheet for Eastern Cape, North West, Free State, Northern Cape and Western Cape	01 October 2025 to 31 January 2026
6. 1x Synthesis provincial report for Northern Cape	01 December 2025 to 31 January 2026
7. 1x Synthesis provincial report for Western Cape	01 February 2026 to 28 February 2026
8. 1xNational Synthesis Report	01 March 2026 to 31 March 2026
9. Attendance and presentation at consultations and verification engagements with WSAs in Northern Cape and Western Cape	During the financial year period

#### **4. SCOPE OF SERVICES OF A RESEARCHER**

4.1. The appointed researcher for the South Africa Water Justice Tracker project will be required to carry out the deliverables listed in Table 1 and Table 2 above.

4.2. The Key Performance Areas (KPA) of the researcher will include:

4.2.1. Collation of information on the right to water for Water Services Authorities and bulk water suppliers in South Africa.

4.2.2. Compilation of profiles on the progressive realisation of the right to water for individual/each Water Services Authority (WSA) and/or bulk water supplier in South Africa having regard to a conceptual frame for assessing progressive realisation.

4.2.3. Consulting with each Water Services Authority and/or bulk water supplier concerned on the accuracy of the assembled profiles.

4.2.4. Working on the integration of the profiles on the online GIS based tool.

4.2.5. Producing provincial synthesis reports and the national synthesis report.

4.2.6. Ensuring the logistics related to the activities identified by the Project Supervisor.

4.2.7. Attending weekly meetings with the Project Supervisor and attending to any other research activities or requests incidental to the South Africa Water Justice Tracker as stipulated by the Project Supervisor.

4.2.8. A detailed job description containing Key Performance Areas (KPA) and activities of the researcher are captured as “**Annexure A**”.

#### **5. PROJECT TIMELINES**

5.1. The project duration shall be from the day of appointment/ contract signing until 31 March 2026.

5.2. The appointed researcher will be working under a senior academic in the School of Law who will be the Project Supervisor.

#### **6. KEY DELIVERABLES**

6.1. The Key deliverables are those listed in Tables 1 and 2 above.

## **7. REQUIRED EXPERTISE**

- 7.1. Successful completion of a PhD in the field of law.
- 7.2. Demonstrable knowledge of domestic, regional and international human rights standards, such as the Bill of Rights, particularly the right to water.
- 7.3. Excellent and demonstrable experience in conducting research, analysis, synthesis and writing in the field of human rights, particularly on water rights.
- 7.4. Experience in undertaking research of a similar nature and knowledge of the water sector. Specifically, the service provider must have knowledge of the constitutional and statutory allocation of powers in the water sector and the ability to analyse Treasury budgets.

## **8. PAYMENT SCHEDULE AND METHOD**

- 8.1. Payment of service provider's fee will be as per the quotation submitted which should contain the deliverables listed in Tables 1 and 2.
- 8.2. Payment will be via electronic transfer to the service provider's bank account as per the submitted invoice and will be processed in line with the SAHRC's Supply Chain Management and Finance processes.
- 8.3. Please 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.

## **9. PRICING**

- 9.1. A detailed fee breakdown structure must be included; and
- 9.2. All pricing must be shown inclusive of any applicable VAT.
- 9.3. The detailed fee breakdown structure must be itemised in accordance with the deliverables listed in Tables 1 and 2 above.

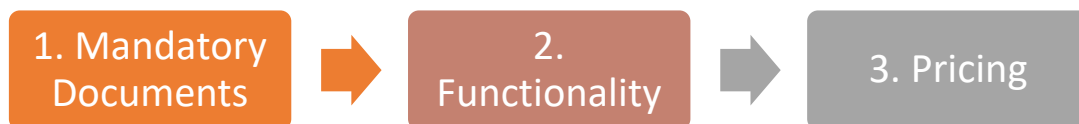
## 10. CONFIDENTIALITY, INDEPENDENCE AND OBJECTIVITY

The appointed researcher will hold all material and information produced 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 and Wits as the SAHRC and Wits asserts their moral authority and copyright over the South Africa Water Justice Tracker.

## 11. EVALUATION CRITERIA

Bids will be evaluated on 80/20 point system as outlined in the PPR of 2017.

The proposals will be evaluated in three phases:



### 11.1. Phase 1: Mandatory Documents

11.1.1. Bid proposal.

11.1.2. Central Supplier Database Summary Report.

11.1.3. In the case of a company, a valid certified copy of B-BBEE Certificate or Sworn Affidavit for companies qualifying as EMEs or QSEs or Certified copy of BBEE Certificate.

11.1.4. Valid Tax Clearance Certificate or Tax Compliance Status (with SARS PIN CODE).

11.1.5. In the case of a company, a comprehensive company profile, with the following requirements: Management structure.

11.1.6. All SBD (Standard Bidding Documents) forms must be completed fully and signed.

**Note: Bidders who fail to comply with the mandatory requirements will be disqualified.**

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

### 11.2. Phase 2: Evaluation on functionality, as in Table 3 below:

- i. Bidders will be evaluated out of 100 and are required to achieve minimum threshold of 70%.

- ii. The overall score must be equal or above 70% in order to proceed to Price and Specific goals evaluations.

**Table 3: Functionality evaluation**

	<b>Criteria</b>	<b>Percentage weighting</b>
1.	<p>Demonstrable experience in working with Chapter 9 institutions or research institutions on similar projects, service providers will be assessed on references included for executing a project of similar magnitude in the last 3 years, dated, signed and on the letterhead of the company.</p> <p>The reference letters must include the following:</p> <ul style="list-style-type: none"> <li>• Dated and signed by the company</li> <li>• On the approved letter head of the company</li> <li>• Indicate work on similar projects in the last 3 years</li> </ul> <p>0 = no reference letters submitted, or they are not in the last 3 years or not dated, signed and not on the letterhead of the company</p> <p>20 = 1 reference letter submitted meeting the stated criterion</p> <p>30 = 2 reference letters submitted meeting the stated criterion</p> <p>40 = 3 reference letters submitted meeting the stated criterion</p>	40
2.	<p>Bidder's proposed project methodology and plan outlining how the deliverables for Years 1 and 2 of the project will be met:</p> <p>0 = No project methodology and plan provided</p> <p>10 = Project methodology and plan submitted, but only partially addresses project deliverables</p> <p>20 = Project methodology and plan submitted and addresses most project deliverables</p>	30

	30 = Project methodology and plan submitted that address all project deliverables	
3.	<p>Skills and competencies of the expert (researcher) in the form of curriculum vitae highlighting experience and skills relevant to the terms of reference and contactable references</p> <p>0 = no CV submitted</p> <p>10 = CV submitted (but no relevant stated qualifications and experience)</p> <p>20 = CV submitted stating in generic terms the relevant qualifications and experience</p> <p>25 = CV submitted stating the qualifications and experience and skills relevant to the terms of reference (but no contactable references)</p> <p>30 = CV submitted stating qualifications, experience, skills relevant to the terms of reference and including contactable references</p>	30
	<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 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)

**1. Stage 3 – Price Evaluation (80 Points)**

Criteria	Points
<p><b>Price Evaluation</b></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:

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

**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>B-BBEE Status Level of Contributor</b>	<b>Number of Points</b>
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.

**12. CONTACT DETAILS**

Submissions must be emailed to: [Tenderoffice@sahrc.org.za](mailto:Tenderoffice@sahrc.org.za)

**Submissions are due by 15h00 on Friday, 14 June 2024**

## Annexure A - Researcher's job description

Key Performance Areas (KPA)		Activities (Linked to each of the KPAs)	
No.	KPA Description	No.	Activity Description
1.	Collation of information on the right to water for Water Services Authorities and bulk water suppliers in South Africa	1.1.	Collate information on progressive realisation of the right to water for each Water Services Authority and bulk water supplier in South Africa having regard to the following sources: results of the Blue Drop certification processes, complaints submitted to the SAHRC, reports submitted to provincial and national legislatures, complaints submitted to the Public Protector, court judgments, and the results of the Auditor-General annual

			review of South Africa's local government sphere
		1.2.	Identify existing orders, directives, and/or recommendations pertaining to the right to water that have been directed to the Water Services Authority and/or bulk water supplier concerned
2.	Compile profiles on the progressive realisation of the right to water for individual/each Water Services Authority (WSA) and/or bulk water supplier in South Africa having regard to a conceptual frame for	2.1.	Compile profiles of WSAs using the developed conceptual frame for progressive realization of the right to water

	assessing progressive realisation		
3.	Consult with each Water Services Authority and/or bulk water supplier concerned on the accuracy of the assembled profiles	3.1.	Work with the SAHRC, Wits and other partners to liaise with WSAs and/or bulk water supplier to verify the accuracy of the assembled profiles
4.	Assist in the integration of the profiles on the online GIS based tool	4.1.	Provide information on the profiles of WSAs and bulk water suppliers to units or departments at Wits/SAHRC for integration into the online GIS- based tool
5.	Produce provincial synthesis reports and national synthesis report	5.1.	Draft provincial synthesis reports and national synthesis report
6.	Ensure logistics related to the activities identified by the Project Supervisor	6.1.	Manage and facilitate all logistics related to the outputs of the South Africa

			Water Justice Tracker Project
7.	Attend weekly meetings with the Project Supervisor and attend to any other research activities or requests incidental to the South Africa Water Justice Tracker as stipulated by the Project Supervisor	7.1.	Attend to any ad hoc activity as requested by the Project Supervisor