
TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO PROVIDE REVIEW AND CONSOLIDATE THE CONTENT OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002, AMENDMENTS MADE ON ACT 49 OF 2008 AND THE MINERAL RESOURCES DEVELOPMENT BILL 2025 AND PRODUCE A CONSOLIDATED BILL.

1 BACKGROUND

- 1.1. The Mining, Minerals and Petroleum Policy Development Branch of the Department of Mineral and Petroleum Resources (DMPR) has, as part of its mandate, a responsibility for developing new or reviewing existing legislative instruments within the Mining and Petroleum sectors. The process of formulating, reviewing, and amending policies, legislation, and subordinate legislation is a complex and detail-oriented process that 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 Department has embarked on a process to review the Mineral and Petroleum Resources Development Act No 28 of 2002 (MPRDA) and developed the Mineral Resources Development Bill (MRDB) 2025, which was published for public comments in May 2025. The Bill is currently being reviewed to incorporate stakeholder comments to make adjustments where necessary. The Department has also separated the regulation of the oil and gas industry from mining through the promulgation of the Upstream Petroleum Resources Development Act (UPRDA) 23 of 2024. Therefore, there is a need to streamline the chapters of the MPRDA and produce an MRDB that will combine all previous amendments that were made on the MPRDA Acts into one Bill, namely Act 49 of 2008, with the current amendments made on the MRDB 2025. The Department requires the services of a service provider that will combine previous amendments that were made on the MPRDA and the current MRDB into one.

2. CONTRACT PERIOD

- 2.1. The duration of the project is two (2) months commencing after the signing of the contract.

3. OBJECTIVE

- 3.1. The objective of this project is to review and streamline the Chapters of the MPRDA and produce an MRD Bill 2025 that will combine, MPRD Act No 28 of 2002, Act 28 of 2008.

4. SCOPE OF WORK

4.1 The successful service provider will be responsible for:

- Combining and streamlining the Chapters of all amendments made into the MPRDA namely MPRD Act No 28 of 2002, Act 28 of 2008 with the current MRDB 2025 using generally accepted legislative drafting practices, cross-referencing with applicable legislation, proclamations, schedules, notices, regulations, guidelines and related policy legal instruments and effect necessary changes;
- Proofreading and editing combined MRDB 2025 for grammar, spelling, punctuation, comprehensibility, structuring, and adherence to legislative drafting style; and
- Engaging with the Drafting Team regarding the consolidated MRDB 2025 reviewed content input.
- Submit the final MRDB 2025 to the Department

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 combined MRDB 2025, with streamlined Chapters.
- Proofread and amend MRDB 2025 for grammar, spelling, punctuation, comprehensibility, structuring, and adherence to legislative drafting style.
- Report on engagement with Drafting Team regarding reviewed content input.
- Final consolidated MRDB Bill 2025.

6. EVALUATION CRITERIA

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

6.1 Gate 01 – Mandatory requirements

Mandatory requirement is not applicable for this bid.

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 who score **70%** or more will be considered further.

No.	Evaluation criteria	Points	Weight
1.	Company Experience Bidders should have undertaken projects in respect of relevant experience in performing similar projects. The 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 the form of recent testimonial(s) 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 points	20
2.	Experience of Team Leader and Team Members Experience: Team Leader (i) The Team Leader must have relevant practical experience working within the field of legislative review and drafting using generally accepted legislative drafting practices. (Attach a detailed CV highlighting relevant projects, with contactable references) Team members	5 or more projects = 5 points 4 projects = 4 points 3 projects = 3 points 2 or less projects = 1 point No indication = 0 points	20

No.	Evaluation criteria	Points	Weight
	An individual team member must have relevant practical experience within the field of legislative review and drafting using legislative drafting practices. (Attach a detailed CV highlighting relevant projects, with contactable references)	4 or more projects = 5 points 3 projects = 4 points 2 projects = 3 points 1 or less projects = 1 point No indication = 0 points NB: The allocation of points will be done on the average method based on the number of years for the members.	10
3.	Qualifications of Team Leader and Team Members Qualifications: Team Leader qualifications (i) The 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 formal Law qualification. recognised by SAQA (Attach certified copies of relevant qualification/s) certified within six months.	NQF level 9 or higher = 5 points NQF level 8 = 4 points NQF level 7 = 3 points NQF level 6 = 2 points NQF level 5 or below = 1 point No qualification = 0 points NQF level 8 or higher = 5 points NQF level 7 = 4 points NQF level 6 = 3 points NQF level 5 = 2 points NQF level 4 = 1 point	30 15 15

No.	Evaluation criteria	Points	Weight
4.	Project Plan		30
	(i) Detailed project plan with ➤ Project deliverables ➤ Key milestones ➤ Scope ➤ Schedule ➤ Contingencies (Attach project plan)	Detailed Project plan = 5 points No project plan = 0 points	15
	(ii) Propose methodology outlining. ➤ Management of the project. ➤ Outline of how the project will be undertaken (Attach methodology proposal)	Methodology proposal = 5 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
Enterprise owned by SMMEs (QSE or EME)	4	B-BBEE certificate issued by a SANAS accredited Agency or DTIC, or Sworn affidavit

NB: “Ownership = 51% of the company share. Designated group/person that are part of the entity directorship but have less than 51% share = points will be calculated on a pro-rata basis in relations to the share/s held by the designated group/persons.

Eg. Number of women directors = 01
 Shares owned by women = 20%
 Specific goal for women = 4 points
 Points claimable for women ownership = $\frac{20}{100} \times 4 = 0.8 \text{ points}$

7. REPORTING REQUIREMENTS

7.1 Management

- 7.1.1. The successful applicant will work closely with the Mining, Mineral, and Policy Development Branch, led by the relevant Director within the Mining, Minerals, and Policy Development Branch, depending on the nature of the project.

7.2 Reporting Arrangements

- 7.2.1. The successful service provider will report directly to the relevant Director within the Mining, Minerals and Policy Development Branch, depending on the nature of the project.

8. WORK PLAN AND METHODOLOGY

- 8.1 The service provider must provide:

- 8.1.1 A project proposal that demonstrates comprehension and competence to deliver on what is required in line with the scope of work under section 4.
- 8.1.2 A preliminary project plan outlining key activities, milestones, timeframes, and resources to be committed to the project.

9. ROLE AND RESPONSIBILITY

- 9.1 Service Level Agreement will be entered into with the successful service provider, which will include, inter alia, obligations of the DMPR and the successful service provider.
- 9.2 The DMPR reserves the right to appoint more than one service provider for the project.
- 9.3 The successful service provider must develop a detailed project schedule/ plan.

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.
- 11.2 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.
- 11.3 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.
- 12.4 To use this provision, taxpayers will need to register with SARS as e-filers through the website www.sars.gov.za.
- 12.5 A bidder may also submit a printed TCS together with the proposal.
- 12.6 In proposals where consortia / joint ventures / sub-contractors are involved, each party must submit separate proof of TCS / PIN / CSD number.
- 12.7 Where no TCS is available, but the bidder is registered on the central supplier database (CSD), a CSD number must be provided.

13. DOCUMENTATION

N/A

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 the 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 aligned with the National Treasury instruction notes as follows:
 - i) Hotel Accommodation – R1700 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 the 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 virtually on **15 December 2025 at 10:00**,
Microsoft Team
Meeting ID: 356 864 787 798 56
Passcode: cf6CC2Uv
- 17.2 The Department shall supply statistical info during the briefing session.

18. CLOSING DATE

- 18.1 Proposals must be submitted on or before **15 January 2026 at 11:00** at the Department of Minerals and Petroleum Resources (DMPR), at **Trevenna Campus, Building block 2C, 70 Meintjies Street, c/o Meintjies and Francis Baard Street, Sunnyside. Pretoria.**
- 18.2 No late bids will be accepted.

19. ENQUIRIES

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

Mr. Kwena Nong

Tel No: (012) 444 3642

E-mail: Kwena.Nong@dmpr.gov.za

19.2 Technical enquiries can be directed to:

Ms. Stella Mamogale

Tel: 012 444 3830

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