

SUMMARY	
Title	Appointment of a suitable and qualified service provider to Strengthen HIV And HIV/TB -Related Legal Support Services in all 9 Provinces of South Africa Funded by The Global Fund.
Reference	<b>BZ-GF-2023-03-05</b>
Description	Beyond Zero seeks to appoint South African legally registered company or companies to identify and coordinate the provision of legal support services in district and provincial level.
Submission by email only to	<a href="mailto:tgf-procurement@beyondzero.org.za">tgf-procurement@beyondzero.org.za</a>
Submission must include	<p><b>Schedule 1:</b> CIPC Registration Document</p> <p><b>Schedule 2:</b> Valid SARS tax clearance certificate/Tax Compliance Letter</p> <p><b>Schedule 3:</b> VAT Registration Certificate or VAT Registration Letter ("VALUE ADDED TAX Notice of Registration") available on e-Filing for all expenditure more than R50 000</p> <p><b>Schedule 4:</b> Valid B-BBEE certificate/Sworn Affidavit</p> <p><b>Schedule 5:</b> Bank account verification letter</p> <p><b>Schedule 6:</b> Signed Global Fund Code of Conduct for Suppliers of Services</p> <p><b>Schedule 7:</b> Completed and Signed bid document.</p> <p><b>Schedule 8:</b> Reference letters</p> <p><b>Schedule 9:</b> Methodology and approach</p> <p><b>Schedule 10:</b> Project lead experience and qualifications</p> <p><b>Schedule 11:</b> Resources experience and qualifications</p> <p><b>Schedule 12:</b> Report for previous work done</p> <p><b>Schedule 13:</b> Pricing proposal</p>
Virtual Compulsory Briefing Session	<p><b>06 April 2023, @10h00am</b></p> <p><a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjU0ZDA1YzQtYjQ4MS00ZThhLTk0MGEtZGFIYTU2MGY4MDFh%40thread.v2/0?context=%7b%22Tid%22%3a%2292b6ba47-f105-433b-9667-9ad9e140511d%22%2c%22Oid%22%3a%22ebcc775b-d1b0-44f5-a7ca-15890ed21761%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjU0ZDA1YzQtYjQ4MS00ZThhLTk0MGEtZGFIYTU2MGY4MDFh%40thread.v2/0?context=%7b%22Tid%22%3a%2292b6ba47-f105-433b-9667-9ad9e140511d%22%2c%22Oid%22%3a%22ebcc775b-d1b0-44f5-a7ca-15890ed21761%22%7d</a></p>
Closing date and time	<b>19 April 2023 @15h00</b>

## **1. PURPOSE**

- 1.1 Beyond Zero (BZ) seeks to appoint a Service Provider to coordinate the provision of legal support services to address HIV- and TB-related human rights violations in all 31 Global Fund districts through the existing Community Advise Offices (CAOs) in all 9 provinces, over a period of 24 months.
- 1.2 The overall purpose of the required services is to support Global Fund human rights programme implementers to provide strengthened access to legal support services for human rights violations (HRV) experienced by the key and vulnerable populations for HIV and TB that they work with, in South Africa. In particular, the proposed legal support needs to address the gaps and challenges noted in the current legal support services programme, to ensure:
  - 1.2.1 stronger linkages between Global Fund programmes, human rights violation documenters, paralegal and legal support;
  - 1.2.2 improved follow up to resolve cases at paralegal level and;
  - 1.2.3 improved follow up to lawyers and identification of select cases for national-level strategic litigation, where required. See Global Fund Mid-Term Assessment and the Human Rights Programme Description (available on request) for further details.
- 1.3 In this, Beyond Zero seeks to appoint a service provider with adequate experience and expertise to provide the following services:
  - 1.3.1 Facilitate the provision of paralegal support through the existing CAOs, including identifying key CAOs, developing the capacity of key staff to respond to HIV- and TB-related human rights violations and supporting linkages and follow-up between CAOs and those documenting rights violations within districts.
  - 1.3.2 Facilitate the provision of legal support through existing legal service organisations and/or pro bono legal support, including identifying and maintaining a database of legal support, sensitizing legal practitioners, where required, and supporting linkages and follow-up on documented and referred violations at provincial and national level.
  - 1.3.3 Support national level work towards strategic litigation for select precedent-setting cases by individual / group of complainants.

*See Scope of Work, section 5 below, for a detailed breakdown of suggested activities.*

## **2. BACKGROUND INFORMATION**

- 2.1 Beyond Zero is one (1) of four (4) PRs of funding support by the Global Fund for AIDS, TB, and Malaria in South Africa to lead and provide strategic management, oversight, monitoring,

and evaluation the day-to-day implementation of the Global Fund grant for the period April 2022 until March 2025. Beyond Zero is implementing interventions that address the AIDS and TB epidemics in South Africa and focuses more specifically on the Prevention programs for Adolescent Girls and Young Women (AGYW), in and out of school; Comprehensive prevention programs for Men who have sex with other Men (MSM); Comprehensive prevention programs for Transgender (TG) people, People Who Inject Drugs (PWID), Community Systems Strengthening (CSS) programmes and Human Rights Programme.

2.2 The Human Rights module promotes a rights-based response that ensures that the Key and Vulnerable Populations have access to services, their rights are protected, promoted and respected at all times. Applying human rights principles and approaches enhances the reach and impact of prevention, testing and treatment programmes and ensure that no one is left behind. This work is grounded in Goal 5 of the South Africa's national Strategic Plan (NSP) for HIV, TB and STIs, 2017 – 2022, which seeks to ensure that the national response to HIV, TB and STIs is grounded in human rights principles and approaches. The aim is to address human rights-related barriers and gender inequality that increase risk and prevent people from accessing services, in particular for women, youth, sex workers, people who use drugs, inmates, LGBTI+ persons, and people with disabilities. The main objective is to;

- Reduce stigma and discrimination amongst people living with HIV or TB;
- Facilitate access to justice and redress for people living with, and vulnerable to, HIV and TB; and
- Promote an environment that enables and protects human and legal rights and prevents stigma and discrimination.

### **About the Human Rights Programme**

2.3 The Human Rights Programmes implementation is guided by the Three-Year National Implementation Plan for A Comprehensive Response to Human Rights-Related Barriers to HIV and TB Services and Gender Inequality ('the National Human Rights Plan'). The National Human Rights Plan sets out a comprehensive response to human rights and gender inequality for HIV and TB in South Africa for people living with HIV, people living with TB, key and vulnerable populations. Under the National Human Rights Plan, the implementation is structured according to seven programmatic areas. These programmatic areas have been further expanded to eight in the Global Fund Human Rights programme. The eight programmatic areas are listed below.

- PA1: Stigma and Discrimination Reduction

- PA2: Training of Health Workers
- PA3: Sensitization of Law makers and Law Enforcement Agents
- PA4: Legal literacy / Know your Rights campaigns
- **PA5: Strengthen HIV-related Legal Support Services**
- PA6: Monitoring and Reforming relevant Laws, Regulations and Policies
- PA7: Reducing gender discrimination and violence against women, including AGYW
- PA8: Community Mobilisation and Advocacy

2.4 During the previous Global Fund grant, paralegals were trained and placed at community advice officers throughout the country. Country consultations found that in some organisations, where paralegals or lawyers were ‘closer’ to organisations, legal support follow-up and referrals showed greater success. However, for the main part, the Global Fund Mid-Term Assessment (MTA) and country dialogue / consultations identified challenges with referrals to legal support services, follow up and legal support for various reasons including e.g.:

2.4.1 Some organisations were not aware of / had not worked with and were not sufficiently linked with the newly trained paralegals at CAOs. Where they had existing links with legal support services, they tended to defer to using those; organisations in some provinces lacked legal support services;

2.4.2 There was insufficient follow-up – cases were referred but there was no follow-up and limited resolution or record of resolution;

2.4.3 There was insufficient access to lawyers, not just paralegals, in those cases where legal, and not just paralegal support was required (e.g., to write letters of demand, issue summons etc).

2.5 The MTA found the need for strengthened co-ordination and referral systems across the Human Rights Programme Areas.

2.6 The MTA also found the need for a strengthened focus on strategic litigation, to take up opportunities with 1 or 2 key cases, to challenge key issues for the decriminalization of sex work and drug use.

### **3. OVERVIEW OF REQUIREMENTS**

3.1 To fulfil this role entrusted as part of the Human Rights programme, Beyond Zero requires a suitable and experienced service provider to undertake the identification and coordinating of Community Advice Offices located and operating in the districts outlined on the table below:

**Table 1: Districts where Community Advice Offices will be operating**

Province	District
1. Gauteng	City of Johannesburg Ekurhuleni City of Tshwane Sedibeng West Rand
2. Eastern Cape	OR Tambo Amathole Alfred Nzo Buffalo City The Nelson Mandela Bay
3. Limpopo	Capricorn Vhembe Mopani Waterberg Sekhukhune
4. Western Cape	Capricorn City of Cape Town Eden
5. Northern Cape	Frances Baard
6. Free State	Thabo Mofutsanyane Lejweleputswa Mangaung
7. North West	Dr Kenneth Kaunda Bojanala Platinum District



Province	District
8. KwaZulu Natal	eThekweni Umgungundlovu uThungulu (King Cetshwayo) uThukela Zululand uGu
9. Mpumalanga	Ehlanzeni Gert Sibande

## 4. OBJECTIVES

- 4.1 The objective this project is to strengthen access to a wide range of legal support services, including legal advice and support as well as specialised assistance for court, to support all people living with HIV, TB, key and vulnerable populations to access justice for violations of their rights, in an effort to reduce rights violations and promote access to healthcare. The service provider will assist Beyond Zero to respond key interventions below as stipulated on the human rights plan, to:
- a) Conduct audit (including skills audit) of legal support services to determine capacity & accessibility for people living with HIV, TB, vulnerable and key populations.
  - b) Strengthen capacity of Community Advice Offices and their paralegals to provide referrals & support for people living with HIV, TB, vulnerable & key populations.
  - c) Establish and co-ordinate access to a database of pro-bono lawyers, legal NGOs and Legal Centres with specialized training in HIV, TB & the rights of vulnerable and key populations willing to provide legal support.
  - d) Co-ordinate case management and follow-up from community, district, provincial and national level, to support follow-up and resolution.

## 5. SCOPE OF WORK

- 5.1 The successful service provider shall be expected to:
- 5.1.1 Contract Community Advice Offices in 31 Global Fund Funded districts.

- 5.1.2 Provide capacity building and support for contracted organisations / key staff persons to ensure they can take up and resolve HIV- and TB-related human rights violation cases affecting people living with HIV, people with TB, key and vulnerable populations.
- 5.1.3 Facilitate and oversee partnerships between community advice offices, legal organisations and pro-bono lawyers, legal NGOs, Legal Centres and Law Clinics to strengthen referrals, follow-up, case management and resolution of cases.
- 5.1.4 Develop a PR-specific database of all lawyers / legal organisations willing and able to provide services to KVP at provincial level and contributing to national-level database (SANAC SR to co-ordinate nationally).
- 5.1.5 Provide a select number of in-house lawyers to provide immediate and timely responses to human rights violations.
- 5.1.6 Maintain web-based case management system to monitor, track and provision of live case updates, including resolution at paralegal / community legal organisation level, as well as resolution by legal practitioners, where referrals are required.
- 5.1.7 Develop standard operating procedures for contracted CAOs.
- 5.1.8 Develop minimum office standards for the contracted CAOs.
- 5.1.9 Ensure representation and participation of CAOs in District and Provincial AIDS Councils and Human Rights sub-committees.
- 5.1.10 Participate in the Strategic Litigation Task Team and support the identification and support for select precedent-setting cases by individual / group of complainants challenging a law, policy or practice.

## **6. DELIVERABLES**

The service provider will be expected to deliver the following:

- 6.1 Project Inception report – detailing the service provider’s overall approach, detailed project conceptual framework with detailed methodology, work plan, budget/financial costs, and internal capacity.
- 6.2 Signed Contracts/ MOUs with CAO’s in 31 Global Fund Districts.
- 6.3 Service Level Agreements/ MOU’s between contracted organisations and pro-bono lawyers, legal NGOs, Legal Centres and Law Clinics.
- 6.4 Database of all lawyers providing services to KVP and contributing to national-level database

- 6.5 Web-based case management system to monitor, track and provision of live case updates (Linked to REAct).
- 6.6 Standard operating procedures for contracted organisations.
- 6.7 Minimum office standard for contracted organisations.
- 6.8 Strategic Litigation Technical Task Team Quarterly meetings.
- 6.9 Produce Monthly Project Reports specially covering case uptake and resolution.
- 6.10 Documenting success stories and achievements.

## **7. BID RESPONSE REQUIREMENTS**

- 7.1 The bidder must submit a minimum of one (1) written relevant contactable reference (contact name, position, contact number and email address) whereby work of a similar nature was successfully executed. The reference letter must be in the client's company letterhead and must not be older than five (5) years.
- 7.2 The bidder must demonstrate their company experience by providing a list of projects that have been executed in the last five (5) years. The bidder must complete and submit Section I of the bid document in full and should clearly indicate "company experience". If any information on any given project, has been omitted such project may not be considered.
- 7.3 Bidders must provide a detailed proposal of the methodology/ approach to be used to carry out the scope of work. Bidders should indicate their knowledge and/or demonstrate how the bidder will deliver this project in line with the scope of work, include a detailed project plan with specific timeframes and deliverables, research methods, use of statistical software, data gathering and analysis, and reporting.
- 7.4 The methodology/approach must also include the team structure/organogram of the team members that will be servicing Beyond Zero, reflecting the years of experience and the languages. The team should include but not limited to the following, Project Lead, field technical staff, etc.
- 7.5 The bidder's proposed Project Lead(s) is required to have experience in leading similar projects and working with civil society organisations and / or on good governance issues within the public sector. The bidder must submit a brief CV(s) not more than 5 pages of the Project Lead(s) clearly showing the years of experience and also certified qualification copies not older than six (6) months.
- 7.6 The proposed team must have relevant qualifications, skills and experience in similar projects and also working with civil society organisations. The bidder must submit CVs of at least three



(3) of their key team members; and the CVs must clearly highlight qualifications, areas of experience/ competence relevant to the tasks and objectives of this project as outlined above. The team members must have a degree in related fields such as: International Development, Social Sciences, Governance, Civil Society development, Community development and /or other related fields.

- 7.7 The bidder must submit a report of previous work done relevant to the scope of work and clearly indicating geographic, outcome of the project or success stories.
- 7.8 Bidders must provide a breakdown of professional fees / cost structure including the breakdown for all the activities to be rendered by the CAOs. Bidders must include Travel and Accommodation fees as part of their costing.

## **8. EVALUATION CRITERIA**

- 8.1 The evaluation of proposals will be managed by an Evaluation Committee which will prepare a shortlist of applicants that meet the eligibility for appointment.
- 8.2 **IMPORTANT:** Required documents to be submitted -must be marked (name the document on the cover/front page for every document) as shown in the cover page. Documents required must be submitted as one pdf file. Insert a blank page, with appropriate label & mark it “NOT SUBMITTED” to indicate documents not submitted. Beyond Zero will not be held responsible for documents delayed or misplaced during file transmission.
- 8.3 The evaluation process will be conducted according to the following stages:
- **Stage 1:** Assessment of compliance with eligibility criteria. Applications that do not comply will not be evaluated further.
  - **Stage 2:** Assessment on functionality/technical evaluation criteria competency focusing on the ability to fulfil the required scope of work. Service providers need to achieve a score of at least 70 out of 100 points to progress further.
  - **Stage 3:** The final stage of evaluation will be the application of the preference points system price at 80 points and B-BBEE 20 points.

The weighting of the overall competence score is as follows:

#### 8.4 Stage 1: Eligibility Evaluation

**Table 1: Eligibility evaluation Stages**

CRITERIA	Document Number	SUB-CRITERIA	Comply/Not Comply
	<b>Schedule 1</b>	CIPC Registration Document	
	<b>Schedule 2</b>	Valid SARS tax clearance certificate/Tax Compliance Letter	
	<b>Schedule 3</b>	VAT Registration Certificate or VAT Registration Letter ("VALUE ADDED TAX Notice of Registration") available on e-Filing for all expenditure more than R50 000 (if applicable)	
	<b>Schedule 4</b>	Valid B-BBEE certificate/Sworn Affidavit	
	<b>Schedule 5</b>	Bank account verification letter	
	<b>Schedule 6</b>	Signed Global Fund Code of Conduct for Suppliers of Services	
	<b>Schedule 7</b>	Completed and Signed bid document	

#### 8.5 Stage 2: Functionality/Technical Evaluation Criteria

Only service providers who score **70 points** or more in stage 2 will be evaluated further in stage 3 and therefore eligible for the award.

**Table 2: Functionality Evaluation**

Criteria	Document Number	Description	Weighting
<b>Company References</b>	<b>Schedule 8</b>	<p>The bidder must demonstrate their company experience by providing a list of relevant projects that have been executed in the past this should be supported by one (1) written contactable reference letter. The bidder must complete and submit <b>Section I</b> of the bid document in full and should clearly indicate company experience. If any information on any given project, has been omitted such project may not be considered.</p> <p><b>Note to bidder:</b> Written reference letter must not be older than five (5) years and must be submitted on the letterhead of the previously serviced clients and should at least reflect name of the clients, title of</p>	20



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Criteria	Document Number	Description	Weighting
		<p>the related work conducted, contactable reference name and contact number and signed by the appropriate delegate.</p> <p><b>Scoring Matrix:</b></p> <p>More than three (3) similar projects executed in the last five (5) years and one (1) written reference letter provided = <b>20 points</b></p> <p>Three (3) similar projects executed in the last five (5) years and one (1) written reference letter provided = <b>15 points</b></p> <p>Two (2) similar projects executed in the last five (5) years and one (1) written reference letter provided = <b>10 points</b></p> <p>One (1) similar project executed in the last five (5) years and one (1) written reference letter provided = <b>5 points</b></p> <p>Zero (0) similar project executed in the last five (5) years = <b>0 points</b></p>	
<p><b>Methodology and approach</b></p> <p><i>(10 pages proposal)</i></p>	<p><b>Schedule 9</b></p>	<p>The service provider must submit a methodology detailing operational plan with clear details to demonstrate understanding of assignment. An indication of the approach to carrying out the assignment,</p> <p>This must include the actual process on how the services would be provided, a provisional project plan with timelines. (i.e., delivery/collection points, frequency, turnaround time, etc.) including delivery team structure, communication and operational tools, reporting, etc.</p> <p><b>Scoring Matrix:</b></p> <p><b>Excellent:</b> Satisfies the requirements The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full = <b>20 points</b></p> <p><b>Good:</b> Satisfies the requirements. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled = <b>15 points</b></p> <p><b>Acceptable:</b> Satisfies the requirement. The response shows an acceptable level of understanding of the requirement and provides some satisfactory level of details on how the requirements will be fulfilled = <b>10 points</b></p>	<p>20</p>



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Criteria	Document Number	Description	Weighting
		<p><b>Minor Reservations:</b> Satisfies the requirement with minor reservations. The response addresses a broad understanding of the requirement but may lack details on how the requirement will be fulfilled in certain areas = <b>5 points</b></p> <p><b>Unacceptable:</b> Does not meet the requirement. Does not comply and/or insufficient information provided = <b>0 points</b></p>	
<b>Project Lead Experience and Qualifications</b>	<b>Schedule 10</b>	<p>The Project Lead/Consultant must have relevant qualifications in the field of healthcare studies or Law or International Development or Social Sciences or Governance or Civil Society development, Community development and / or other related fields.</p> <p><b>Note to Bidder:</b> Certified copy of academic degree certificate, not older than six (6) months.</p> <p><b>Scoring Matrix:</b></p> <p>Certified copy of <b>Masters Degree (SAQA NQF level 9)</b> in the fields indicated above = <b>15 points</b></p> <p>Certified copy of <b>Honour's Degree (SAQA NQF level 8)</b> in the fields indicated above = <b>12 points</b></p> <p>Certified copy of <b>Bachelor's Degree (SAQA NQF level 7)</b> in the fields indicated above = <b>10 points</b></p> <p>Certified copy of <b>National Diploma (SAQA NQF level 6)</b> in the fields indicated above = <b>5 points</b></p> <p>Less than a diploma or no certified qualifications submitted = <b>0 points</b></p>	15
		<p>Bidder must attach a brief Curriculum Vitae (CV) for the Project Lead role indicating relevant experience in healthcare studies or Law or International Development or Social Sciences or Governance or Civil Society development, Community development and /or other related fields.</p> <p><b>Scoring Matrix:</b></p> <p>Five (5) years' relevant experience and more = <b>15 points</b></p> <p>Four (4) years' relevant experience = <b>12 points</b></p> <p>Three (3) years' relevant experience = <b>10 points</b></p> <p>Two (2) years' relevant experience = <b>5 points</b></p>	15



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Criteria	Document Number	Description	Weighting
		Less than two (2) years' experience = <b>0 points</b>	
<b>Resources Qualification s and Experience</b>	<b>Schedule 11</b>	<p>The key team members must have relevant qualifications in the field of healthcare studies or Law or International Development or Social Sciences or Governance or Civil Society development, Community development and / or other related fields.</p> <p><b>Note to Bidder:</b> Certified copy of academic degree certificate, not older than six (6) months.</p> <p><b>Scoring Matrix:</b></p> <p>Certified copy of <b>Masters Degree (SAQA NQF level 9)</b> in the fields indicated above = <b>10 points</b></p> <p>Certified copy of <b>Honour's Degree (SAQA NQF level 8)</b> in the fields indicated above = <b>7.5 points</b></p> <p>Certified copy of <b>Bachelor's Degree (SAQA NQF level 7)</b> in the fields indicated above = <b>5 points</b></p> <p>Certified copy of <b>National Diploma (SAQA NQF level 6)</b> in the fields indicated above = <b>3.5 points</b></p> <p>Less than a diploma or no certified qualifications submitted = <b>0 points</b></p>	10
		<p>Bidder must attach a brief CV's for three (3) of their key team members, indicating relevant experience and proof of degree in healthcare studies or International Development or Social Sciences or Governance or Civil Society development, Community development and /or other related fields.</p> <p><b>NB:</b> Only the Coordinator CV will be scored.</p> <p><b>Scoring Matrix:</b></p> <p>Five (5) years' relevant experience and more = <b>10 points</b></p> <p>Four (4) years' relevant experience = <b>7.5 points</b></p> <p>Three (3) years' relevant experience = <b>5 points</b></p> <p>Two (2) years' relevant experience = <b>3.5 points</b></p> <p>Less than two (2) years' experience = <b>0 points</b></p>	10



Criteria	Document Number	Description	Weighting
Report	Schedule 12	<p>Bidder must submit a report of previous work done relevant to the scope of work and clearly indicating geographic, outcome of the project or success stories etc.</p> <p><b>Scoring Matrix:</b></p> <p><b>Excellent:</b> Satisfies the requirements The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full = <b>10 points</b></p> <p><b>Good:</b> Satisfies the requirements. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled = <b>7.5 points</b></p> <p><b>Acceptable:</b> Satisfies the requirement. The response shows an acceptable level of understanding of the requirement and provides some satisfactory level of details on how the requirements will be fulfilled = <b>5 points</b></p> <p><b>Unacceptable:</b> Does not meet the requirement. Does not comply and/or insufficient information provided = <b>0 points</b></p>	10
The minimum qualifying score for functionality/technical evaluation will be 70 points overall, and service providers that fail to achieve the minimum qualifying score will be disqualified.			100

## 8.6 Stage 3: Price and B-BBEE Evaluation

Service Providers that have successfully met all the technical evaluation on stage 2 will be evaluation on stage 3 (Price and B-BBEE).

Price and B-BBEE	Weighting
Price	80
B-BBEE	20
Total	100

**Price evaluations will be conducted using the following formula:**

$$\text{Lowest bid price} = 80$$



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$$\text{Price under calculation} = 80 \left( 1 - \frac{\text{Price under consideration} - \text{Lowest bid price}}{\text{Lowest bid price}} \right)$$

**BBBEE evaluations will be conducted in accordance with the following table:**

<b>B-BBEE Status</b>	<b>Number of Points (80/20 system)</b>
Level 1	20
Level 2	18
Level 3	12
Level 4	10
Level 5	8
Level 6	6
Level 7	4
Level 8	1
Non-compliant	0