
TERMS OF REFERENCE FOR THE APPOINTMENT OF A PANEL OF SERVICE PROVIDERS TO PROVIDE A REVIEW OF POLICY AND LEGISLATION CONTENT IN THE DEPARTMENT OF MINERAL AND PETROLEUM RESOURCES (DMPR), WITHIN THE MINING, MINERALS AND PETROLEUM POLICY DEVELOPMENT BRANCH, FOR A PERIOD OF THIRTY-SIX (36) MONTHS AS AND WHEN REQUIRED.

1. BACKGROUND

- 1.1 The Mining, Minerals and Petroleum Policy Development branch of the DMPR is responsible for developing new or reviewing existing legislative instruments within the Mining, Minerals and Petroleum sectors. The process of formulating, reviewing, and amending policies, legislation and subordinate legislation is a complex and detail-oriented process which involves extensive consultations with various industry stakeholders. This is an elaborate process that requires processing, examination and consolidation of voluminous documents and complex information to formulate implementable and acceptable policy review or legislative proposals.
- 1.2 The nature of this process necessitates a multidisciplinary approach in the form of a Drafting Team with divergent skills set. The drafting and editing errors on the content are inherent despite the competency of the drafting team. It is critical that independent services are sourced to assist the drafting team with reviewing the draft policies and legislative instruments before they are published. This is to ensure that they are in line with the legislative drafting style, cross referencing and proof reading. This will also form part of the quality assurance process.

2. CONTRACT PERIOD

- 2.1 The duration of the project is thirty-six (36) months commencing after the signing of the contract, subject to annual performance review.

3. OBJECTIVE

- 3.1 The objective of this project is to review content of policy and legislation developed by the Department of Mineral and Petroleum Resources for the purpose of eliminating drafting and editing errors.

4. SCOPE OF WORK

- 4.1 The successful service provider will be responsible for:
 - Reviewing using south African legislative drafting practices on draft amendment to Act, Bills, regulations, and effect, if necessary, changes.

- Proofreading and Editing draft policies, amendment Act, Bills, proclamations, notices regulations, guidelines and related policy legal instruments for grammar, spelling, cross referencing, punctuation, comprehensibility, structuring and adherence to all legal and official writing and formatting requirements; and
- Engaging with the Drafting Team regarding the reviewed content input.

5. DELIVERABLES OR PROJECT OUTPUT AND/OR OUTCOME

5.1 In order, to achieve the above, the Legislative Content Editor will be required to present:

- Reviewed draft policies, amendment Bills, Bills, proclamations, notices, regulations, guidelines and related policy and legal instruments with effected drafting and editorial changes.
- Proofread and edited draft policies, amendment Bills, Bills, proclamations, notices, regulations, guidelines for grammar, spelling, punctuation, comprehensibility, structuring adhering to legal and official writing and formatting requirements.
- Report on engagement with Drafting Team regarding reviewed content input.

6. EVALUATION CRITERIA

This bid will be evaluated in four stages, i.e. functionality, mandatory requirements, administrative compliance and point scoring system.

6.1 Gate 01 – Mandatory requirements

The following requirements are mandatory. Bidders who do not comply with the mandatory requirements will be disqualified.

- (i) N/A
- (ii) N/A

6.2 Gate 02 - Functionality

Bidders will be scored in terms of the functional requirements indicated in the table below. The corresponding points and weightings will be used to calculate the overall score a bidder has achieved. The minimum threshold for this bid is **70%**. Bidders who score less than **70%** will be disqualified. Only bidders that score **70%** and more will be considered further.

Note: The points allocation stated here are for illustration purposes.

The weights per criteria should be determined per tender.

No.	Evaluation criteria	Points	Weight
1.	Company Experience Bidders should have experience of having undertaken projects, in respect of relevant experience in performing similar projects in the mining, mineral and petroleum sector. Service provider is required to provide proof that they have successfully performed similar projects and that the projects have been successfully executed. This must be in a form of testimonials(s) not older than 5 years or reference letter(s) on company letterheads, proving that such projects were executed, or that they have been providing similar services. Testimonial/s or Reference Letter/s on company letterheads should include contact details for verification purposes.	5 or more projects = 5 points 4 projects = 4 points 3 projects = 3 points 2 or less projects = 1 point No proof = 0 point	20
	Experience of Team Leader and Team Members Experience: Team Leader (i) Team Leader must have practical experience working within the field of legislative drafting and reviewing using generally accepted South African legislative drafting practices. (Attach detailed CV highlighting relevant projects, with contactable references) Team members Individual team member must have done at least	5 or more projects = 5 points 4 projects = 4 points 3 projects = 3 points 2 or less projects = 1 point No indication = 0 point 4 or more projects = 5 points 3 projects = 4 points	20 10 10

No.	Evaluation criteria	Points	Weight
	projects within the field of legislative drafting and reviewing using South Africa legislative drafting practices. (Attach detailed CV highlighting relevant projects, with contactable references)	2 projects = 3 points 1 or less projects = 1 point No indication = 0 point	
	Qualifications of Team Leader and Team Members Qualifications: Team Leader qualifications (i) Team leader must have a formal Law qualification recognised by SAQA and relevant postgraduate qualifications. (Attach certified copies of relevant qualification/s) Team member qualifications (ii) Team member(s) must possess a formal Law qualification recognised by SAQA (Attach certified copies of relevant qualification/s)	NQF level 9 or higher = 5 points NQF level 8 = 3 points NQF level 7 = 1 point No qualification = 0 point NQF level 8 or higher = 5 points NQF level 7 = 3 points NQF level 6 = 1 point No qualification = 0 point	30 15 15

No.	Evaluation criteria	Points	Weight
	Project Plan		30
	(i) Detailed project plan with ➤ Project deliverables ➤ Key milestones ➤ Scope ➤ Schedule ➤ Contingencies (Attach project plan)	Detailed Project plan with elements of evaluation over and above what is listed on the left side of the Table = 5 points Detailed Project plan with elements from (1) to (v) = 3 points No project plan = 0 points	15
	(ii) Propose a methodology outlining. ➤ Management of the project. ➤ Outline of how the project will be undertaken (Attach methodology proposal)	Proposed Methodology outlining over and above what is listed on the left side of the Table = 5 points Proposed Methodology outlining the two elements listed on the left side of the Table = 3 points No methodology proposal= 0 points	15

Formula; $\frac{A}{B} \times 100 = C\%$

Where: A = Total score for the bid under consideration
B = Maximum possible score
C = Percentage score for the bid under consideration

6.3 Gate 03 - Administrative compliance

- (i) Compliance to the specification / Terms of Reference.
- (ii) Fully completed SBDs (Duly signed and dated) listed hereunder
 - SBD 1
 - SBD 4
 - SBD 6.1

- (iii) The following will be regarded as noncompliance.
- Price amendments / other amendments without signature/initials.
 - Use of correctional fluid
 - Completion of the bid document in coloured ink other than black ink

6.4 Gate 04 – Point Scoring System

Bids will be evaluated on the 80/20 preference point system as outlined in the Preferential Procurement Regulation of 2022.

- Price points = 80
- Preferential points = 20

- 6.4.1 The bidder that scores the highest points in this phase will be awarded the tender.
- 6.4.2 Should more than one bidder score the same number of points; the award will be made to the bidder who scores more points on specific goals.
- 6.4.3 Should there be more than one bidder who score the same number of points overall and same points on specific goals, the award will be made to the bidder who scored the highest points on functionality.
- 6.4.4 Should there be more than one bidder who score the same number of points in all aspects, the bid will be determined by the drawing of the lot.
- 6.4.5 The preferential points will be allocated in terms of the Departmental objectives on specific goals. Points allocation on specific goals are tabulated hereunder.
- 6.4.6 Bidders who do not submit proof (means of verification) of specific goals claimed will not qualify for preference points for specific goals.

Specific Goal	Number of points (80/20 Preference System)	Means of Verification
Enterprise owned by Black people	4	Identity documents and CIPC document
Enterprise owned by Women	4	Identity documents and CIPC document
Enterprise owned by Youth	4	Identity documents and CIPC document
Enterprise owned by disabled persons	4	Medical certification

10. CONFIDENTIALITY OF INFORMATION

- 10.1 The names of all the members of the service provider team must be disclosed for the prior approval of DMPR. Any changes, replacements and additions should be submitted for prior approval of DMPR.
- 10.2 All members will have to sign a Non-Disclosure Agreement before project commencement and may be required to undergo security screening and tests as the DMPR deems necessary.

11. PAYMENT

- 11.1 The Department will not make an upfront payment to a successful service provider. Payment will only be made in accordance with the delivery of service that will be agreed upon by both parties and upon receipt of an original invoice.
- 11.2 The payment will be made at the completion of the project.

12. TAX CLEARANCE CERTIFICATE

- 12.1 Bidders must ensure compliance with their tax obligations.
- 12.2 Bidders are required to submit their unique personal identification number (pin) issued by SARS to enable the organ of state to view the taxpayer's profile and tax status.
- 12.3 Application for tax compliance status (TCS) or pin may also be made via e-filing. In order to use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za.
- 12.4 A bidder may also submit a printed TCS together with the proposal.
- 12.5 In proposals where consortia / joint ventures / sub-contractors are involved, each party must submit a separate proof of TCS / pin / CSD number.
- 12.6 Where no TCS is available but the bidders is registered on the central supplier database (CSD), a CSD number must be provided

13. DOCUMENTATION

- 13.1 One original copy and 3 Copies of proposals.

14. COST / PRICING

- 14.1 The bidders are requested to provide a quoted proposal regarding the work to be undertaken.
- 14.2 Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of all applicable taxes for the project. The total cost must be VAT inclusive and should be quoted in South African Rands (i.e. ZAR).
- 14.3 Bidders should provide hourly rates as prescribed by Department of Public Service and Administration (DPSA), Auditor- General (AG) or the body regulating the profession of the consultant.

14.4 Bidders should provide (Subsistence & Travel (S&T)) rates that are in aligned to the National Treasury instruction note as follows:

- i) Hotel Accommodation – R1550 per night per person, including breakfast, dinner and parking.
- ii) Air travel must be restricted to economy class.
- iii) Claims for kilometres may not exceed the rates approved by the Automobile Association of South Africa.

15. CONDITIONS OF THE CONTRACT

- 15.1 The General Conditions of Contract must be accepted as these are issued by National Treasury and are non-negotiable.
- 15.2 The successful service provider will sign a confidentiality agreement regarding the protection of DMRE information that is not in the public domain.
- 15.3 The successful service provider shall ensure that the contract is executed in line with the scope of work.
- 15.4 The successful service provider may be subjected to security screening by the State Security Agency.
- 15.5 The DMRE reserves the right to verify the authenticity of the information submitted, any falsified information may result in the disqualification or cancellation of the contract.

16. FORMAT OF SUBMISSION OF PROPOSAL

- 16.1 Bidders are requested to submit two (2) copies of technical proposals plus the original.
- 16.2 Bidders are requested to index their proposals for easy reference.

17. PRE-BID MEETING / BRIEFING SESSION DETAILS

- 17.1 A non-compulsory briefing session will be held on **06 October 2025 at 11h00**, on Microsoft teams.

Meeting ID: 313 433 229 6445

Passcode: Zk358JB7

18. CLOSING DATE

- 18.1 Proposals must be submitted on or before **15 October 2025@ 11h00**
- 18.2 Department of Minerals and Petroleum Resources and Building 2 C, Trevena Campus, C/o Meintjies and Francis Baard Street, Sunnyside, 0007.

- 18.3 In the bid box marked in the bid box marked Department of Minerals and Petroleum Resources (DMPR). **No late bids will be accepted.**

19. ENQUIRIES

- 19.1 **All general enquiries relating to bid documents should be directed to:**

Ms. Nonhlahla Zingwevu

Tel No: (012) 444 3055

E-mail: Nonhlahla.Zingwevu@dmpr.gov.za

- 19.2 **Technical enquiries can be directed to:**

Ms. Stella Mamogale

Tel: 012 444 3830

E- mail: Stella.Mamogale@dmre.gov.za