



TERMS OF REFERENCE & CALL FOR PROPOSALS

Development of capacity development material to promote gender sensitivity and sexual minority rights in places of deprivation of liberty

Deadline for Submissions: 26 August 2022

SAHRC RFP 8-2022

1. PURPOSE AND PROJECT DESCRIPTION

The purpose of this document is to request for proposals from qualifying service providers to develop capacity building material to promote gender sensitivity and sexual minority rights in places of deprivation of liberty and implement a pilot training project.

2. BACKGROUND

South Africa signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 1993 and ratified it in 1998. Thereafter, ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT or Optional Protocol) in March 2019. Under the OPCAT, States must establish, maintain or designate a national body known as the National Preventive Mechanism (NPM) to prevent torture, among others, through regular visits to places of deprivation of liberty. The activities of the NPM include making visits to places of deprivation of liberty and thereafter report on findings and making recommendations to the relevant

authorities. The core of the OPCAT therefore, lies in its preventive nature which is designed to realise systemic change. As a multi-body mechanism, the South African NPM (SA NPM) is coordinated by the South African Human Rights Commission (SAHRC).

Through observations in places of deprivation of liberty and dialogue with various stakeholders, the NPM has identified the need for gender sensitisation and capacity development on sexual minority rights in places of deprivation of liberty. The objective is to create awareness and strengthen the protection of sexual minorities who may find themselves deprived of liberty. For purposes of this training, places of deprivation of liberty shall include police stations, immigration detention facilities, correctional centres, psychiatric institutions, child and youth care centres and secure care centres for children in conflict with the law.

3. PROJECT

The service provider is required to:

- (a) Engage and consult with role-players and stakeholders on LGBTIQ+ matters.
- (b) Develop the training material in line with the consultations and engagements.
- (c) Develop a project plan for the training target audience and for the train the trainer audience.

4. KEY DELIVERABLES

The service provider is expected to:

- (a) Develop the capacity building material; and
- (b) Conduct a train the trainer for NPM nodal points.

5. SCOPE AND METHODS OF THE WORK

The tasks and activities involved in undertaking the project include:

- Content research and preparation.

- Developing stakeholder database.
- Consultation with SA NPM stakeholders.
- Developing draft training manual for comments.
- Incorporate input from stakeholders into the final training manual to be used to train the trainer.

6. RESOURCES

- The SA NPM will provide support to the service provider.
- The SA NPM shall not be liable for the costs of any research activities or costs attendant to the project save for the payment of the service provider fee on completion of the outputs.

7. PROJECT DURATION (I.E. DURATION OF CONTRACT)

- The project duration shall be **three calendar months** from the date of appointment of the service provider, or such time as the SAHRC is satisfied with the training manual and project plan for the train the trainer element.

8. PAYMENT SCHEDULE AND METHOD

Note that related project costs such as printing, data, or materials cost or related expenditure incurred using external services will not be borne by the SAHRC.

Payment Amount	Schedule
25 % of project cost	Upon entering into the Service Level Agreement with the SAHRC

75% of project cost	Within twenty-one (30) days of submission of the final draft and with the SAHRC's approval of the final version of the training manual and training plan.
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Payment method would be via electronic transfer to service provider bank account per submitted invoices.

Quotations to include the total amount for the proposal inclusive of vat.

9. COMPETENCY AND EXPERTISE REQUIREMENTS

Key competencies and expertise required include:

- A demonstrable knowledge of domestic and international human rights standards such as the Bill of Rights and the OPCAT, South Africa's history on torture and other ill-treatment, relevant judicial and legislative developments in relation to SOGIESC and LGBTI.
- A demonstrable knowledge of SOGIESC and LGBTI key terminology and the intersection with places of deprivation of liberty.
- Excellent and demonstrable drafting and educating skills.
- Excellent and demonstrable research, analysis, writing, accuracy, and ability to work under time pressure.
- Experience in undertaking similar projects for public sector organizations and knowledge of the SAHRC's and NPM mandate.

The SA NPM may require samples of training material or similar outputs for the purposes of its selection.

10. EVALUATION CRITERIA

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

11.1.1 All quotes received will be evaluated based on the following criteria: functionality criteria will be further evaluated on applicable values as outlined below:

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

11.1.2 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% to proceed to for Price and BBEE evaluations.

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

11.3 **Evaluation on functionality, as in Table 1 below:**

Table 1: Functionality evaluation

	Criteria	Percentage weighting
1.	Bidder should have at least 5 years' experience of relevant service 0 = less than 1 year experience 1 = 1 year experience 2 = 2 years of experience 3 = 3 years of experience 4 = 4 years of experience 5 = 5 years or more of experience	40
2.	Skills and competencies of key 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	25
3.	The proposed methodology to be used to realize the expected results	10
4.	High-level work-plan with an overview of timelines, key milestones and a cost breakdown including vat indicating	25

	the major cost drivers.	
	Total	100

11.4 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 BBEE. Price and BBEE 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 $P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$	80

The following formula will be used to calculate the points for price:

P_s = Points scored for comparative price of bid under consideration

P_t = Comparative price of bid under consideration

P_{\min} = Comparative price of lowest acceptable bid

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	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

12. MANDATORY SUBMISSION REQUIREMENTS

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

12.1.2 Proposal indicating the service providers' experience, success rates, conceptualisation of the project, process, and method of delivery, costing and any other relevant information.

12.1.3 Valid Tax Clearance Certificate.

12.1.4 Company profile.

12.1.5 Signed SBD 4 document.

12.1.6 Standard bid document 7.2.

12.1.7 Standard bid document 6.

12.1.8 BBBEE Certificate.

12.1.9 Central supplier database report at the time of submission.

NB: Failure to provide required documents will result in disqualification.

13 CONFIDENTIALITY, INDEPENDENCE, AND OBJECTIVITY

13.1 The service provider will hold all material and information exchanged during 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.

13.2 The service provider shall ensure the confidentiality of all communications and documents shared with her/him/them throughout the duration of the contract.

- 13.3 The SA NPM shall be entitled exclusively to all intellectual property rights in and to all reports, material, recommendations, methods, strategies, plans, and processes produced because of this project.
- 13.4 The service provider is not permitted to reproduce or publish any of the submissions, documents, presentations, or output of this project, including any extract of same, for any purpose without the express written consent of the SA NPM.
- 13.5 A failure to deliver on any of the terms of the project to the scope outlined above shall constitute a breach of the contract and shall result in the summary termination of the contract accompanied by forfeiture of any outstanding remuneration. The SA NPM may take such other additional measures it deems appropriate in the event of a breach.

14 CONTACT DETAILS

- 14.1 Submissions must be emailed to: tenderoffice@sahrc.org.za
- 14.2 All submissions should be emailed using SAHRC RFP 8-2022 as the title.
- 14.3 **Submissions are due by 26 August 2022, before 11h00.**
- 14.4 **For any further clarity please email: nzimande@sahrc.org.za**