



Terms of Reference and request for proposal with quotations
SAHRC Provincial Office Evaluation

Deadline for submission: 21 February 2022

SAHRC TOR 10-2021

1. Purpose

- 1.1 The purpose of this document is to request proposals for the evaluation of the South African Human Rights Commission (SAHRC / Commission) provincial offices, with the objectives of strengthening effectiveness, and efficiency in the operations of the SAHRC.

2. Background

- 2.1 The SAHRC / Commission) is a Chapter 9 Institution, established in terms of Section 184 of the Constitution, mandated to promote, protect and monitor observance of human rights in South Africa. The Commission executes this mandate in relation to the delivery of public services largely through its provincial offices.
- 2.2 During 2012, provincial offices were reviewed in the course of an institution-wide restructuring process. Amongst the findings of the review provincial offices were found to have been inappropriately capacitated. The review primarily considered complaint handling procedures, complaint volumes and population density per province, together with other province specific factors to recommend changes and increase to staff capacity within the provincial offices. One of the outcomes of the restructuring exercise was that the number of staff recommended, particularly in respect of legal teams were increased significantly in provinces with high complaint volumes.

- 2.3 The Commission has over the last few years, experienced challenges of resources constraints and more recently the national disaster posed by the COVID-19 pandemic, on its ability to effectively respond to internal operational needs and external demand in delivering on its mandate.
- 2.4 National Treasury has indicated to the Commission, the need for it to comprehensively evaluate its current efficiencies and effectiveness in response to increased resource needs by all public bodies including the SAHRC as a means to better inform less human resource intensive costs to the fiscus in the current compressed economic environment.
- 2.5 Reductions in baseline budget allocations in real terms has resulted in the Commission resolving to freeze several posts as they became vacant from 2017, and placing a heavy reliance on contracted support which affects business continuity adversely and limits the Commissions ability to effectively respond to needs.
- 2.6 Managers who oversee provincial offices have consistently indicated the need for a full evaluation of the effectiveness of their offices in the context of management responsibilities they are required to fulfil while at the same time meeting increasing external service demands. Audit outcomes and systemic human rights challenges through-out the country which have persisted over a period of time point to a need for the Commission to revisit its current arrangement, take corrective actions and strengthen both capability and effectiveness in a challenging economic, political and social milieu.
- 2.7 Given the changing nature of needs in particular provinces since 2012, including those serving lower population densities like the Northern Cape, Limpopo, the North West and Mpumalanga, particular attention is required to conduct a more substantive assessment for all provinces that is not limited to complaint volumes and demographics.
- 2.8 It is unlikely that the South African fiscus will strengthen sufficiently in the next 5 years, and therefore it is unlikely that the Commission will be in a position to acquire the ideal staff complement required to service its mandate effectively in the medium term. This reality consequently poses a challenge to the full achievement of planned operational deliverables. As such the Commission is compelled to fully evaluate the effectiveness of its provincial offices and to devise alternative strategies to adapt to changing needs in order to maintain

and ensure effective, efficient and impactful delivery on its mandate at the local level.

Provincial Office Evaluation Project Objectives

2.9 The provincial office evaluation project has short term and medium to long term objectives.

2.10 The short term will be applicable to the planning and accounting processes from 2022 to 2023 financial years.

2.11 The medium to long term will span the outer years from 2024 onwards.

2.12 The short term objectives include:

- a) An evaluation of needs in the provincial offices, an assessment of effectiveness, the identification of opportunities to more effectively respond to needs within the current external context as a constitutional body with quasi-judicial functions and as a National Human Rights Institution.
- b) The development of a recommendation based report and implementation plan for the strengthening of the Commission in alignment with existing national legislative, policy, procedures and planning frameworks.

3. Key principles adopted

3.1 The Commission has adopted the following key principles with respect to the project objectives:

- a) The process of evaluation must include consultation with provincial office management and staff, and such other stakeholders as may be necessary;
- b) The process is not one designed to retrench staff;
- c) The process shall be open and transparent, and;
- d) That the process will recognise resource challenges in the evaluation and recommendations available to the Commission.
- e) The process will take into consideration the particular dynamics of each provincial office.

3.2 The evaluation, recommendations and project plan resulting from the project will not be binding on the Commission and will be treated as an organic

document subject to change as the Commission may deem appropriate due to the changing nature of the external environment.

4. Project scope and deliverables

4.1 The scope and expected deliverables of the project is to implement the short term phase.

4.2 It must be noted that appointment of service providers will also be staggered in accordance with the identified phases.

4.3 In the short term (before end March 2022), the expectations include:

- a) An evaluation of the provincial offices, comparative research of NHRIs with similar structures, comparative research of constitutional bodies and similar agencies domestically
- b) Evaluation of legal frameworks and prescripts
- c) Identification of opportunities within the institution, and opportunities available through external measures such as collaborative structural arrangements for satellite offices
- d) A preliminary findings based report and recommendations to address current challenges, and strengthen effectiveness before end March 2022 and a final report by end May 2022.
- e) A project plan for the implementation of recommendations
- f) The submission of all evidence and research collated in the course of the evaluations with agreed exclusions where anonymity has been granted for the purposes of confidentiality
- g) Developing draft terms of reference for the achievement of medium to long term plans

5. Required Expertise

5.1 The Commission requires the services of an experienced provider, with expertise in the evaluation of public service delivery bodies, knowledge of complaint driven services, labour relations, organisational development and structure redesign; risk management and change management processes.

Related work experience with independent constitutional bodies or regulatory bodies and human rights will be particularly advantageous.

6. Project Timelines

6.1 The expected project commencement date is 25 February 2022.

6.2 Completion of the short term phase final project deliverables by 25 March 2022.

The timelines informing the short term phase is applicable to this call.

7. Evaluation Criteria

Please note that the following evaluation criteria will be used:

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% in order to proceed to for Price and BBEE evaluations.
- iii. The minimum threshold for qualification by functionality is 70%, assessed as per criteria listed in Table 1 below:
- iv. Functionality will be evaluated as follows:
0 = Unacceptable, 1 = Serious Reservations, 2 = Minor Reservations, 3 = Acceptable, 4 = Good, and 5 = excellent

Table 1: Functionality evaluation

	Criteria	Percentage weighting
1.	Industry experience in the form of reference letters The reference letters must include the following: Dated and signed by the company On the approved letter head of the company 0 – No reference letters submitted 1 – 1 reference letter submitted 2 – 2 reference letters submitted 3 – 3 reference letters submitted	30

	4 – 4 reference letters submitted 5 – 5 reference letters submitted	
2.	Skills and competencies of the experts in the form of curriculum vitae's 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	20
3.	Proposed methodology in carrying out phase 1 of the project Submission requirements would be the blueprint of the methodology and details pertaining to time frames and expected completion in line with the terms of reference	30
4.	Detailed costing structure with breakdowns of the different implementation phases Partial payments will be made in respect of consultation and research (35%); and thereafter on the submission of the preliminary report (35%). Full and final payment will be released on completion of the short term deliverables referred to in the TOR (May 2022 for final report (30%)).	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 in for price and BBBEE. Price and BBBEE will be evaluated as follows:

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

Stage 1 – Price Evaluation (80 Points)

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

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

Mandatory procurement documents required:

- Quotation showing a detailed fee breakdown structure and all pricing must be inclusive of any applicable VAT;

7.1.1 Proposal

7.1.2 BBBEE Certificate.

7.1.3 Company Profile

7.1.4 Central supplier database report

7.1.5 Standard bid document 4

7.1.6 Standard bid document 7.2

7.1.7 Standard bid document 6

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.

8. Submission Requirements

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

10. For further information and clarification, contact Chantal Kisoona, Chief Operations Officer, at ckisoona@sahrc.org.za

11. Kindly please use the TOR number as the email heading when making submissions to the above email addresses.

Submissions are due by Monday, 21 February 2022, before 11:00.