



human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A
POLICY, RESEARCH AND LEGISLATIVE REVIEW TEAM
2024**

36 MONTHS PERIOD (AS AND WHEN NEEDED BASIS)

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1. PURPOSE

- 1.1.** The Department seeks to appoint a panel comprised of individuals and not companies to serve as Policy, Research and Legal Review Team. The panel will be comprised of junior professionals between the age of 25-35 years and senior professionals for a period of 36 months. A junior professional is an entry-level position designed for individuals who are just starting their careers and will be assisting senior professionals who are more experienced with tasks and projects. The senior professionals will assist junior professionals and officials in the department to learn the ropes of the industry and develop the required skills. The panel will be allocated work as when a needs arises and therefore the appointment is not full time.

2. BACKGROUND

- 2.1** The National Department has a responsibility of determining policy, including norms and standards for human settlements and has undertaken a number of policy reformulation, policy formulation, legislative review and research through additional capacity and expertise.
- 2.2** The services of a Panel of Policy, Research and Legislative Review Team (PORLERT) were used and unfortunately the contracts of the current panel will be ending at the end of September 2024. The expiry of the contract period means that the department may end up not being able to effectively undertake work that cover research, policy, programme and legislative development.
- 2.3** The Department needs to source technical skills that would enable the Department to undertake its work efficiently, effectively, professional and show value for money. Thus the Department seeks the services of junior and senior professional panel members due to capacity constraints to deliver timeously on some of its key research, policy and legislative review assignments. The work is likely to cover emerging policy priorities linked to the Medium Term Development Plan which was commonly known as Medium Term Strategic Framework.
- 2.4** While the PORLERT technical support will contribute greatly to enabling the Department to achieve its strategic objectives, urgent priorities and targets, it is envisaged that it will also contribute towards building and strengthening the capacity of the Chief Directorates that deals with policy, research, and legal work where skills gaps have been identified.

3. PROBLEM STATEMENT

- 3.1 The Department has limited capacity to carry its core work and has developed a draft White Paper for Human Settlements, reformed existing programmes but require additional individual research, technical, policy and legislative drafting expertise to be used on a needs basis. The work envisaged will include undertaking research, developing new programmes of the Human Settlements Code, develop technical guidelines, review of existing legislation such as the Housing Act, Social Housing Act, Community Schemes regulations, Property Practitioners Regulatory Authority Regulations, Home Loan and Mortgage Disclosure Act, the PIE Act, formulate policy positions and responses on all housing and human settlements issues.

4 SCOPE OF WORK

- 4.1 The **scope of work** for the Panel members will broadly be comprised of the following:
- 4.1.1 Undertake research and compile reports on housing and human settlements issues as determined by the needs of the Department.
 - 4.1.2 Drafting human settlement technical guidelines, draft designs, undertake costing, develop business processes, programmes, policies and norms and standards as and when required.
 - 4.1.3 Undertake legal research, draft legislation and regulations as and when required.
 - 4.1.4 Undertake costing of various human settlements products and support the Department with additional assignments where necessary.
 - 4.1.5 The scope of the panel will not only be confined to the above defined scope and mandate, but where applicable will also include undertaking of other priority research, policy, programme development and legislative related assignments as urgent tasks.
 - 4.1.6 The scope of work will be linked to workplans that will be developed and approved by the Department.
 - 4.1.7 The workplans will contain specific deliverables, time, duration of the assignment and define the budget which will be calculated according to a specified hourly rate, as stipulated in the DPSA schedule of rates.
 - 4.1.8 Work will be allocated to individuals (junior and senior professionals) based on their availability and on a fair, equitable and, if need be, also on a rotational basis.

5 QUALITY OF DELIVERABLES

- 5.1 It is expected that all deliverables shall be delivered in the manner that shows a high degree of professionalism, quality, competence and good report writing skills.
- 5.2 All documents must be language edited, and final reports must be submitted in both MS Word and PDF versions and where its designs and costing required, applicable programmes should be used.

6 SERVICES TO BE RENDERED BY THE DEPARTMENT

- 6.1 The Department with its current capacity will pair junior professionals to senior professionals, coordinate skills transfer, share relevant policy, programme, legislative and research documents that are crucial to the specific assignment. This will include additional information such as existing legal opinions, key court judgments, relevant legislation and draft amendments to support the development of deliverables.

7 DURATION

- 7.1 The duration of the appointments of the junior and senior professionals shall be three (3) years from the date of commissioning of Service Level Agreements.

8 INSTITUTIONAL ARRANGEMENTS

- 8.1 The Department will set up a project steering committee that will ensure oversight management and accountability for the different projects and this will be chaired by the responsible senior manager.
- 8.2 There will be assignment coordinators whether directors and/or deputy directors who will be responsible for, among others:
 - 8.2.1 Developing specific briefs for each assignment to be issued,
 - 8.2.2 Prepare the appropriate memorandum for approval.
 - 8.2.3 Develop a workplan per panel member and submit it for approval.
 - 8.2.4 Co-ordinate feedback meetings.
 - 8.2.5 Take minutes and develop performance reports, as may be required from time-to-time.
 - 8.2.6 Monitor and assess performance of the panelist with respect to contractual, administrative, financial and governance responsibilities.
 - 8.2.7 Pair junior professionals with senior professionals per project.
 - 8.2.8 Quality check the outputs and claims submitted.
 - 8.2.9 Please note that a member will only be allowed to be in one panel. E.g. If one is a member of the Municipal Accreditation Panel or any other panel that will be created in the future, you will not be allowed to participate in the PORLERT.

9 BUDGET AND PAYMENT SCHEDULE

- 9.1 Payments to panel members will be linked to project deliverables, and will be assessed by the steering committee and assigned project coordinator in the relevant division.
- 9.2 The applicable hourly fee rate for junior professionals will be linked to salary level 9 band of the DPSA schedule of rates, calculated at R557 per hour.
- 9.3 Senior professionals will be linked to salary level 13 band of the DPSA schedule of rates, calculated at R1191 per hour.
- 9.4 The rates are applicable for individuals who are appointed for a period of more than 60 consulting hours, with no mark-up, in accordance with the PSA guide on hourly rates for consultants. The "No Mark-up" service is normally applicable to individuals or NGOs. All Overheads" means consultant provides all overheads e.g., office, parking, telephone expenses.
- 9.5 Claims will be limited to a maximum of eight (8) hours per day, and will be subjected to the allocated task per brief and workplan.
- 9.6 Payments will be done against the goods and services budget allocation of the relevant divisions.

10 KNOWLEDGE AND EXPERTISE OF PANEL MEMBERS

- 10.1 Panel members, in their applications, are expected to demonstrate the following knowledge, characteristics, and expertise in the required areas of responsibility/assignment:

10.2. Table 1: Knowledge and expertise of panel members

	SKILLS/EXPERIENCE/QUALIFICATIONS OF PROFESSIONALS	
FIELD	SENIOR PROFESSIONALS	JUNIOR PROFESSIONALS
Legal	<ol style="list-style-type: none"> 1. A minimum of eight to ten years' experience in the field of legislative review and drafting; 2. Extensive knowledge of housing legislation and other relevant legislative instruments; 3. Proven programme management experience on projects of a similar nature; 4. Proven written and oral communication ability; and 5. Ability to coach junior professionals, staff, multitask, work under pressure and time management skills. 	<ol style="list-style-type: none"> 1. A minimum of two years' experience in the field of legislative review and drafting; 2. Basic knowledge of housing legislation and other relevant legislative instruments; 3. Experience in handling projects of a similar nature; 4. Written and oral communication ability; and 5. Ability to multitask, work under pressure and time management skills.
Research (all encompassing)	<ol style="list-style-type: none"> 1. A minimum of eight to ten years' of relevant experience in applied research and modelling; 2. Extensive and demonstrable experience in conducting applied research in human settlements; 3. Proven programme management experience on projects of a similar nature; 4. Excellent verbal and written communication skills; and 5. Ability to coach junior professionals, staff, multitask, work under pressure and time management skills. 	<ol style="list-style-type: none"> 1. A minimum of two years' experience in applied research and modelling; 2. Basic knowledge and experience in conducting applied research in human settlements; 3. Basic experience on projects of a similar nature; 4. Excellent verbal and written communication skills; and 5. Ability to multitask, work under pressure and time management skills.

Policy development and review	<ol style="list-style-type: none"> 1. A minimum of eight to ten years' of experience in the housing and human settlements policy and programme development, reform and review; 2. Advanced analytical skills in reviewing, conceptualizing, and developing policies, legislation and regulations and its interrelations with the financial sector; 3. In-depth knowledge in economics, housing finance, development finance and real estate market; 4. Ability to coach junior professionals, staff, multitask, work under pressure and time management skills; and 5. Excellent verbal and written communication skills. 	<ol style="list-style-type: none"> 1. A minimum of two years' experience in housing and human settlements policy and programme development, reform and review; 2. Basic analytical skills in reviewing, conceptualizing, and developing policies, legislation and regulations and its interrelations with the financial sector; 3. Basic knowledge in economics, housing finance, development finance and real estate market; 4. Ability to multitask, work under pressure and time management skills; and 5. Excellent verbal and written communication skills.
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11 EVALUATION CRITERIA

11.1 The following criteria and associated sub-criteria as depicted in the table below will be used to evaluate the suitability and qualification of a panel member in accordance with the weightings outlined in the table and a minimum score of 80 points and above will qualify the junior and senior professionals to be on the panel, whereas any score below 80 points will render the application non-responsive.

NB: Panel members will be appointed in their individual professional capacities which shall not extend, or be interpreted to be a company, organisation or institution that they work for, or are associated with.

11.2 Table 2: Evaluation Criteria for the Senior Professionals

CRITERIA	SUB-CRITERIA	TOTAL POINTS
1. Qualifications	<p>a) Degree in any of the following: Social Sciences, Economics, Law, Development Finance, Housing Studies, Public/Social Policy, Property Finance, Development Studies, Econometrics, Public Management, Public Administration, Civil Engineering, Quantity Surveying, and Town Planning.</p> <p>NB:</p> <ol style="list-style-type: none"> 1. Master's Degree/M-Tech/PhD – (30 points) 2. B-Tech/Honours/Post-Graduate Diploma – (20 points) 3. National Diploma/Degree- (10 points) 4. No or insufficient qualifications – (0 points) 	30
2. Experience	<p><i>Years in undertaking similar assignments supported by reference letters</i></p> <p>25 years and more – (35 points) 16 – 20 years – (30 points) 11 – 15 years – (20 points) 6 – 10 years – (15 points) 4 – 5 years – (10 points) 1 – 3 years – (0 points)</p>	35

3. Research Publications, legislation and policies	Proof of research publication/or developed policies/legislation/regulations <ul style="list-style-type: none"> • 21 or more – (35 points) • 16 – 20 – (30 points) • 11 – 15 – (25 points) • 6 – 10 – (20 points) • 4 – 5 – (15 points) • 1 – 3 – (0 points) 	35
Total points		100

11.3 Table 3: Evaluation Criteria for the junior professionals

CRITERIA	SUB-CRITERIA	TOTAL POINTS
1. Qualifications	<p>a) Degree in any of the following: Social Sciences, Economics, Law, Development Finance, Housing Studies, Project Management, Public/Social Policy, Property Finance, Development Studies, Econometrics, Public Management, Public Administration, Civil Engineering, Quantity Surveying, and Town Planning.</p> <p>NB:</p> <ol style="list-style-type: none"> 1. Masters, B-Tech/Honours/Post-Graduate Diploma – (40 points) 2. National Diploma/Degree- (30 points) 	40

	3. No or insufficient qualifications – (0 points)	
2. Experience	<i>Years in undertaking similar assignments supported by reference letters</i> 3 –5 years – (20 points) 1 –2 years – (15 points)	20
3. Proof of work assignments	Proof of legal drafting/ policies/ research reports 5 and more documents drafted – (40 points) 4 documents drafted –(30 points) 3 documents drafted – (15 points) 2 documents drafted – (10 points) 1 document drafted – (5 points) No document – (0 points)	40
Total points		100

12 COPYRIGHT

12.1 Copyright of any materials, deliverables, research, and all reports produced by panel members, individually and/or as part of the workstream, shall be the property of the Department, and that only the Department’s logo shall appear on the works whose usage is subject to prior consent by the Department.

12.2 Panel members are prohibited from using and/or publishing research reports and documents produced as part of the scope and brief of the workstream, including presentation at Conferences and/or other fora without the written consent of the Department.

13 CONTRACT DOCUMENT

13.1 Apart from the General Conditions of Contract as prescribed by the National Treasury, successful panel applicants will be required to sign a Service Level Agreement (SLA) with the Department, vetted by the Chief Directorate: Legal Services.

14 ENQUIRIES

- 14.1 Further enquiries and general information regarding the administrative and procedural aspects relating to this assignment will be available from the Departments' Supply Chain Management Section, tendersenquiries@dhs.gov.za

15 APPLICATIONS

- 15.1 Applications must be sent to sarah@tothetrecruitment.co.za