



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Private Bag X901, Pretoria, 0001

Enquiries: A. Mbodla, Tel No: (012) 312 7653, Email: AndiswaM@dsd.gov.za

Sir/Madam

TERMS OF REFERENCE THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN IMPLEMENTATION EVALUATION OF THE CHILDREN'S ACT (38 OF 2005) FOR A PERIOD OF 24 MONTHS

1. Tender No: **SD04/2024**
2. Closing Date: 13 Dec 2024 at 11:00
3. The following documents form part of this invitation for a proposal:
 - SBD1: Invitation to bid
 - SBD3.3: Pricing Schedule
 - SBD4: Declaration of Interest
 - SBD6.1: Preference points Claim Form
4. **All the documents accompanying this invitation must please be completed in detail, where applicable and returned with your Bid.**
5. Please make sure that your bid reaches this office before the closing time and date
6. When submitting your bid the following information must appear on the sealed envelope:
 - i. Name and address of the Bidder
 - ii. Bid number
 - iii. Closing Date
7. This envelope can be placed in the Bid box in the foyer at HSRC Building, 134 Pretorius Street, Pretoria

Kind regards

DIRECTOR: SUPPLY CHAIN MANAGEMENT

DATE: 22/11/2024

PART A INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF DEPARTMENT/ PUBLIC ENTITY)

BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
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DESCRIPTION	
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BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)

BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO

CONTACT PERSON	
TELEPHONE NUMBER	
FACSIMILE NUMBER	
E-MAIL ADDRESS	

TECHNICAL ENQUIRIES MAY BE DIRECTED TO:

CONTACT PERSON	
TELEPHONE NUMBER	
FACSIMILE NUMBER	
E-MAIL ADDRESS	

SUPPLIER INFORMATION

NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX]		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX]
	<input type="checkbox"/> Yes <input type="checkbox"/> No				<input type="checkbox"/> Yes <input type="checkbox"/> No

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER THE QUESTIONNAIRE BELOW]
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QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.	

PART B TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED–(NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. **THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (SBD7).**

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 WHERE NO TCS PIN IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

.....

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....

(Proof of authority must be submitted e.g. company resolution)

DATE:

.....

PRICING SCHEDULE
(Professional Services)

BID NO: SD04/2024

CLOSING TIME 11:00 ON 13 Dec 2024

NAME OF SERVICE PROVIDER:

OFFER TO BE VALID FOR 120 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF <u>VAVULE ADDED TAX</u>
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**TERMS OF REFERENCE THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN IMPLEMENTATION
EVALUATION OF THE CHILDREN'S ACT (38 OF 2005) FOR A PERIOD OF 24 MONTHS**

1. The accompanying information must be used for the formulation of proposals.

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.

R.....

3. PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)

4. PERSON AND POSITION

HOURLY RATE

DAILY RATE

R-----
R-----
R-----
R-----
R-----

5. PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT

R----- days
R----- days
R----- days
R----- days

5.1 Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED

RATE

QUANTITY

AMOUNT

..... R.....
..... R.....
..... R.....
..... R.....

TOTAL: R.....

Name of Bidder:

- 5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			

6. Period required for commencement with project after acceptance of bid
7. Estimated man-days for completion of project
8. Are the rates quoted firm for the full period of contract? *YES/NO
9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
-
-
-

Any enquiries regarding bidding procedures may be directed to the –

Mr. Zolisa Mantantana
Email: ZolisaM@dsd.gov.za

SBD 4

DECLARATION OF INTEREST

1. Any legal person, including persons employed by the state¹, or persons having a kinship with persons employed by the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid (includes an advertised competitive bid, a limited bid, a proposal or written price quotation). In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons employed by the state, or to persons connected with or related to them, it is required that the bidder or his/her authorised representative declare his/her position in relation to the evaluating/adjudicating authority where-
 - the bidder is employed by the state; and/or
 - the legal person on whose behalf the bidding document is signed, has a relationship with persons/a person who are/is involved in the evaluation and or adjudication of the bid(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the bid.
2. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**
 - 2.1 Full Name of bidder or his or her representative:
 - 2.2 Identity Number:.....
 - 2.3 Position occupied in the Company (director, trustee, shareholder², member):
 - 2.4 Registration number of company, enterprise, close corporation, partnership agreement or trust:
 - 2.5 Tax Reference Number:
 - 2.6 VAT Registration Number:
 - 2.6.1 The names of all directors / trustees / shareholders / members, their individual identity numbers, tax reference numbers and, if applicable, employee / PERSAL numbers must be indicated in paragraph 3 below.

¹"State" means –

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) any municipality or municipal entity;
- (c) provincial legislature;
- (d) national Assembly or the national Council of provinces; or
- (e) Parliament.

²"Shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.7

Are you or any person connected with the bidder presently employed by the state?

YES / NO

2.7.1

If so, furnish the following particulars:

Name of person / director / trustee / shareholder/ member:

Name of state institution at which you or the person connected to the bidder is employed :

Position occupied in the state institution:

Any other particulars:

2.7.2

If you are presently employed by the state, did you obtain the appropriate authority to undertake remunerative work outside employment in the public sector?

YES / NO

2.7.2.1

If yes, did you attach proof of such authority to the bid document?

YES / NO

(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the bid.

2.7.2.2

If no, furnish reasons for non-submission of such proof:

2.8

Did you or your spouse, or any of the company's directors / trustees / shareholders / members or their spouses conduct business with the state in the previous twelve months?

YES / NO

2.8.1

If so, furnish particulars:

2.9

Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

2.9.1

If so, furnish particulars.

2.10 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between any other bidder and any person employed by the state who may be involved with the evaluation and or adjudication of this bid?

2.10.1 If so, furnish particulars.

.....

.....

.....

2.11 Do you or any of the directors / trustees / shareholders / members of the company have any interest in any other related companies whether or not they are bidding for this contract?

YES/NO

2.11.1 If so, furnish particulars:

.....

.....

.....

3 Full details of directors / trustees / members / shareholders.

[illegible]

4 DECLARATION

I, THE UNDERSIGNED (NAME).....

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2 and 3 ABOVE IS CORRECT.
I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME SHOULD THIS
DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of bidder

November 2011

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 To be completed by the organ of state

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 To be completed by the organ of state:

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20	or	90/10
$Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right) \text{ or } Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)$		

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
- Pt = Price of tender under consideration
- Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
 - (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,

then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Organisations which are 51% owned black people who are women	5	
Organisations which are 51% owned black people which are youth	5	
Organisation which are 51% owned by black people living in rural or underdeveloped areas or townships	5	
Entities Owned by People with disabilities	5	

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

.....
SIGNATURE(S) OF TENDERER(S)

SURNAME AND NAME:

DATE:

ADDRESS:

.....

.....

.....



TERMS OF REFERENCE

THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT AN IMPLEMENTATION EVALUATION OF THE CHILDREN'S ACT (38 OF 2005) FOR A PERIOD OF 24 MONTHS

1. PURPOSE

The purpose of these Terms of Reference is to appoint a service provider to conduct an Implementation Evaluation of the Children's Act 38 of 2005 (Children's Act).

2. PROJECT NAME

Implementation Evaluation of the Children's Act.

3. BACKGROUND INFORMATION AND CONTEXT

Section 28 of the South African Constitution states that every child has the right to family care, parental care or appropriate alternative care when removed from the family environment, basic nutrition, shelter, health care, social services, and the right to be protected from maltreatment, neglect and abuse¹. The Children's Act gives effect to some of these Constitutional rights of children.

The Children's Act came into full operation on 01 April 2010 and is broad in its coverage of children's rights to care and protection. Importantly, it provides for structures, services and other means to promote and monitor the development, protection and well-being of children.²

¹ RSA (1996) The Constitution of the Republic of South Africa, Act 108 of 1996

² Roseline September, Social Work Journal, 2008

While significant measures have been made to implement the Children's Act, there are still challenges that necessitated Government to coordinate efforts to provide maximum protection to children. The main implementation challenges are lack of adequate human resources, a history of low budget allocation, low expenditure base for social services for children, poor information management system, and the need for knowledge and understanding among practitioners and the public on the interpretation and application of the Act.³

Those implementation challenges prompted the review of the Children's Act. The process culminated in the Children's Amendment Act 17 of 2016 and the Children's Second Amendment Act 18 of 2016. These amendments were mostly technical, without major policy implications. In the meantime, the Department drafted a comprehensive Amendment Bill that is guided and informed by the National Child Care and Protection Policy.

A Monitoring and Evaluation Framework for implementation of the Children's Act was developed, comprising of 201 indicators for almost each section in the Act. Due to its complexity, implementation priorities for the Act were identified and Provincial Departments of Social Development submitted progress reports periodically.

As much as it was important to have the reviewed childcare legislation in place, good intentions alone are not enough, it is equally crucial to understand the implementation progress that the Children's Act has made so far. To ensure that there is synergy and alignment throughout, it is critical to conduct an implementation evaluation for certain portions of the Children's Act to provide an overview of its outcomes, gaps and challenges.

Process or Implementation evaluation determines whether program activities have been implemented as intended. The focus of an evaluation of the implementation process is on the types and quantities of policies and intervention delivered, the beneficiaries of those policies and interventions, the resources used to deliver the

³ Children's Institute-Child Gauge, 2019

policies and interventions, the practical problems encountered, and the ways in which such problems were resolved.

In order to assess how effective implementation of the Children's Act is, it is important to focus on the effectiveness of the intervention areas that were targeted by the legislation. For this particular study the implementation evaluation will focus on targeted intervention such as,

- (i) Parental Responsibilities and Rights - It is expected that biological parents whether married, or not should be afforded an opportunity to exercise parental responsibilities and rights on their children
- (ii) Prevention and Early Intervention (existing programmes)- prevention and early intervention programmes be delivered to protect children; be adequately and appropriately designed to meet the needs of children to ensure that access barriers for vulnerable children are addressed; be adequately and appropriately geographically spread to ensure access for all children in need; and moreover, be inclusive so that all children with disabilities may access the services they need.
- (iii) Child Protection: Violence against children, Child Abuse, Neglect and Exploitation (VCANE) – South African children continue to experience violence, abuse, neglect and exploitation, notwithstanding full implementation of the Children's Act which is a primary mechanism to achieve a developmental child care and protection system. It seeks to ensure that children receive appropriate quality responsive protective services that mitigate the harm, avoid secondary abuse, and put them back on a positive developmental trajectory.
- (iv) Intercountry and National Adoption. - The objective of adoption is to find a permanent and stable family for a child that provides an inclusive, safe, supportive and nurturing environment where children may grow to their full potential. It aims to create family relationships for the child that are intended to last a lifetime. The intention is to find a family for the child, not a child for a family, and all decisions must be determined by the best interests of the child. Adoption decisions and processes must comply with the following prescribed national and international principles, regulations, and procedures:

- Institutional Care as Measure of Last Resort: Institutional care shall always be a measure of last resort for a child in need of a family or family care.
- Subsidiarity Principle: All possible placement options for a child within the country of origin must be explored before intercountry adoption of a child is considered.
- Prohibition of Commercial Gain: Adoption of children shall not be a source of improper financial or other gain. Adoption fees for professional services rendered must be in line with the prescribed fees set out in laws, including the Children's Act and its regulations.

3.1 Stakeholders in the implementation of the Children's Act

Implementation of the Children's Act is multi-sectoral in nature and needs to be implemented in a collaborative, uniform and an intersectoral manner. Fulfilling such obligations requires that all role-players recognise, accept, action and account for their responsibilities. It further requires that different sectors or role-players work together in the planning and delivery of their respective services, and that progress be measured and reported on.

The Department of Social Development as the primary custodian of the Children's Act has put a substantial number of interventions in place to implement the Act. Eighteen National Departments with obligations to implement the Act were informed of their responsibilities. However, crucially, these interventions did not add up to ensure compliance to the Children's Act and improve service delivery.

Furthermore, a National Child Care and Protection Forum was also established to ensure that there is intersectoral collaboration with all the relevant stakeholders responsible for child care and protection in the country. One of the key functions of the Forum is to monitor implementation of the children's Act. Hence, for this implementation evaluation consultation with other relevant departments will be necessary to assess impact from all angles.

Table 1: Stakeholders with roles and responsibilities

STAKEHOLDER	KEY ROLE AND RESPONSIBILITY
Department of Social Development	<p>Is responsible for the provision of appropriate and relevant promotive, preventative, and responsive protective services. The national DSD is responsible for policy development, national planning, regulation and development of norms and standards for service provision, monitoring and evaluation of efficiency and effectiveness.</p> <p>The provincial departments are responsible for planning and management of child care and protection services, as well as for registration, implementation, quality improvement and monitoring of social development programmes.</p>
Department of Water and Sanitation	<p>It has an overriding responsibility for water and sanitation services provided by local government. It is thus responsible for ensuring that national water policies and laws secure the rights of young children to access clean piped water.</p>
Department of Transport	<p>It is responsible for policies and laws ensuring that roads and transport are accessible and safe for use by children, notably those in under-served areas and those with disabilities.</p>
South African Police Services	<p>It is responsible for the protection of children against violence, abuse, neglect, and exploitation and the investigation thereof.</p>
Department of Sport, Arts and Culture	<p>It is responsible for the equitable provision of play and recreation facilities for children, the provision of toy libraries, as well as the promotion of music and arts among children.</p>
Department of Public Works and Infrastructure	<p>It is responsible to ensure that infrastructure provisioning in all governmental facilities are accessible to the needs of children, including those with disabilities and their caregivers.</p>
Department of Justice and Constitutional Development	<p>It is responsible to administer children's Courts. These courts adjudicate all matters relating to statutory intervention. Ensuring the realisation of the rights of children to protection from abuse, neglect, and exploitation through the administration of, inter alia:</p> <ul style="list-style-type: none"> securing payment of maintenance by persons with a legal duty of support to children; the Domestic Violence Act (No. 116 of 1998); the Criminal Law (Sexual Offences and Related Matters) Amendment Act (No. 32 of 2007); the National Register for Sex Offenders; the Child Justice Act (No. 75 of 2008), governing the responsibilities and rights in respect of children in conflict with the law; the Hague Convention on International Child abduction aiming at protecting children from harmful effects of child abduction by a parent; the judicial proceedings contemplated by the Children's Act (No. 38 of 2005); and the functions of the Office of the Family Advocate, which is mandated with protecting the rights of children in dispute matters through monitoring, mediation, registering of agreements, enquiries, forensic social work investigations,

STAKEHOLDER	KEY ROLE AND RESPONSIBILITY
	reporting and recommendations; the Office of the Family Advocate also ensures child participation in all matters. The Master of the High court supervises the administration of deceased estates.
Department of International Relations	It is responsible for preventing, responding to, and cooperating in addressing international crimes against children, providing consular services in matters concerning the care and protection of children.
Department of Human settlements	Is responsible to ensure that children, including children in child headed households, have access to adequate housing, sanitation, play, educational and recreational facilities.
Department of Home Affairs	Is responsible for the provision of documentation to children, including unaccompanied and separated migrant children, to ensure their care and protection.
Department of Health	Is responsible for providing health and mental health care services for children, as well as, to treat children subjected to violence, abuse or neglect.
Department of Finance	The national and provincial treasury is responsible for planning, resourcing and monitoring public expenditure on child care and protection allocations approved by Cabinet.
Department of Employment and Labour	Is responsible for the administration of child-sensitive employment policies, the monitoring, prevention and prosecution of child labour.
Department of Defence	Is responsible to give effect to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict by prohibiting the conscription into the military of children under the age of 18 and forbidding non state armed groups from recruiting anyone under the age of 18 for any purpose.
Department of Correctional Services	Is responsible for providing supportive services to babies who are with their incarcerated mothers and for effective child home integration once they reach the age limit at which they have to leave their mothers, as well as to provide services and rehabilitation programmes to child offenders.
Department of Cooperative Governance	It is responsible for funding and promoting fulfilment of Municipal responsibilities towards services that have an impact on children. It is the responsibility of local government to ensure care and protection of children through provision of quality services for households including child-care facilities.
Department of Communications and Digital Technologies	It is responsible for protecting children and raise awareness on online safety. The Films and Publication Board is responsible for protecting children from sexual exploitation in media content and to educate the public to make informed choices in this regard.
Department of Basic Education	Is responsible for the provision of universal, quality and accessible basic education, including early childhood development.

4 RATIONALE OF THE EVALUATION

Since the implementation of the Act, no independent and rigorous evaluation studies were conducted to assess how the Act has been implemented thus far. In addition, reliable knowledge and evidence from development operations will be derived from the study. Evidence from the implementation evaluation will inform the broader strategies for the child care and protection sector. It is within this context that the Department is required to conduct an implementation evaluation for the Children's Act.

5. STUDY APPROACH

5.1 Purpose of the Evaluation

The purpose of the evaluation is to assess the extent to which the Children's Act has been implemented looking at relevance, effectiveness, efficiency and sustainability. In addition, evidence from the study will be used to strengthen implementation of the Act.

5.2 Evaluation Questions

The key evaluation questions to be addressed by the study in relation to the four priority areas include the following:

- a) **Relevance and Appropriateness:**
 - ✓ Is the Children's Act approach appropriate in reaching its beneficiaries? (has it managed to address challenges faced by vulnerable children and families?)
 - ✓ To what extent is the Children's Act strategy aligned with the social development sector priorities and policies?
- b) **Effectiveness:**
 - ✓ To what extent has the implementation of the Children's Act been effective in achieving its intended goals or objectives and intended outcomes?
 - ✓ What are the main barriers, challenges, or success of implementing the Children's Act in the period of review (which aspects in relation to the four prioritised areas of the Children's Act seem to be working well or not working well)?

- ✓ Which aspect of the Children's Act require up-scaling including skills component (Is the capacity for the Social Service Professionals adequate, if not what improvements can be made)?
 - ✓ To what extent has the Children's Act promoted intersectoral collaboration among key stakeholders?
- c) **Efficiency:** To what extent has the implementation of the Children's Act been efficient and cost effective with regard to value for money, institutional arrangements (roles, responsibilities and service delivery model), business processes, management, administration and reporting?
- d) **Sustainability:** How sustainable is the Children's Act and what is long-term prognosis of the legislation? Are there viable alternatives to the current legislation?
- e) **Lesson learnt:** What are the lessons learnt or to be learnt for the continual implementation of this legislation?

5.3 Proposed methodology

Methodology for the study will be determined by the appointed Service Provider. It may require primary and or secondary data collection, multiple national surveys or community and workforce surveys, e.g Focus Group Discussions, Key Informant Interviews (KIIs) with key stakeholders (from different sectors) responsible for four different aspects of services addressed in the Children's Act.

Document review will include policies, M&E reports, and any other documents relating to the Children's Act. Given the current Covid-19 challenges, the service provider should come up with creative alternatives ways of data collection.

Note: *though an evaluation approach has been suggested, this does not preclude a service provider from recommending a different methodological approach considered more responsive or more innovative. Should a service provider apply the approach provided in the TORs, the service provider will be expected to propose a detailed methodology and innovation and creativity in this regard will be an added advantage*

6 SCOPE OF THE EVALUATION

Child protection services are broad and made up of both government and non-governmental institutions. The Children's Act recognises eighteen (18) national Departments (among others include-Department of Social Development, SAPS, Justice, Education, Department of Home Affairs and Health), nine provincial departments of Social Development and child protection organisations as key implementers of the Act. In order to respond to the evaluation questions within the prescribed resource envelop, it is important to select a representative sample from which data will be collected.

- a) The study will be conducted in nine (9) provinces.
- b) The evaluation will focus on the following priority areas:
 - i. Parental Responsibilities and Rights
 - ii. Prevention and Early Intervention (existing programmes)
 - iii. Child Protection Violence against children, Child Abuse, Neglect and Exploitation (VCANE) and
 - iv. Intercountry and National Adoption.
- c) The sampling should represent the following key participants, as proposed by the Preliminary work evaluation design matrix and Key Informants:
 - i. Stakeholders in the child care and protection sector
 - ii. Parents/families
 - iii. Children – child participation must be ensured; through coordination by the Office of the Rights of the Child
 - iv. Child protection organisations
 - v. The National Child Care and Protection Forum
 - vi. Officials from responsible departments at different levels (local levels, districts, provinces, national)
 - vii. Different departments that are responsible for relevant sections of the Act must be involved
 - viii. Relevant specialized units within DSD
 - ix. National Treasury
 - x. The Department of Planning, Monitoring and Evaluation (DPME)
 - xi. Institutions involved in policy, advocacy and training on areas related to the Act

- xii. Traditional authorities
 - xiii. Religious, sporting, and private sectors
 - xiv. South African Human Rights Commission
- d) Review of documents including but not limited to any existing policies, legislation, monitoring and evaluation reports, preliminary work report, financial reports, and any other documents pertaining to the implementation of the Children's Act.
- e) Case studies- of different contexts and/or a case study per province.

7 DELIVERABLES

ITEMS	Expected Milestone
1. Submission and presentation of inception report (should include project approach and work plan, an indication of how the impact evaluation will be implemented and each evaluation question to be responded to).	2 Weeks after inception meeting
2. Submission of literature review report, evaluation method matrix, analysis plan, detailed methodology, final data collection instruments	Two Months
3. Field work report PRR (presentation to Steering Committee/Technical Working Group)	Three Months
4. Field work report PEI (presentation to Steering Committee/Technical Working Group)	Three Months
5. Field work report VCANE (presentation to Steering Committee/Technical Working Group)	Three Months
6. Field work report Adoption (presentation to Steering Committee/Technical Working Group)	Three Months
7. Submission of draft evaluation report to Technical Working Group for review	Four Months
8. Present a revised draft report to relevant Senior Management Fora and conduct a validation workshop with stakeholders	Two Months
9. Incorporate inputs and submit a revised evaluation report	One Month
10. Submission of approved final evaluation reports both full and short report in 1/5/25 format, all datasets, and data collection documentation (including interviews) and PowerPoint or audio-visual presentation of the results (hard copies and electronic versions)	One Month
Project closure meeting	24 Months

8 INTENDED USERS OF THE EVALUATION

Effective utilisation of evaluation findings and recommendations requires a strategy to get the right knowledge to the right people at the right time, and to help them apply it in ways that may improve a programme's performance. From the onset, identification of intended users of evaluation evidence needs to be an intentional activity.

Potential Users of the Evaluation	How will they use it?
National Department of Social Development and departments dealing with children's issues (Home Affairs, Justice and Constitutional Development, Health, Education, SAPS)	<ul style="list-style-type: none"> • To improve implementation of the Children's Act • Improve co-ordination between stakeholders • Inform the development, review, and amendment of policies • Improve planning and targeting • Ensure compliance to legislation • It will inform child care and protection research and agenda • To improve programmes and projects that will contribute wider learning
Provincial Departments of Social Development	<ul style="list-style-type: none"> • Documenting, sharing, and learning • Deliver identified services/programmes according to their mandate • Improve service delivery • Ensure compliance with legislation
Child Protection Organisations	<ul style="list-style-type: none"> • Documenting, sharing, and learning • Deliver identified services/programmes according to their mandate • Improve service delivery • Ensure compliance to legislation

9 GENERAL CONDITIONS

The general conditions of contract as prescribed by National Treasury will be applicable in all instances.

10 TIME FRAMES

The duration of the evaluation will be twenty-four (24) months.

11 SKILLS, KNOWLEDGE, AND EXPERIENCE REQUIRED

The team contained in the proposal must be available for the duration of the project. Replacement of team members may only be done in consultation with DSD and replacement of team members must have the same qualifications, skills, and experience as those they are replacing. The project requires a combination of skills and expertise. The team should have at minimum an expert on child related matters, Impact evaluation expert, and project manager. The experts must have formal qualifications in their respective areas of expertise at least at honours level. The service provider should clearly specify the number of individuals to be part of the team, their areas of expertise and their respective responsibilities. The team must possess relevant qualification(s), including at least Postgraduate Degrees. The service provider must have:

- a. Knowledge of Social Development sector's core mandate, policies and programmes as informed by its key priorities.
- b. At least 2 to 3 years' experience and knowledge of child related policies, legislation, and programmes.
- c. At least 2 to 3 projects in child care and protection sector.
- d. Experience in conducting impact evaluation and research on government programmes and policies, developing clear theory of change, research and policy development.
- e. Project and Financial Management.
- f. Good verbal and written communication for stakeholder management.
- g. Ability to gather data, compile information, and prepare reports.

The bidder must also provide the following:

- a. A response to the terms of reference.
- b. A project plan that states the methodology and approach for accomplishing the task, project phases if applicable, time frames and outputs (excluding cost for the project);
- c. Profile of the organisation and description of similar work undertaken.

- d. Capacity Development Plan.
- e. Numbers, names and CV's of workers/ consultants assigned to the project, including their roles and responsibilities, experience on the issues relating to DSD sector;
- f. Letter of authority to sign documents on behalf of the organisation; and
- g. One hard copy of the technical proposal and a CD with soft copy of the technical proposal in PDF format.

12. BID PROPOSAL

The comprehensive proposal submission should include:

- 12.1.** A detailed plan reflecting project time frames, costing and outputs.
- 12.2.** Profile of company including a description of similar work undertaken.
- 12.3.** Number, names, and resumes (abbreviated CVs) of the people assigned to the project.
- 12.4.** A summary of the roles, responsibilities and time spent by each Person.
- 12.5.** The cost structure should be inclusive and as detailed as possible.
- 12.6.** The service provider is expected to enter into a contract with the DSD based on the proposal.
- 12.7.** A work plan indicating time frames should be provided with the proposal.
- 12.7.1.** Progress will be monitored monthly based on the work plan and time frames provided by the service provider approved by the DSD.

13. PROPRIETARY RIGHT

- 13.1.** The DSD shall become the owner of all information, documents, advice, and reports collected and compiled by the service provider to be appointed.
- 13.2.** The copyrights of all documents and reports compiled by the service provider will vest in the DSD and may not be reproduced, distributed or made available without the written consent and approval of the DSD.
- 13.3.** All information, documents and reports must be regarded as confidential until made public by the DSD.

14. EVALUATION CRITERIA

14.1. The evaluation of the bids will be conducted in two stages:

- a) Firstly, the proposals will be evaluated on functionality. An evaluation panel will allocate points (scale 1-5) in respect of functionality according to the criteria set-up in the table below. Proposals scoring less than 60 points in respect of functionality will be disqualified and not be evaluated further.
- b) Thereafter, only the qualifying bids will be evaluated in terms of the 80/20 preference points system as contemplated in the Preference Procurement Regulations 2022 issued in terms of Preferential Procurement Policy Framework Act (Act 5 of 2000).

14.2. The 80 points will be used to calculate points for price only and 20 points will be used to calculate points for specific goals status levels of contribution (SBD 6.1). Prospective service providers are required to complete the SBD 6.1.

14.3. The points in respect of price will be calculated on the ceiling price for the project (inclusive of the professional fees).

14.4. PLEASE NOTE: SBD 6.1 attached for claiming above-mentioned points, if not completed the bidder will automatically score 0 points.

14.5. Technical proposals will be evaluated on a scale of 1-5 in accordance with criteria below.

14.6. All bids/quotes will be scored as follows against the functional criteria indicated below. The rating will be as follows:

1 = Very Poor

2 = Average

3 = Good

4 = Very Good

5 = Excellent

No.	ELEMENT/CRITERIA	1	2	3	4	5	Weight	Total
1.	Demonstrates extensive knowledge and experience in conducting evaluation studies by main contractor and subcontractors 1= No evidence that bidder has undertaken similar projects. 2= Bidder has successfully undertaken 1 or 2 similar projects. 3= Bidder has successfully undertaken 3 projects. 4= Bidder has successfully undertaken 4 similar projects. 5= Bidder has successfully undertaken 5 or more similar projects.						25	
2.	Bidder's profile reflects an in-depth understanding, knowledge and experience of the issues pertaining to children, understanding the mandate, policies, and programmes. 1= Profile does demonstrate any of the required qualities. 2= Profile makes mention of the required qualities but not convincing. 3= Profile demonstrates a minimum of the required qualities. 4= Profile demonstrates most of the required qualities. 5= Profile exceeds of the required qualities.						25	
3.	Proposed methodology and approach 1= Proposal did not meet methodology requirements set out in the TOR 2= Proposal partially addresses methodology requirements set out in the TOR 3= Proposal meets minimum methodology requirements set out in the TOR 4= Proposal exceeds minimum methodology requirements set out in the TOR 5= Proposal exceeds minimum methodology requirements set out in the TOR and proposed value-add						20	

No.	ELEMENT/CRITERIA	1	2	3	4	5	Weight	Total
	items such as interesting approach for undertaking the project							
4.	Skills, knowledge and experience (as specified in ToRs) 1= Team does not meet any skills, knowledge and experience requirements. The sector and Impact Evaluation specialists meet at least half but not all the qualifications requirements 2= Team consist of either sector expert or Impact Evaluation expert and the project manager. 3= Team consist of sector expert on children, Impact Evaluation expert, financial expert and project manager. The sector and Impact Evaluation specialists meet the minimum qualifications 4= Team consist of sector expert on children, Impact Evaluation expert, financial expert and project manager. Either sector or Impact Evaluation specialists exceed the qualifications requirements. 5= Team consist of sector expert on children, Impact Evaluation expert, financial expert and project manager. Both sector and Impact Evaluation specialists exceed the qualifications requirements.						20	
5.	A skills transfer plan that demonstrates how at least two officials from national DSD and relevant DSD officials and provincial offices. 1=No Skills transfer plan demonstrating how at least two officials from national DSD and relevant DSD officials and provincial offices. 2= Proposed skills transfer plan partially demonstrates how at least two officials from national DSD and relevant DSD officials and provincial offices.						10	

No.	ELEMENT/CRITERIA	1	2	3	4	5	Weight	Total
	3=Proposed skills transfer plan demonstrates how at least two officials from national DSD and relevant DSD officials and provincial offices.							
	4= Proposed skills transfer plan demonstrate how at least 4 or more officials from national DSD and relevant DSD officials and provincial offices.							
	5= Proposed skills transfer plan demonstrate how at least 4 or more officials from national DSD and relevant DSD officials and provincial offices. The proposal adds some innovation on how the skills transfer plan will be implemented.							
	TOTAL						100	

Minimum requirements: Service providers should be required to meet the minimum scores for each element as well as the overall minimum score (60 points), based on the average of scores awarded by the evaluation panel members. Proposals should clearly address the project description and the functional evaluation criteria mentioned above.

15.FACILITIES TO BE PROVIDED BY THE DSD

15.1. During the project the NDSD officials will make themselves available for clarity, reporting processes, discussions, and meetings. The service provider will also have access to required documents and other records available within the Department that may assist in executing the project.

16.REPORTING ARRANGEMENT

16.1. All deliverables should be submitted to the DSD. Any deliverable submitted and not accepted must be reworked and resubmitted at no additional cost.

16.2. The service provider will provide a single overall project manager.

16.3. A comprehensive detailed report will be submitted by the service provider.

17. TARRIFS AND PAYMENT

17.1. Payment will be effected within 30 days after receipt of a satisfactory detailed invoice from the successful service provider.

17.2. Payment will be made in accordance with the completion of work to the satisfaction of the DSD based on the milestone for the project agreed to and signed off as part of the implementation plan.

18. SUBMISSIONS

18.1. Prospective bidders must submit their bids proposals in **two envelopes**:

18.2. **One envelope** with the **technical proposal** outlining in detail a realistic work-break schedule indicating different milestones to be achieved, and response to the terms of reference and evaluation criteria including other supportive documents, completed bid forms, tax pin certificate issued by SARS and legal entity registration certificate.

18.3. **One other envelope** with the **financial proposal** (pricing schedule (SBD 3.3) with all cost related items, cost breakdown).

18.4. The entire proposal should be placed on disc in a PDF format.

18.5. The following information must be endorsed on each envelope:

- **Bid number:**
- **Closing date:**
- **Name of the Bidder:**
- **Technical Proposal or Financial Proposal**

18.6. The closing date for the submission of bid is 13 December 2024

18.7. Failure to comply with these conditions will result in a bid being disqualified.

18.8. The Bids should be:

Deposited in the Tender Box,
Foyer of the HSRC Building
134 Pretorius Street

Pretoria

Bids received after the closing date and time will be regarded as late and will not be evaluated.

19. CONTACT PERSONS

Enquiries may be directed to:

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