

ACTION 24

Active Citizens for Responsive Legislatures



Embassy of Finland
Pretoria

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#Action24

TERMS OF REFERENCE

**APPOINTMENT OF A SERVICE PROVIDER
FOR THE DEVELOPMENT OF
THE ACTION 24 TOOLKIT ON CITIZENS' ENGAGEMENT
WITH THE SOUTH AFRICAN LEGISLATURES**

**Promoting Broader and Effective Participation of South African Civil Society in
Environmental Governance**

Contract No. AFS/2017/154427/22

1. Introduction

These Terms of Reference (ToR) spell out the requirements for the development of a 'Toolkit on Citizens' Engagement with the South African Legislatures'.

This Toolkit is developed as part of the project "Action 24 – Active Citizens for Responsive Legislatures", implemented by the organisations Food & Trees for Africa (FTFA), South African Institute for International Affairs (SAIIA) and South Durban Community Environmental Alliance (SDCEA) (hereafter referred to as "the implementing organisations") in four provinces of South Africa – Gauteng, KwaZulu-Natal, Limpopo and the Western Cape.

The Action 24 project is co-financed by the European Commission under the Programme "Enhancing CSO Participation in Legislatures' oversight and Participation Processes", Grant Contract No. AFS/2017/391-048; the Finnish Embassy to South Africa; and the Climate Reality Project.

The Toolkit aims at documenting the learnings of the Action 24 project with regards to public participation in legislative and oversight processes, provide reflections on "theory vs practice", and offer 'how-to' / practical step-by-step guidance on how the public can engage with the Legislatures, based on the realities observed.

The implementing organisations are seeking to appoint a qualified service provider to develop the Toolkit, in collaboration with the project stakeholders.

2. Background Information & Project Overview

Since January 2018, Food & Trees for Africa (FTFA) in collaboration with the South African Institute of International Affairs (SAIIA) and the South Durban Community Environmental Alliance (SDCEA) ("the implementing organisations") have been implementing a 30-month project aimed at enhancing civil society participation in environmental governance in South Africa. The project focuses on improving public engagement in law-making and legislative oversight on matters pertaining to sustainability, climate resilience and a just transition to a low-carbon future, paying special attention to youth and women participation. It targets the National Parliament and four Provincial Legislatures: Gauteng, KwaZulu-Natal, Limpopo and the Western Cape to improve engagement with CSOs at various levels.

The right to a safe and protected environment and a commitment to a sustainable future are enshrined in the South African Constitution. However, while many communities in South Africa are increasingly feeling the effects of climate change, civil society engagement in environmental governance remains limited.

Public participation, where and when it happens, is largely focused on policy-making at national level, or as a reaction to immediate threats to the environment or public health. Public participation in the making of laws and oversight of national/ local governments' actions that affect our environment, living conditions and well-being is rather poor. In fact, it appears a vast majority of South African civil society – and the citizens in general – are unaware of and ill-equipped to influence legislations and oversee local governments' implementation of public policies and basic services delivery. Local civil society organisations (CSOs), the youth and women are underrepresented in these processes.

Moreover, pressures to deliver vital services and to enhance opportunities for development at the local level are sometimes seen as conflicting with custodianship of the environment and a longer-term commitment to sustainability. Integrating ecologically sustainable development and use of natural resources with equitable economic and social development ought to receive more attention from the public and in government interventions, especially on matters that are directly relevant to the citizens.

To address these issues, the project builds on two components. On the one hand, enhancing capacity for civil society participation and engagement in law-making and legislative oversight on issues at the

crossroads between climate change/ environmental protection and the realisation of their rights (principally energy, water scarcity, unemployment, women and girls' empowerment, and food security). To do this, the project seeks to improve understanding of public participation processes, access to information on legislatures' oversight, and support efforts by local CSOs to increase their in this area, especially for disadvantaged and marginalised groups.

On the other hand, the implementing organisations expect to foster greater responsiveness and accountability of the legislative and executive powers to the citizens' environmental rights and their demands for the advancement of a sustainable, climate-resilient and inclusive society.

Summary of the project:

Implementing organisation(s)	Food & Trees for Africa (FTFA) South African Institute of International Affairs (SAIIA) South Durban Community Development Alliance (SDCEA)
Duration	1 st January 2018 – 30 June 2020
Contract number	AFS/2017/391-048
Project partners	The European Union The Climate Reality Project The Finnish Embassy to South Africa Friedrich Ebert Stiftung
Location	South Africa Gauteng, KwaZulu-Natal, Limpopo, Western Cape
Overall objective	Contribute to sustainable, climate-resilient and inclusive development in South Africa
Specific objective	Improved environmental governance through broad-based and effective civil society participation (i) Enhanced capacity for citizen engagement in law-making and legislatures' oversight on matters pertaining to sustainability and climate-resilience (ii) Increased responsiveness and accountability from the legislative and executive powers to uphold the citizens' socio-economic rights and deliver on a sustainable, climate-resilient and inclusive development
Target groups and beneficiaries	(in the four project provinces) - Local civil society organisations - Local media houses - Women and Youth - Provincial Legislatures

3. Purpose of the Toolkit

The purpose of the Toolkit is to:

- provide background information on the mandates and roles of the Legislatures in South Africa, and public participation rights and principles;
- document the learnings of the Action 24 project with regards to public participation in legislative and oversight processes, to serve as case studies from lived experience of environmental governance in South Africa, and provide reflections on “theory vs practice”;
- offer ‘how-to’ / practical step-by-step guidance on how the public can engage, based on the realities observed;
- formulate recommendations.

It will feature various chapters taking users on a journey from background information, to fact-finding, to planning one's engagement, to reading and contributing to legislative and policy documents, to taking part in oversight activities.

It will take into account the Action 24 themes which include: participatory governance; climate change and environmental sustainability; gender; and youth.

The Toolkit is intended for citizens and civil society organisations wanting to interact with National and Provincial Legislatures on legislation and monitoring of government work.

The Toolkit is a practical, do-it-yourself guide. It is a toolbox, rather than one-size-fits-all solution because what works in a given set of circumstances, with a specific set of stakeholders, may not work in different contexts.

It must be written in English, in a format and language accessible to literate and semi-literate readers, providing straightforward explanations that resonate with local realities.

It should not be overly wordy, and make use of the following to communicate concepts and examples:

- Tools and Tips
- Case studies
- Frameworks – usually visual representation (graphic design may be sourced externally)
- Illustrations or comic strips (graphic design may be sourced externally)

The Toolkit will be co-created by organisations and individuals involved in the Action 24, so as to reflect the realities of public participation and experiences on the ground.

4. Scope of the services required

- (1) Receive written and oral content from identified relevant sources (documents and stakeholders), based on the content outline developed by the Implementing Organisations.

The Implementing Organisations will put together and supply content, as well as identify and facilitate contact between the Service Provider and other relevant stakeholders contributing content.

Content collection from the various stakeholders will be done preferably electronically and telephonically, or through face-to-face meetings if necessary.

Some content will be drawn from existing documentation and materials, in which case the Service Provider will be required to suggest necessary edits for integration in the Toolkit.

- (2) Suggest adjustments to the content outline and/ or structure of the Toolkit, as relevant;
- (3) Collate and edit the content, in line with the prescribed editorial style.
- (4) *Optional:* graphic design (illustrations, layout) of the Toolkit, in line with Action 24's visual identity.
 - a. Should the bidder wish to include this service, it shall be reflected in the technical and financial proposal.
 - b. If not included in the services rendered by the Service Provider, (3) will have to include a description of suggested appropriate illustrations and layout, for easy reference putting into consideration the target users.

The Service Provider may work from any location in South Africa.

5. Resources

The Service Provider will have access to the following:

- Project description;
- Toolkit content outline;
- Project Baseline Study and the Situational Analysis on Public Participation in the South African Legislative Sector;
- M&E notes from project activities, as relevant;

- Any other relevant documents, materials and information produced during the implementation of the project, provided that they are not confidential;
- Library of relevant documents in relation to public participation in the Legislative Sector;
- Contacts with the Action 24 implementing organisations and project staff, sub-grantee organisations, and any other relevant stakeholder agreeing to take part in the toolkit development.

6. Deliverables & Schedule

All deliverables are to be submitted electronically in Word format and in English to the Action 24 Project Manager (Food & Trees for Africa).

Deliverables include:

- (1) An inception report, to be submitted one week after the inception meeting, explaining the methodology, work programme and timetable for the Assignment;
- (2) A draft Toolkit, to be submitted by 30 September 2019;
- (3) A final Toolkit, to be submitted by 31 October 2019 with a maximum of 60 pages excluding annexes.

The structure and content of the Toolkit will follow the outline developed by the Implementing Organisations.

The service provider may propose adjustments to the content outline and/ or structure of the document, to be approved by the Implementing Organisations.

The Assignment will be carried out from mid-August to end October 2019, with a maximum total of 21 working days spent on the Assignment.

The tentative schedule is as follows:

09 August 2019:	Appointment of service provider
12-16 August:	Inception meeting with the FTFA Project Management.
23 August:	Submission of inception report
August-September:	Collection, collation and editing of content
30 September:	Submission of draft Toolkit
15 October:	Comments by Implementing Organisations
22 October:	Submission of revised draft
31 October:	Submission of final Toolkit with final edits

7. Knowledge and Experience Required

The Service Provider should have knowledge and experience in the following areas:

- Competence and experience in developing training or informative materials;
- Knowledge and experience in capacity building;
- Demonstrated understanding of the governance structures in South Africa and civil society dynamics;

- Experience in the following sectors would be an asset: governance; public participation; legislative sector; community development; environmental sustainability and/or climate change;
- Demonstrated report writing skills;
- Excellent communication skills, both orally and in writing;
- Proficiency in English, written and verbal. Additional languages (Zulus, Sepedi and Afrikaans) would be an advantage for engagement with stakeholders in the various project provinces.

8. Payment Schedule

The Service Provider will be paid for the amount agreed between FTFA and the Service Provider with payments made directly to the latter as follows:

- 25% on completion and submission of the work plan, detailing how the Assignment will be accomplished with realistic timelines;
- 50% on completion of the draft Toolkit;
- 25% on submission and acceptance of all final deliverables.

Deliverables will be reviewed and certified as satisfactory by FTFA Management and the Project Steering Committee.

They will be submitted by the Service Provider in electronic version in the relevant Microsoft Office format.

9. Submission of proposals

Interested bidders must submit the following documents/ information to demonstrate their qualifications:

- Proposal
 - (i) Explain why they are the most suitable to perform the work and deliver the outputs;
 - (ii) Provide a brief methodology on how they will approach and conduct the Assignment.
- Financial proposal (all costs included)
- CV of key consultant(s) highlighting past experiences in similar projects/assignments.
- Indicate at least 2 references.
- Sample(s) of previous similar work.

Proposals should not exceed 20 pages, including annexes.

Interested bidders are requested to submit an electronic copy of their proposal with the subject REF: "Action 24 Toolkit Writing – *[name of Service Provider]*".

Proposals or queries must be sent to noelle.garcin.za@climatereality.com by COB on **31 July 2019**.

10. Contract award criteria

Description	Weighting
Main criteria (70 marks total)	
a Quality of suggested team to undertake all aspects of the assignment.	15
b Adherence to ToR's specifications and related requirements: a clear understanding of required deliverables and robust, appropriate proposed approach.	25
c Displayed capacity for similar high-quality work on data collection and report writing. Experience working in South Africa, in the governance/ policy/ civil society sectors, will be an advantage.	15
d Ability to deliver Assignment within the given timeline.	5
e Communication, Writing skills and language proficiency.	10
Commercial criteria (30 marks total)	
f Competitive fee rates and expenses in relation to the market and demonstration of Value for Money.	30
Total	100

11. Terms and Conditions

- All costs and expenses incurred by the bidders relating to their proposal will be borne by them exclusively. SAHRA is not liable to pay such costs and expenses or to reimburse or compensate bidders in the process under any circumstances, including the rejection of any proposal or the cancellation of this project.
- FTFA reserves the right to request new or additional information regarding each bidder and any individual or other persons associated with its proposal.
- FTFA may require responsive bidders to present and discuss their proposals in person.
- FTFA reserves the right not to make any appointment from the proposals submitted.
- Bidders shall not issue any press release or other public announcement pertaining to details of their proposal without the prior written approval of FTFA.
- Bidders are required to declare any conflict of interest they may have in the transaction for which the bid is submitted or any potential conflict of interest. It is important that bidders declare their conflict of interest through completion of relevant attached forms.
- FTFA reserves the right not to consider further any bid where such a conflict of interest exists or where such potential conflict of interest may arise.
- The bid offers and proposals should be valid and open for acceptance by FTFA for a period of 30 days from the date of submission.
- Bidders are advised that submission of a proposal gives rise to no contractual obligations on the part of FTFA.
- FTFA reserves the right not to award the bid to the bidder that scores the highest points.
- Disputes that may arise between FTFA and a bidder must be settled by means of mutual consultation, mediation (with or without legal representation) or, when unsuccessful, in a South African court of law.
- Should the required documents be missing in a bid, the bid will not be considered any further.
- Once the successful service provider has been awarded the contract, they must be able to deliver in full compliance with South African approved standards and in compliance to the specifications provided.