

## TERMS OF REFERENCE

Summary	
Title	Consultant(cy) to support the Country Coordinating Mechanism (CCM) Ethics Office in its shared responsibility for preventing and responding to sexual exploitation, abuse and harassment and related abuse of power in the context of Global Fund programs.
Description	SANAC seek the services of a consultant to support the Ethics function of the CCM to ensure ethical leadership and conduct.
Questions by email only to	Beullah Mthombeni - <a href="mailto:Beullah@sanac.org.za">Beullah@sanac.org.za</a>
Submissions by email only to	Beullah Mthombeni - <a href="mailto:Beullah@sanac.org.za">Beullah@sanac.org.za</a> Copied: <a href="mailto:millicent@sanac.org.za">millicent@sanac.org.za</a> Copied: <a href="mailto:mbali@sanac.org.za">mbali@sanac.org.za</a>
Summary of what submission must include (Details below in the submissions section)	<ol style="list-style-type: none"> <li>1. Brief proposal</li> <li>2. Detailed quotation for the work</li> <li>3. The CVs of the proposed consultant to undertake the work</li> <li>4. Evidence of having completed similar assignment</li> <li>5. Consultant/Company profile</li> </ol>
Deadline for questions	11 August 2023
Deadline for submissions	18 August 2023

### 1. BACKGROUND

The South African National AIDS Council (SANAC) is a voluntary association of institutions established by the national cabinet of the South African Government to build consensus across government, civil society and all other stakeholders to drive an enhanced country response to HIV, TB and STIs. Amongst its various objectives, SANAC mobilises resources domestically and internationally to finance the response to HIV, TB and STIs in South Africa (SA). One of the main Funders of the response against HIV, TB and STI epidemics is the Global Fund to Fight HIV, TB and Malaria (GF). The GF funding implementation and monitoring in SA is overseen by the SA Country Coordinating Mechanism (CCM). The CCM is the embodiment of one of the GF's founding principles that places country ownership of its fundings at the centre of its interventions. The CCM plays several key roles, including creating funding requests for the country, nominating Principal Recipients of the GF funds, and overseeing grant implementation. The CCM is expected to follow the highest standards of ethics and integrity since ethical and responsible decision-making by the CCM is key for the success of GF programmes in-country. Therefore, CCM members need to apply the highest standards of conduct in their work to prevent, detect, and respond to conflicts of interest, unethical conduct and prohibited practices, as ethics and good governance contribute to the ability of the GF to deliver on its mission to eradicate the HIV, TB and Malaria. Evidence and experience illustrate that improved ethical conduct and conflict of interest management lead to greater trust and improvements in the CCM machinery. SANAC hosts the secretariat of the SA CCM at the SANAC Secretariat offices in Hatfield, Pretoria.

The CCM is required through the CCM Policy to approve and adopt the Code of Ethical Conduct for CCM members, develop or update (as necessary), and publish a conflict-of-interest (COI) policy that applies to all CCM members and CCM Secretariat staff. Additionally, the CCM needs to ensure that new CCM members are trained on the Code, ensure compliance with the Code, and creation of an Ethics Committee with one CCM member as an Ethics Focal Point.

## **2. SCOPE OF WORK FOR THE CONSULTANCY**

### **2.1 Purpose and objectives**

The Global Fund is providing funding for a CCM Ethics Office role, as a consultancy within the CCM Secretariat. The objective of the CM Ethics Office is to support the operations function of the CCM which includes ensuring ethical leadership and conduct and supporting the CCM in its goal to coordinate national disease programs at the country level, in support of ending the epidemics and achieving Sustainable Development Goal 3. The Ethics office also contributes to the strategic functioning of the CCM by promoting ethical conduct and decision-making in all CCM activities; to lead the ongoing compliance of the Code of Ethical Conduct (focusing on conflict of interest management, ethical decision-making and behaviours) to support the Global Fund’s ethical values; and to support the CCM in its shared responsibility for preventing and responding to sexual exploitation, abuse and harassment and related abuse of power in the context of GF programs.

### **2.2 Activities and Expected Deliverables**

<b>Activity</b>	<b>Deliverables</b>
1. Ensure ethical leadership and conduct in the CCM	<ol style="list-style-type: none"> <li>1. Monthly monitoring report indicating decisions taken on Ethics matters arising in the CCM</li> <li>2. Provision of ongoing guidance and advice to CCM leadership and Ethics Committee</li> <li>3. Produce evidence of reporting of code of ethical conduct breaches and resolve thereof</li> <li>4. Report of support to CCM meetings – identifying and mitigating COI before, during and after CCM.</li> </ol>
2. Promote ethical decision-making	<ol style="list-style-type: none"> <li>1. Mediator reports for any mediation issues that may have been undertaken</li> <li>2. Evidence of promoting the whistle-blowing policy to CCM, PRs and SRs.</li> </ol>
3. Lead ongoing compliance of the Code of Ethical Conduct	<ol style="list-style-type: none"> <li>1. Training of CCM members on Code of Ethical Conduct e-learning module</li> <li>2. Tracker to indicate progress of training of CCM members on the Code of Ethical Conduct</li> <li>3. Record of Conflict of interest (COI) declarations for all CCM members</li> <li>4. COI declaration record (updated fortnightly)</li> <li>5. Record of adoption of code of conduct by CCM members</li> </ol>

	6. Record of implementation of code of conduct by CCM
4. Support the CCM in its shared responsibility of preventing and responding to sexual exploitation, abuse and harassment and related abuse of power	<ol style="list-style-type: none"> <li>1. Status update on PR policies on PSEAH</li> <li>2. Attend PSEAH meetings organized by Global Fund</li> <li>3. Coordinate PSEAH focal points at PR level and provide periodic reports</li> <li>4. Evidence of support to PRs on adherence to PSEAH policies</li> <li>5. Updated referral pathways for victim/survivor support</li> <li>6. Evidence of support to CCM on issues of PSEAH</li> </ol>

### Work Relationships:

The successful applicant will report to the Executive Manager: Resource Mobilisation and Donor Coordination through the CCM Secretariat Manager who will be the direct supervisor. The consultant will be expected to also work closely with the relevant committees of the CCM – Ethics Committee and Management Committee. The consultant will also work in close collaboration with the Ethics Office of the Global Fund and Ethics Focal points from the PRs.

### 2.3 Timeframes

The duration of the contract will be for a period of 42 days over a period of six months, that does not exceed 28 February 2024.

### 2.4 Desired Competences, Technical Background and Experience

- Education: Advanced degree in public health, ethics, law, public administration, business administration, or related field.
- Experience: At least 3 years' experience in building and developing partnerships in political environments and in mediating complex issues and deliverables at country, regional and international level;
- Experience: At least 3 years' experience, including track record of working in PSEAH or a related field, or in the prevention of/response to issues of misconduct.
- working in working in program planning and management, and/or equivalent experience
- Solid understanding and experience of strategic, organizational, and management issues.
- Understanding of Global Fund processes and its funding model.
- Excellent written and verbal communication skills.
- Desirable:
  - At least 5 years of professional experience (international or national) working in planning or management in the humanitarian sector or public health or disease program management..

- Strong interpersonal skills and proven ability to communicate and interact with high-level officials from the government, NGOs, UN agencies and the private sector.

### 2.5 Conditions

- The candidate selected will be governed by and subject to SANAC Terms and Conditions for the individual contract.
- Travel and costs associated with consultations will be covered by SANAC.
- The consultant will use his/her own equipment including computer to produce deliverables.
- All communications shall be done through available and SANAC recommended virtual platforms.

### 2.6 Payment Schedule

The performance will be evaluated on timeliness, alignment with TORs, and quality of work. Payment will be made upon satisfactory completion of all deliverables as per schedule below. With up to a maximum of 6 days per month which is 16.6% monthly.

## 3. SUBMISSION OF PROPOSALS

- Proposals must be submitted by email to [Beullah@sanac.org.za](mailto:Beullah@sanac.org.za); Copied: [millicent@sanac.org.za](mailto:millicent@sanac.org.za) and [mbali@sanac.org.za](mailto:mbali@sanac.org.za)
- No hard copy proposals may be delivered.
- Please use reference: “CCM: Ethics Office Consultant” in the email subject line
- Address to be put on the Quote:

SANAC

2nd Floor, Block E, Hatfield Gardens, 333 Grosvenor Street, Hatfield, PRETORIA, 0028

VAT no: 496 026 5751

Proposals must be submitted by email by no later than **17:00 on 18 August 2023**. PLEASE NOTE: No telephonic queries will be entertained by any SANAC staff member. Written questions may be mailed to [Beullah@sanac.org.za](mailto:Beullah@sanac.org.za) copied: [millicent@sanac.org.za](mailto:millicent@sanac.org.za) and [mbali@sanac.org.za](mailto:mbali@sanac.org.za) with the heading “CCM: Ethics Office Consultant” in the subject line. Questions may be submitted until 2 August 2023. Only proposals submitted by email will be accepted and reviewed – no late proposals will be reviewed.

### 3.1 Documents for submission

Section	Title
1.	Technical Proposal demonstrating ability to complete the assignment and produce a quality document as per scope of work detailed above
2.	Quotation - Price proposals should include VAT and should be fully inclusive of ALL costs to deliver the outputs indicated in the terms of reference
3.	Evidence of having completed similar assignment (can include reference letters)
4.	The CV of the proposed consultant or team to undertake the work

5.	A consultant/company profile
6.	PIN for Tax clearance certificate verification (verification will be done with SARS eFiling).
7.	Valid B-BBEE Certification: <ul style="list-style-type: none"> <li>• Copy of a certificate from a SANAS accredited Verification Agency;</li> <li>• A signed Exempt Micro Enterprise (EME) affidavit with the required information; or</li> <li>• A signed Qualifying Small Enterprise (QSE) affidavit with the required information.</li> </ul>

#### 4. EVALUATION OF PROPOSALS

Only submissions that meet the technical specifications in all aspects as stipulated in this terms of reference will be considered. Evaluation will be split into 3 stages:

##### Evaluation Stage 1: Correctness and completeness

Service Providers must provide the above documentation as specified.

Please note: The absence of the following documentation automatically disqualifies the Proposal:

1. Consultant/Company Profile
2. Proposal

##### Evaluation Stage 2: Technical Evaluation

Once the proposals have been evaluated on Correctness and Completeness, an evaluation panel will allocate points (on a points scale specified per function) according to the criteria set out in the functionality table below.

Service Providers must obtain a minimum of 70 out of 100 to be shortlisted. Shortlisted service providers will be evaluated on Price & B-BBEE.

FUNCTION	RATING	POINTS	
<b>TRACK RECORD &amp; EXPERIENCE</b> <i>45% of total</i>	<b>1. Lead Consultant's qualifications</b> Scoring Guide:		15
	<b>Points</b>	<b>Qualifications</b>	
	<b>5</b>	Bachelors Degree in public health, ethics, law, public administration, business administration, or related field	
	<b>10</b>	Masters Degree in public health, ethics, law, public administration, business administration, or related field	
	<b>15</b>	PhD in public health, ethics, law, public administration, business administration, or related field	

	<p><b>2. For the (lead) consultant that will be responsible for signing off the recommendation report, Service Providers are to indicate the person’s years of demonstrable experience working as a consultant delivering this and other related assignments, including track record of working in PSEAH or related field</b></p> <p>Scoring Guide:</p> <table border="1"> <thead> <tr> <th>Points</th> <th>Years experience</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>&lt; 1 year</td> </tr> <tr> <td>3</td> <td>1 – 2 years</td> </tr> <tr> <td>6</td> <td>3 – 4 years</td> </tr> <tr> <td>8</td> <td>4 – 5 years</td> </tr> <tr> <td>10</td> <td>6 – 10 years</td> </tr> </tbody> </table>	Points	Years experience	1	< 1 year	3	1 – 2 years	6	3 – 4 years	8	4 – 5 years	10	6 – 10 years	10						
Points	Years experience																			
1	< 1 year																			
3	1 – 2 years																			
6	3 – 4 years																			
8	4 – 5 years																			
10	6 – 10 years																			
	<p><b>3. Experience of the consultant/service provider team with developing partnerships in political environments and mediating complex issues and deliverables at country, regional and international level</b></p> <p>Scoring Guide:</p> <table border="1"> <thead> <tr> <th>Points</th> <th>Years</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>No demonstration of years' experience</td> </tr> <tr> <td>4</td> <td>&lt; 1 year</td> </tr> <tr> <td>8</td> <td>1 – 2 years</td> </tr> <tr> <td>12</td> <td>3 – 4 years</td> </tr> <tr> <td>16</td> <td>5 years</td> </tr> <tr> <td>20</td> <td>6 – 10 years</td> </tr> </tbody> </table>	Points	Years	0	No demonstration of years' experience	4	< 1 year	8	1 – 2 years	12	3 – 4 years	16	5 years	20	6 – 10 years	20				
Points	Years																			
0	No demonstration of years' experience																			
4	< 1 year																			
8	1 – 2 years																			
12	3 – 4 years																			
16	5 years																			
20	6 – 10 years																			
<p><b>UNDERSTANDING OF GLOBAL FUND PROCESSES AND ITS FUNDING MODELS &amp; EXPERIENCE IN GOVERNANCE AND PUBLIC HEALTH</b> <i>25% of total</i></p>	<p><b>4. Solid understanding of Global Fund processes and of its funding model</b></p> <table border="1"> <thead> <tr> <th>Points</th> <th>Familiarity</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>No understanding</td> </tr> <tr> <td>5</td> <td>Understand Global Fund processes</td> </tr> <tr> <td>10</td> <td>Understand Global Fund processes and funding models</td> </tr> </tbody> </table> <p><b>5. Experience in governance, public health and program management with focus on HIV and AIDS, tuberculosis.</b></p> <p>Scoring Guide:</p> <table border="1"> <thead> <tr> <th>Points</th> <th>Knowledge</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>No demonstrable knowledge and no evidence</td> </tr> <tr> <td>5</td> <td>Demonstrable knowledge and 1 reference letter</td> </tr> <tr> <td>10</td> <td>Demonstrable knowledge and 2 reference letters</td> </tr> <tr> <td>15</td> <td>Demonstrable knowledge and 3 reference letters</td> </tr> </tbody> </table>	Points	Familiarity	0	No understanding	5	Understand Global Fund processes	10	Understand Global Fund processes and funding models	Points	Knowledge	0	No demonstrable knowledge and no evidence	5	Demonstrable knowledge and 1 reference letter	10	Demonstrable knowledge and 2 reference letters	15	Demonstrable knowledge and 3 reference letters	15
Points	Familiarity																			
0	No understanding																			
5	Understand Global Fund processes																			
10	Understand Global Fund processes and funding models																			
Points	Knowledge																			
0	No demonstrable knowledge and no evidence																			
5	Demonstrable knowledge and 1 reference letter																			
10	Demonstrable knowledge and 2 reference letters																			
15	Demonstrable knowledge and 3 reference letters																			
<p><b>APPROACH PROPOSED</b></p>	<p><b>6. Clarity of Methodology and proposal</b></p>	10																		

<b>METHODOLOGY</b>  <i>30% of total</i>	Scoring Guide:		30
	<b>Points</b>	<b>Information provided</b>	
	5	Not clear	
	10	Methodology is poorly aligned to the scope of work, linked to outputs, human resource allocation to activities are outlined, actions are scheduled appropriately	
	15	Methodology is adequately aligned to the scope of work, linked to outputs, human resource allocation to activities are outlined, actions are scheduled appropriately	
	20	Methodology is well aligned to the scope of work, linked to outputs, human resource allocation to activities are outlined, actions are scheduled appropriately	
30	Methodology is excellently aligned to the scope of work, linked to outputs, human resource allocation to activities are outlined, actions are scheduled appropriately		
<b>TOTAL</b>			<b>100</b>

### Evaluation Stage 3: Price

Service Provers whose proposals achieve a minimum of 70% on the above technical evaluation will be evaluated on price. Proposals that do not meet the 70% threshold will be excluded from the process. The proposal scoring will weigh 80% of the total scoring.

The pricing will be weighted at 20% of the scoring

Bidders who obtained 70 on Functionality will be evaluated on Price & BEE using preference point system of 80/20 as per the below table:

Preference point system (80/20)	<b>Weighting percentage (Must add up to 100 %)</b>
Price	<b>80% of 100 Points</b>
BEE	<b>20% of 100 Points</b>
<b>Total:</b>	<b>100%</b>

#### i. Price Calculations

A maximum of 80/20 point system has been allocated to this bid on the following basis:

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

**ii. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR**

In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	14
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

**5. APPOINTMENT OF SERVICE PROVIDERS**

1. A SANAC & CCM constituted evaluation panel will evaluate the submissions and select the service provider. The Committee reserves the right to request any, or all, of the service providers to meet to clarify their proposal.
2. The Committee is not bound to accept the lowest or any proposal.
3. The proposal will be evaluated against the review matrix provided above.
4. The Committee may, entirely at its discretion, decide to:



- Award contracts to different service providers for different sections of the scope of work.
  - Award contracts for particular sections of the scope of work, but invite new proposals for other sections of the work.
  - Delay the award contracts for certain sections of the scope of work (taking into account, inter alia, timing of funding availability).
  - Make award of contracts subject to such conditions as SANAC may determine at the stage of awarding the contracts.
  - Commission the work in two phases should it become evident that this is necessary.
  - Review and modify the evaluation criteria.
  - Not award contracts.
-