

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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CALL FOR PROPOSALS WITH QUOTATIONS FOR A CONSULTANT FOR THE DEVELOPMENT OF AN INTEGRATED HUMAN RIGHTS MONITORING AND ASSESSMENT FRAMEWORK FOR THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION.

Deadline for Submissions: 09 January 2023

SAHRC RFP 20-2022

Consultant recruitment: Experts and experienced practitioners in monitoring systems, data sourcing and measurement indicators towards the development of an integrated Human Rights Monitoring and Assessment Framework

1. IMPORTANT INFORMATION

Type of agreement: Consultant contract
Mandate: Monitoring mandate of the South African Human Rights Commission
Enquiries: Dr Martin Nsibirwa - Head of Research Unit – SAHRC
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Estimated start date: **1 February 2022**
Expected project duration: 3 months

2. INTRODUCTION

The South African Human Rights Commission (Commission or SAHRC) is a constitutional body, established to support constitutional democracy in terms of Section 181 of the Constitution of the Republic of South Africa, 1996 (Constitution). Section 184(1) of the Constitution obliges the Commission to:

- a. promote respect for human rights and a culture of human rights;
- b. promote the protection, development, and attainment of human rights; and
- c. monitor and assess the observance of human rights in the Republic.

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In order to realise the Commission's mandate, the Commission is empowered to investigate, report on human rights, take steps to ensure redress, undertake research and educate on human rights. The Constitution obliges the Commission to, each year, require relevant organs of state to provide it with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education, and the environment.

As part of its strategic planning for the period 2020-2025, the Commission conducted a risk assessment profile, revised its risk management strategy, as well as identified corresponding mitigation plans. The inability to measure the state of human rights and promote accountability for human rights was identified as a key risk for the work of the Commission and for compliance with its statutory responsibility. In response to addressing the need to measure the realisation of certain rights, a dedicated budget was approved for the review and strengthening of its current monitoring and assessment process through the development of a human rights monitoring and assessment framework.

3. CONTEXTUAL BACKGROUND: MONITORING AND INTEGRATION ACROSS ORGANS OF THE STATE

The Constitution obliges the different spheres of government to monitor and support service delivery, recognising the intrinsic dependency of a rights-based democracy on basic services. Further, national government needs to develop an overall framework for a system of monitoring and oversight across the various institutions that perform monitoring functions, including the SAHRC and Parliament. A single system developed by national government would ensure compatibility, uniformity, and consistency for which the Government-Wide Monitoring and Evaluation (GWM&E) System was introduced, with its related "Good Practice Guide"¹ at the level of provincial governments to monitor provision of basic services (such as water, sanitation, and electricity) to ensure the progressive realisation of the socio-economic rights of citizens of the province.

Section 184(1)(c) obliges the SAHRC to monitor and assess the observance of human rights in the Republic, Section 184(3) commits the SAHRC each year to require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realization of the rights in the Bill of Rights concerning housing, healthcare, food, water, social security, education, and the environment. The Commission can therefore also contribute to the GWM&E.

Likewise, the National Assembly is enjoined by Section 55(2)(b)(ii) of the Constitution, that obliges the National Assembly to provide the mechanisms to maintain oversight of any organ of state. Furthermore, the state in general, is enjoined through international human rights treaties and mechanisms to do the same. The

¹ DPME (2008) The Role of Premier's Offices in Government-Wide Monitoring and Evaluation. A practice guide. Department of Planning Monitoring and Evaluation. Presidency of South Africa.
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National Mechanism for Reporting and Follow-Up (NMRF), in particular, is envisaged to be responsible for the implementation of domestic and international human rights imperatives. NMRFs across various sectors often include the judiciary and parliament in their work. They ensure consultation with National Human Rights Institutions (NHRIs) and the domestic civil society. They consult with international actors, including the United Nations, donors, and others. The main role of NMRFs is to function as focal points for receiving information on implementation of human rights deliverables, and for reporting domestically and internationally.

It is in light of the above, the Commission seeks to engage the services of a consultant who is reputable in the field of developing monitoring systems in the context of human rights nationally and internationally. The establishment of an integrated human rights monitoring and assessment framework will provide a broader enabling environment through the following:

- Enable a consistent, predictable and integrated approach to human rights monitoring and assessment;
- Enable a comparative approach of the assessment of human rights;
- Enable other role players to provide information to the Commission in a systematic and routine manner; and
- Enable timely, scientific and rigorous analysis within a rights-based context.

4. RATIONALE FOR AN INTEGRATED HUMAN RIGHTS MONITORING AND ASSESSMENT FRAMEWORK

National focus

While Section 184(3) of the Constitution requires that organs of state should submit information annually to the Commission, this has not been the practice over a period of time. In some instances, information provided is dated and insufficient. Section 13(1)(a)(vi) of the South African Human Rights Commission Act 40 of 2013 obliges the Commission to:

“...monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants and international and regional charters relating to the objects of the Commission”

Various approaches and methods for monitoring of human rights by the Commission has been undertaken to date, these approaches have included questionnaires sent to government departments, information obtained through meetings with various stakeholders and research by academics, civil society, international organisations, and government. Additional methods used by the SAHRC include interviews, public hearings, investigative hearings, parliamentary engagements, and surveys. In this way, human rights indicators, benchmarks and indices have been used to analyse the data collected to make assessments. While much headway has been achieved using these methods, the absence of a formalised, integrated human rights and monitoring framework has meant that no standard process is in place to support effective assessment of the realisation of rights over a defined period.

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Budget analysis and resource monitoring is another particular area of concern for the Commission, especially as it pertains to monitoring economic and social rights. The process of analysing government budget allocations to assess whether the policies, plans and programmes of government in their costing are progressively realising human rights within available resources requires special consideration within the integrated human rights monitoring and assessment framework.

International focus

South Africa's ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2019, the Commission became the National Preventive Mechanism (NPM) under the OPCAT. The role of the Commission under this international obligation includes the regular monitoring of places of deprivation of liberty with or without prior notice. Under the Convention on the Rights of Persons with Disabilities, the Commission is, by operation of law, the Independent Monitoring Mechanism (IMM). The integrated human rights monitoring and assessment framework will therefore need to make provision for monitoring in the context of international human rights law by way of assessing and determining whether South Africa is meeting its specific international obligations. It will additionally need to make provision for monitoring and assessment in the context of the NPM and the IMM.

Potential benefits

The absence of an Integrated Human Rights Monitoring and Assessment Framework has numerous drawbacks that need to be addressed, where a consistent set of clear indicators which may be assessed periodically, analysis of progress or regression is difficult to objectively measure. Many stakeholders are expected to benefit if an Integrated Human Rights Monitoring and Assessment Framework is in place, starting with the SAHRC itself. The following envisaged benefits are listed:

Benefits for the Commission:

- An Integrated Human Rights Monitoring and Assessment Framework will be in existence and that is managed by an independent constitutional body and the assurance that comes with that identity;
- Monitor and hold to account those responsible for human rights; and
- Inform interventions the Commission undertakes for meaningful impact through the promotion, protection and advancement of human rights.

Benefit to other stakeholders:

- Government bodies and regulatory bodies will benefit as the information could assist their performance;
- Delivery of services through independent information from the Commission for stakeholder planning, budgeting, and strategic priority setting;
- Parliament will for instance use the information obtained to help in holding functionaries accountable;

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- The Integrated Human Rights Monitoring and Assessment Framework will provide the necessary coherence and sustainability across all spheres of government, the SAHRC, the National Assembly, as well as the United Nations system;
- Regional and international mechanisms will be supported to the extent that they could be provided with ready access to accurate information through which to engage the state for the protection of human rights and development efforts; and
- Private sector actors and civil society actors would also benefit from an Integrated Human Rights Monitoring and Assessment Framework with clear and easy to consume information that would support their efforts toward the promotion and protection of rights.

The data and information provided through the integrated human rights monitoring and assessment framework will assist the Commission in formulating positions on human rights issues, engage with stakeholders to address matters that the monitoring and assessment framework identifies. It will further assist in areas such as advocacy, litigation, and review of the Commission's work in terms of what needs to be prioritised and how the Commission should go about such work. The integrated human rights monitoring and assessment framework will be used to monitor and assess the observance of human rights as set out in the Bill of Rights and various international human rights instruments.

5. SCOPE, AIM AND OBJECTIVES OF THE PROJECT

An Integrated Human Rights Monitoring and Assessment Framework will more effectively support timely monitoring and reporting of compliance/implementation of key recommendations and or directives by the SAHRC for the realisation of rights; as well as monitoring of implementation by the State of recommendations by international and regional instruments. These assessments will inform further actions to be taken by the Commission and support efforts to hold responsible authorities accountable for the realisation of rights. The value of the framework is not confined to the Commission but will extend to bring advantages to other oversight bodies such as Parliament as well. The Integrated Human Rights Monitoring and Assessment Framework is expected to be utilised for several years and should be flexible to enable monitoring of various human rights.

Aim of the project

The primary aim of this multi-expert contract will be to ensure that the Commission strengthens its approach to human rights monitoring and assessment through the development of an Integrated Human Rights Monitoring and Assessment Framework.

Objective

The objective of the project will encompass the complexity of developing and integrated monitoring and assessment framework, as detailed in the background, context and rational sections. The following objective is sought:

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1. Develop an integrated human right monitoring and assessment framework and plan for the Commission.

6. PROPOSED APPROACH AND METHODOLOGY

A combination of different skills, experience and expertise is needed as an approach to undertake this project. The Research Unit of the Commission will be the central coordinating structure from the organisation. There is therefore a need to combine research skills with systems level perspectives, civil and political human rights experience as well as sectoral insights in developing national level monitoring and assessment frameworks of this nature.

Specific methodology is guided through the following steps, aligned to the objectives set out in the previous section:

Objective	Proposed methods/activities
1. Develop an integrated human right monitoring and assessment framework and plan for the Commission	<ul style="list-style-type: none"> • Map out and advise the Commission on the possible options available in terms of an Integrated Human Rights Monitoring and Assessment Framework; • Assist to develop the Commission monitoring and assessment framework in consultation with the Research Unit of the Commission and other relevant units; and • Develop a user-friendly monitoring format, together with clearly defined criteria, and a set of guidelines to be used in the monitoring and assessment framework.

7. DELIVERABLES AND TIME FRAMES

The potential service provider/s will be expected to commence work on 1 February 2022 and work in a phased approach to deliver the following over a 2 month. Since this presents as the foundational phase of an integrated monitoring and assessment framework for the Commission, further work must be able to build on the following initial deliverables:

- a. Integrated Human Rights Monitoring and Assessment Framework
- b. End of assignment report

The following are the timeframes:

No	Deliverable	Timeframe for 2022/2023
1	Appointment of service provider	16 January 2023

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2	Project planning and initiation	1 February 2023
3	Developing the framework	1 February – 15 March 2023
4	Approval of monitoring framework	15 – 30 March 2023

Expected impact of results

The key results will have an impact on effective monitoring and assessment of the Commission’s work for purposes of planning and policy feedback. The Integrated Human Rights Monitoring and Assessment Framework will assist the Commission when it is designed and therefore guide implementation of evidence-based interventions on human rights issues.

8. REQUIREMENTS

This call is for individuals with the requisite competencies or organisations/entities employing staff with a mix of expertise required. Individuals may be self-represented or represent an organisation. The SAHRC reserves the right to ensure an adequate skills mix to establish the project team.

6.1. Technical criteria: expertise, qualifications and experience

Consultants will demonstrate minimum qualifications and experience according to the role or expertise identified in the table below.

6.2. Competencies/capacity to undertake the assignment

Individuals and/or organisations will demonstrate maximum capacity/competencies according to their role/expertise based on the proposals:

Corporate competencies	<ul style="list-style-type: none"> • Demonstrates commitment and dedication towards the Commission’s mission, vision, and values. • Proven organisational and inter-personal skills, and ability to work in a multi-cultural team environment. • Ability to work under pressure and according to deadlines. • In addition to skills such as (Word, PowerPoint, Excel) the Consultant must have computer skills or have a team member with the requisite skills required for the project in (for example systems development).
Operational effectiveness	<ul style="list-style-type: none"> • Demonstrates commitment and dedication towards the Commission’s mission, vision, and values. • Proven organisational and inter-personal skills, and ability to work in a multi-cultural team environment. • Ability to work under pressure and according to deadlines.

	<ul style="list-style-type: none"> In addition to skills such as (Word, PowerPoint, Excel) the Consultant must have computer skills or have a team member with the requisite skills required for the project in (for example systems development).
Orientation and communication	<ul style="list-style-type: none"> Good interpersonal and networking skills. Ability to establish and maintain effective working relations with colleagues and seniors. Supports and encourages open communication in the team and facilitates teamwork. Ability to work under minimum supervision. Ability to work with multiple stakeholders from a wide range of disciplines and fields, from both the Research Unit, Provincial Offices of the SAHRC, and other units within the Commission who may have diverse and competing views and interests.
Professionalism	<ul style="list-style-type: none"> Good interpersonal and networking skills. Ability to establish and maintain effective working relations with colleagues and seniors. Supports and encourages open communication in the team and facilitates teamwork. Ability to work under minimum supervision. e. Ability to work with multiple stakeholders from a wide range of disciplines and fields, from both the Research Unit, Provincial Offices of the SAHRC, and other units within the Commission who may have diverse and competing views and interests.
Managerial	<ul style="list-style-type: none"> Leadership – establishes and maintains relationships with a broad range of people to understand needs and gain support; anticipates and resolves conflicts by pursuing mutually agreeable solutions.

6.3. Confirmation of experience, qualification and competencies

The following must be submitted:

- Detailed CV indicating qualifications, references must be contactable.
- Copies of qualifications.

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SAHRC reserves the right to verify all qualifications through the South African Qualifications Authority and to verify experience indicated on CVs with third parties.

7. COSTING METHODOLOGY

A detailed price breakdown structure must be included and the total price for the duration of the contract must be submitted.

All pricing must be shown inclusive of tax.

8. PROJECT TIMELINES

8.1. The expected project commencement date will be determined through a briefing and work planning meeting. The duration of the project shall not exceed 2 months, excluding one further month after conclusion for follow ups.

9. EVALUATION CRITERIA

Please note that all proposals received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

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

1.1 Please note that the following evaluation criteria will be used:

1.2 Price evaluation based on the 80/20 preferential point system.

1.3 The minimum threshold for qualification by functionality is 70%, assessed as per criteria listed in Table 1 below:

Table 1: Functionality evaluation

	Criteria	Percentage weighting
1.	Previous experience working on similar projects 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	25

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	4 – 4 reference letters submitted 5 – 5 reference letters submitted	
2.	Skills and competencies of the lead expert in the form of curriculum vitae 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	25
3.	Comprehensiveness on the approach that will be used, the methods to ensure that a Human Rights Assessment Framework can be implemented.	35
5.	High level work-plan with an overview of timelines, key milestones and a costs breakdown indicating the major costs drivers..	15
	Total	100

Bidders must obtain a minimum threshold of 70% on Functionality to proceed to the next stages of the evaluation process. Failure to obtain the minimum of 70% will result in your bid being considered non-responsive.

Price and BBBEE evaluation

Only Bidders that have met the 70% threshold to be considered for price and BBBEE. Price and BBBEE will be evaluated as follows:

In terms of regulation 6 of the Preferential Procurement Regulations pertaining to the Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000), responsive bids will be adjudicated on the 80/20-preference point system in terms of which points are awarded to bidders based on:

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

i. Stage 1 – Price Evaluation (80 Points)

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

ii. **Stage 2 – BBEE Evaluation (20 Points)**

a. **BBEE 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	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

B-BBEE points may be allocated to bidders on submission of the following documentation or evidence:

A duly completed Preference Point Claim Form: Standard Bidding Document (SBD 6.1); and

B-BBEE Certificate

10. Submission Requirements and Contact Details

10.1. To be considered as the preferred service provider, kindly submit the following:

10.2. Proposal

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- 10.3. Valid Tax Clearance Certificate
- 10.4. BBBEE Certificate.
- 10.5. Company Profile
- 10.6. SBD 4 document signed
- 10.7. SBD 6 document signed
- 10.8. SBD 7.2 document signed
- 10.9. Latest CSD report at the time of quotation

11. Please submit quoted proposals via email by 09 January 2023 before 11h00.

All documentation must be emailed to: Tenderoffice@sahrc.org.za using the reference number of the TOR

For further information or clarification please contact Dr Martin Nsibirwa at mnsibirwa@sahrc.org.za.