

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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### CALL FOR PROPOSALS: APPOINTMENT OF A SERVICE PROVIDER FOR THE PRODUCTION OF THE TREND ANALYSIS REPORT OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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**Deadline for Submissions: 07 February 2023**

**SAHRC RFP 22-2022**

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#### 1. Purpose

The South African Human Rights Commission (SAHRC or 'Commission') extends an invitation to suitably qualified consultant(s) to produce a report on the trends in human rights complaints and exercise of its protection mandate for the period 2021-2022.

#### 2. Introduction and Background

The SAHRC has a constitutional and statutory mandate to promote the protection of human rights and to assist secure appropriate redress where human rights have been violated. In terms of the enabling statute the South African Human Rights Commission Act 40 of 2013, a number of powers are accorded to the Commission to fulfil the function of protecting human rights.

Each year the SAHRC receives complaints alleging violations to human rights. These complaints are submitted from a diverse range of complainants throughout the country to the Commissions provincial offices. In addition, the Commission may of its own accord initiate investigations into violations of human rights and make binding determinations upon conclusion of its investigations.

During the 2013/2014 financial year, the South African Human Rights Commission (Commission) reflected on the complaints it had received and the exercise of its protection mandate in the form of a 'Trends Analysis Report' (TAR). The TAR provided an overview and analysis of complaints to the Commission regarding alleged violations to human rights, together with matters involving human rights violations initiated by the Commission of its own accord. The TAR sought to provide both statistical information and a narrative analysis of complaints lodged, with a view to providing a spectrum of diverse stakeholders with insights into:

The nature of complaints received by the Commission;

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National trends in the type of complaints received; and

The types of interventions undertaken by the Commission to resolve such complaints

The outcomes of in respect of interventions by the Commission in compliance with its constitutional mandate.

The first annual TAR (First Report) was launched in 2015, and provided an overview of complaints received by the Commission during both the 2012/2013 and 2013/2014 financial years. As initially envisioned, the report enhanced a more integrated and effective approach to executing its mandate and resolving accepted complaints, which by their nature are often complex and require strategic interventions that include advocacy, research, and legal approaches for holistic resolution. In addition, the First and subsequent reports served as a resource to other stakeholders such as the media, human rights defenders and legal professionals and policy makers.

In South Africa, abiding poverty, and inequality translates to increased needs and demands on the justice system, but also continue to pose prohibitive challenges to accessing justice for many people. In the context of its broad mandate, to take steps to secure appropriate redress, the Commission must navigate within a constrained environment of resource constraints to provide maximum protection for human rights. In doing so, it must have regard to a body of information which provides insights into levels of demand, type and profile of need, and opportunities through which it may provide relief in complex matters confronting the country to ensure human rights are maximally enjoyed.

TARs have since been produced each year by the Commission and in each production the Commission seeks to strengthen the analysis of the information at the disposal of the Commission more substantively for the benefit of lending insights to support efforts for the protection of human rights.

### **3. Problem statement**

The SAHRC requires the production of a TAR for the period 2021-2022, based on comparative research, and a consideration of its protection related information.

### **4. Key Objectives**

The Commission aims to accomplish the objectives below:

identify and analyse complaint trends and dominant trends in violations to human rights

provide an objective reflection on the engagements with international and regional mechanisms to advance the protection of human rights;

the provision of an analysis of the steps taken to secure appropriate redress when violations or threats of violations of human rights take place through investigations; alternative dispute resolution (ADR) mechanisms and litigation;

the provision of an evaluation and assessment of the impact of the Commissions protection work toward improving access to justice

Provide an analysis of the types of methodologies adopted to resolve complaints and their respective outcomes.

## 5. Key Deliverables

The key deliverable for this consultancy are as follows:

1. Review of all complaints statistics and narrative complaint information provided by the Commission for the relevant period
2. Research regarding complaints handling by comparative NHRIs
3. Research regarding jurisprudence and trends in litigation on human rights during the period
4. A work plan for the TAR for approval by the COO
5. Produce the first draft of the TAR;
6. Consider and incorporate the inputs and comments from the SAHRC on the draft of the report into a second draft of the TAR; and
7. Provide a final TAR for adoption.

## 6. Scopes and Methods of the Work

The tasks and activities involved in completing the project include:

- A consolidation and analysis of complaints data generated through the complaints management system;
- An analysis of complaint information provided by the Commission such as findings and recommendations of national and provincial investigative hearing and inquiry reports; outcomes, orders and judgments emanating from litigation proceedings and ADR mechanisms;
- Reports, including previous TARs, produced by the Research, Advocacy and Commissioners of the Commission;
- Relevant submissions to oversight bodies and stakeholders such as Parliament, and various regional and international bodies;
- Conduct research of protection related work by other National Human Rights Institutions;
- Conduct research of key jurisprudence during the period impacting on human rights
- Develop a workplan;
- Produce draft reports to meet the objectives above and in accordance with the most recent TAR
- Consult with the COO of the SAHRC prior to drafting, and to receive inputs on the draft TAR
- Revise, review and settle the TAR

## 7. Resources

The Head of Legal Services, Senior Legal Officer, Statistics and Compliance Legal Services team, and Chief Operations Officer will provide the necessary support to consultant.

All submissions will be provided in a format capable of printing.

The Commission will engage stakeholders where necessary to request additional information.

## 8. Project Duration (i.e. Duration of Contract)

The project duration shall be 40 days from the date of the conclusion of an agreement between the consultant and the Commission.

## 9. Payment Schedule and Method

The total cost for the services rendered for the project duration to be submitted with the proposal including vat. Note that the SAHRC shall not be responsible for related project costs such as research, printing, data, or other associated costs.

Payment Amount	Schedule
50% of project cost	Upon delivery of the 1 <sup>st</sup> draft of the Report within 20 days of agreement
50% of project cost	Upon sign-off on the Final TAR - 30 days.

Payment method would be via electronic transfer to consultant bank account per submitted invoices.

## 10. Competency and Expertise Requirements

Key competencies and expertise required include:

- Expert knowledge of human rights and public interest law; dispute resolution and litigation
- Excellent analytical, and report writing skills
- A sound knowledge of the work of NHRIs
- Exceptional research skills

## 11. Conduct of Work and Reporting Requirements

The Consultant shall ensure the confidentiality of all documents shared with him/her throughout the duration of the contract.

The SAHRC shall be entitled to all intellectual property rights in and too all research, and the reports, recommendations, methods, strategies, plans, and processes produced as a result of this consultancy.

The Consultant 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 prior, written consent of the SAHRC.

A breach of any of these conditions shall result in the summary termination of this contract accompanied by forfeiture of any outstanding remuneration.

Deviations from the scope of the consultancy shall unless approved, result in non-payment of either some or all of the amount to be paid.

## 12. Evaluation Criteria

Please note that all quotes 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**

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

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

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

**Table 1: Functionality evaluation**

	<b>Criteria</b>	<b>Percentage weighting</b>	<b>Score</b>
1.	Previous experience working on similar projects Industry experience in the form of a portfolio of evidence including but not limited to publications, reports etc.	30	
2.	Skills and competencies of the lead expert 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	30	
3.	Comprehensiveness on the approach that will be used, the methods and frameworks to be applied.	20	

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4.	High level work-plan with an overview of timelines, key milestones and a costs breakdown indicating the major costs drivers.	20	
	<b>Total</b>	<b>100</b>	

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)
- Specific Goals (maximum 20 points)

*i. Stage 1 – Price Evaluation (80 Points)*

Criteria	Points
<b>Price Evaluation</b>  $Ps = 80 \left( 1 - \frac{Pt - P \text{ min}}{P \text{ min}} \right)$	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 – Specific Goals Evaluation (20 Points)**

a. **Specific Goals allocation**

The specific goals for the request for proposal will be on the B-BBEE status level and a maximum of 20 points may be allocated to a prospective service provider 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:

- B-BBEE Certificate

**13. Submission Requirements and Contact Details**

- 13.1 To be considered as the preferred service provider, kindly submit the following:
- 13.2 Proposal
- 13.3 Valid Tax Clearance Certificate
- 13.4 BBEE Certificate.
- 13.5 Company Profile
- 13.6 SBD 4 document signed
- 13.7 Latest CSD report at the time of quotation

**14. Please submit quoted proposals via email by 07 February 2023, before 11h00.**

- 14.1 All documentation must be emailed to: [Tenderoffice@sahrc.org.za](mailto:Tenderoffice@sahrc.org.za)
- 14.2 Submissions should be made using the RFP number for ease of reference

For further information or clarification please contact Naseema Fakir at [Nfakir@sahrc.org.za](mailto:Nfakir@sahrc.org.za)

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