

ADDENDUM

REQUEST FOR QUOTATIONS TO REVIEW THE HIGHER EDUCATION ACT, 1997 (ACT NO. 101 OF 1997, AS AMENDED) AND DEVELOP THE FIRST DRAFT OF THE HIGHER EDUCATION ACT AMENDMENT BILL, 2025

TERMS OF REFERENCE

1. The Department of Higher Education and Training is implementing a project to review and amend the Higher Education Act, 1997 (Act No. 101 of 1997) as amended. The project entails the **review of the Higher Education Act, 1997 (Act No. 101 of 1997)** and the development of the first draft of the Higher Education Amendment Bill, 2025.
2. The appointed provider may have to perform further work related to the project should this become necessary depending on the availability of funds and the department's capacity to execute further work on its own until the draft Bill is submitted to the Minister for Cabinet approval.
3. The deliverables of the project are to:
 - 3.1 produce a legislative review document detailing the proposed amendments being introduced and the rationale thereof;
 - 3.2 develop a first draft of the Higher Education Amendment Bill; and
 - 3.3 develop a memorandum of the Bill.
4. Each deliverable must be priced separately.
5. In preparing the bid document and executing the project, the bidder or service provider will be expected to, *inter alia* consider the following documents:
 - the White Paper on Post-School Education and Training;
 - Other relevant legislation and policies administered by the DHET;
 - Legislation administered by other departments, Quality Councils, SAQA, and professional bodies linked to post-school education and training; and

ADDENDUM

- Various policies of the department and other state organs and professional bodies, that directly or indirectly impact the Higher Education Act and the higher education sector in general.
6. The successful bidder will consult with the relevant officials of the department managing the project and also solicit written inputs/ proposed amendments from relevant stakeholders.

FUNCTIONALITY SCORING CRITERIA

Table.1

Functionality Criteria	Outline	Weight
Bidder's previous experience or exposure to the PSET sector environment	• Previous experience or exposure in the Post-School Education and Training (PSET) sector environment, policy, and/or legislation.	5
	• Previous experience in policy or legislative drafting.	10
	• Verifiable client(s)' testimonials/ reports/letters of reference or similar documentary evidence of Policy or legislative drafting project(s)	15
Professional registration and experience of key staff	Documentary proof of: • professional registration with the professional body; and • experience of the Project Leader and/or researcher(s) / drafter(s).	10
Approach / Methodology	Bidders' submissions should include, but not be limited to the following: a. Risk management; b. Regulatory compliance management; c. Staff and resource management; d. Quality control; and e. Communication and stakeholder engagement.	30
Project Schedule	The work breakdown structure or project schedule must show key milestones, dependencies, deliverables, and resource allocation.	30
TOTAL		100

Bidders must score 70 points and above to be evaluated further in phase 2.

ADDENDUM

Bidder's experience in the PSET sector

Score	Measure for a project	Functionality Criteria
0	No previous experience in the PSET sector.	Previous experience or exposure in the Post-School Education and Training (PSET) sector environment, policy, and/or legislation.
1	Less than one (1) year of experience in the PSET sector environment, policy, and/or legislation.	
3	2 – 3 years of experience in the PSET sector environment, policy, and/or legislation.	
5	More than 3 years of experience in the PSET sector environment, policy, and/or legislation.	

Bidder's experience in legislative drafting

0	No previous experience in policy or legislative drafting.	Previous proven experience in legislative drafting.
3	Less than one (1) year of experience in policy or legislative drafting.	
6	1 – 2 years - experience in policy or legislative drafting.	
10	More than 3 years of previous proven experience in policy or legislative drafting.	

Bidder's testimonials for legislative drafting

0	No proof of completed projects provided.	Relevant undertaken and completed legislative drafting or similar project(s) with verifiable client(s)' testimonial/ reports/ letter of reference.
3	Proof of completed project but no reference(s) provided.	
5	Proof of at least 1 completed project and one (1) client reference or testimonial provided.	
10	Proof of at least two (2) completed projects with client references provided.	

ADDENDUM

Score	Measure for a project	Functionality Criteria
15	Proof of more than 2 completed projects with client references provided.	

Qualification, professional registration, and experience of key staff

Score	Measure for a project	Functionality Criteria
0	No Project Leader and Researcher(s)/Drafter(s) identified for the project.	At least the Project Leader and Researcher(s)/drafter(s) are required to provide their CVs,' proof of professional registration with LPC, and relevant experience.
3	- Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with less than two (2) years of experience in legislative drafting or similar project(s); and - Researcher(s)/drafter(s) in possession of an appropriate legal or equivalent qualification with less than two (2) years of relevant experience.	
5	- Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with 2 - 4 years of experience in legislative drafting or similar project(s); and - Researcher(s)/drafter(s) possessing an appropriate legal or equivalent qualification with 2 - 4 years of relevant experience.	
10	- Project Leader in possession of an LLB or B. PROC qualification, registered with the Legal Practice Council as a legal practitioner in terms of the Legal Practice Act, 2014, with more than 4 years of experience in legislative drafting or similar project(s); and - Researcher(s)/drafter(s) possessing an appropriate legal or equivalent qualification	

ADDENDUM

Score	Measure for a project	Functionality Criteria
	with more than 4 years of relevant experience.	

Approach / Methodology

The minimum requirement of ‘Methodology’ is specifically tailored to address the specific project objectives and methods of work and is sufficiently flexible to accommodate changes that may occur during execution. The methodology must be specifically designed to fit the critical characteristics of the project. The bidders’ approach or methodology must include, amongst others, the following set of practices:

- a. Risk management;
- b. Regulatory compliance management (requirements associated with the programmed activity);
- c. Staff and resource management;
- d. Quality control or management; and
- e. Communication and stakeholder engagement.

Score	Measure for Methodology
0	The approach or methodology is poor and unlikely to satisfy project objectives or requirements. The bidder has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.
5	The approach or methodology is tailored to address only one practice from the set of five practices. The approach does not adequately deal with other practices required for the project.
10	The approach or methodology is tailored to address only two practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
15	The approach or methodology is tailored to address only three practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
20	The approach or methodology is tailored to address only four practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
25	The approach or methodology is tailored to address only five practices from the set of five practices. The approach does not adequately deal with other practices required for the project.
30	The approach or methodology is tailored to address more than five practices from the set of five practices. The approach does not adequately deal with other practices required for the project.

ADDENDUM

Project Schedule

The project schedule must respond to the scope of the project and adequately cover all programmed activities in chronological order. The work breakdown structure or project schedule must show key milestones, dependencies, deliverables, and resource allocation.

Score	Measure for Schedule
0	No project schedule provided
5	The project schedule is clear, specific, and logical, and includes one of the four properties: key milestones, dependencies, deliverables, and resource allocation.
10	The project schedule is clear, specific, and logical, and includes two of the four properties: key milestones, dependencies, deliverables, and resource allocation.
15	The project schedule is clear, specific, and logical, and includes three of the four properties: key milestones, dependencies, deliverables, and resource allocation.
25	The project schedule is clear, specific, and logical, and includes the four properties: key milestones, dependencies, deliverables, and resource allocation.
30	The project schedule is clear, specific, and logical, and includes five or more properties of which four are key milestones, dependencies, deliverables, and resource allocation.

7. Evaluation Criteria:

Bidders will be evaluated in three (03) phases:

- 7.1 **Administrative Compliance** – Company’s registration on the Central Supplier Database (CSD) and submission of all completed and signed bidding documents requested that is Supply Chain Compliance.
- 7.2 **Technical or functionality evaluation** – Bidders who comply in terms of administrative compliance will be further evaluated on functionality as per the above table. Bidders are expected to score **70 points** to qualify for the next phase of evaluation.
- 7.3 **Pricing** – The last phase of evaluation will focus on the pricing and the DHET-specific goals as per the below table.

8. **Specific Goals** - For bidders to qualify for specific goal points they need to fully complete the SBD forms attached and furnish supporting proof documents as requested. Bidders who fail to submit proof documents will forfeit points on the relevant categories.

ADDENDUM

Specific goals allocation table. Table: 02

APPLICATION OF SPECIFIC GOALS IN THE WHITE PAPER ON RDP; & THE CODE OF GOOD PRACTICE IN B-BBEE: DHET PREFERENTIAL PROCUREMENT													
NO	SPECIFIC GOAL	REFERENCE	CRITERIA	80/20		CLAIM	90/10		CLAIM	EVIDENCE			
				Specific Goal Contribution	Points Claimed	Bidder must tick (x) next to points claimed	Specific Goal Contribution	Points Claimed	Bidder must tick (x) next to points claimed	PROOF/ EVIDENCE	Indicate if evidence is provided, & specify		
1	Person historically disadvantaged on the basis of race	RDP 1.4.4; 3.1.4	100% black owned	60.00	7.84		60.00	3.92		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database)	Y	N specify	
			75%-99% black owned	50.00	6.54		50.00	3.27					
			60%-74% black owned	40.00	5.23		40.00	2.61					
			51%-59% black owned	30.00	3.92		30.00	1.96					
			0-50% black owned	10.00	1.31		10.00	0.65					
			None	0.00	0.00		0.00	0.00					
2	Persons historically disadvantaged on the basis of gender	RDP 1.4.4; 3.1.4; 3.2.7; 7.7	100% women owned	40.00	5.23		40.00	2.61		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database).	Y	N specify	
			75%-99% women owned	30.00	3.92		30.00	1.96					
			60%-74% women owned	20.00	2.61		20.00	1.31					
			51%-59% women owned	10.00	1.31		10.00	0.65					
			0-50% women owned	5.00	0.65		5.00	0.33					
			None	0.00	0.00		0.00	0.00					
3	Persons historically disadvantaged on the basis of disability	RDP 7.7	100% owned by persons with disabilities	3.00	0.39		3.00	0.20		Certified medical certificate or substantive proof.	Y	N specify	
			75%-99% owned by persons with disabilities	2.00	0.26		2.00	0.13					
			60%-74% owned by persons with disabilities	1.00	0.13		1.00	0.07					
			0-59% owned by persons with disabilities	0.50	0.07		0.50	0.03					
			None	0.00	0.00		0.00	0.00					
4	Development of Youth	RDP 1.4.6; 7.7	100% youth owned	20.00	2.61		20.00	1.31		Copy of CIPC (Companies and Intellectual Property Commission) registration, copies of ID's as well as CSD (Central Supplier Database) to be 35 years	Y	N specify	
			75%-99% youth owned	15.00	1.96		15.00	0.98					
			60%-74% youth owned	10.00	1.31		10.00	0.65					
			51%-59% youth owned	5.00	0.65		5.00	0.33					
			0-50% youth owned	2.50	0.33		2.50	0.16					
			None	0.00	0.00		0.00	0.00					
5	Development of SMMEs	RDP 3.10; 3.1.4	Micro 0 - 10 employees; turn-over per sector	30.00	3.92		30.00	1.96		BBBEE certificate or sworn affidavit for EME or QSE; Copy of CIPC (Companies and Intellectual Property Commission) registration; SARS Return indicating turnover or audited financial statement.	Y	N specify	
			Small 11- 50 employees; turn-over per sector	15.00	1.96		15.00	0.98					
			Medium 51 - 250 employees; turn-over per sector	10.00	1.31		10.00	0.65					
			None	0.00	0.00		0.00	0.00					
		TOTAL				153.00	20		153.00				10
LEGEND		Specific goal	If additional specific goals are selected, then total points must be adjusted to equal 20										
		Points selection	The sub-category for points may vary as approved as long as the total point do not exceed 20										
		Criteria	For SMME, the number of employees & turn-over as approved by Dept: Small Business Development applies										
		Proof/ evidence	Other or additional criteria may be approved										

Proposal content or format

9. Bidders will be evaluated in terms of the PPPFA Principle 80/20 principle where 80 points will be allocated for pricing, and the remaining 20 points will be allocated for specific goals.
10. Quotations and evaluation will be subject to The Preferential Procurement Regulations, 2022; the Supply Chain Management Policy; General Conditions of Contract, 2010; and other applicable legislation, which in total will apply to this request for quotations (RFQ). Services of the successful service provider will be secured following the Department's Procurement Policies.
11. **Document to be submitted by the bidder together with the quotation**

11.1 The bid document must be accompanied by the following documents:

- 11.1.1 Copy of the CV of the Project Leader;
- 11.1.2 Copy or copies of the CV or CVs of the researcher(s) or drafter(s);
- 11.1.3 Copies of the Legal Practice Council Registration Certificate;
- 11.1.4 Copies of the references/testimonials or affidavit from the client of projects completed;

ADDENDUM

- 11.1.5 Project Methodology;
- 11.1.6 Project Schedule; and
- 11.1.7 Pricing per deliverable.

11.2 A bidder who fails to submit any of the above-listed documents may not be disqualified but may only score points out of 80 for price and score 0 points out of 20 for specific goals.

12. Submission of Proposals:

- 11.1 Submissions of proposals must be done electronically through to the sender of this RFQ on quotation@dhet.gov.za
- 11.2 The closing date of submission will be Friday, **10 March 2025** at **16h00**.
- 11.3 **The Department will not accept proposals that are hand delivered and also the ones that reach the Department after the closing date and time.**