



Economic Development & Planning Cluster

Economic Development & Investment Promotion Unit

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CONTRACT NUMBER

7N-38993

**APPOINTMENT OF AN ENVIRONMENTAL CONTROL
OFFICER FOR UMGABABA PHASE II CONSTRUCTION
PROJECT**

Contents

1. Project Title	3
2. Background	3
3. The Site	3
4. Objectives of Project	4
5. Scope of the Project	4
6. Milestones and Timeframes	5
7. End Products and Format	5
8. Copyright on Documents	5
9. Project Team Requirements.....	5
10. Project Budgets	5
11. Method of Payment	6
12. Tender Submission Details	6
13. Adjudication	7
14. Council Contact Details	11
15. Appendices.....	12

1. Project Title

Appointment of an Environmental Control Officer for uMgababa Phase II Construction Project.

2. Background Information

The Municipality Spatial Development Framework has identified Umgababa as a Rural Investment Node and this has led to the prioritisation of the Umgababa Beach node development as an important tourism asset. The development of the central focal area which is primarily a public investment node is seen to be serving two objectives. Firstly it is to provide basic facilities as to create an environment which is conducive for the local community and tourist to make use of the beach. Secondly the focal area is viewed as a catalytic investment in order to attract private sector investment in the medium to long term. The facility to be constructed in this phase of development is a swimming pool. There are a number of challenges associated with such a development particularly in an area that is predominantly environmentally sensitive as this coastal region. Having been awarded authorization from the Department of Environmental Affairs to develop the above facility the Municipality requires an independent Environmentalist to monitor the implementation of the environmental management plan.

3. The Site

Umgababa Beach Node is located 35 km south of the Durban CBD on Portion 1 of the Farm Umnini Location No. 1788 as depicted in the diagram below,



Figure 1: Aerial Photo of Study Area

4. Objectives of Project

The purpose of this request for quotation is to procure the services of a professional Environmental Consultant to undertake the responsibility of Environmental Control Officer in compliance with the EIA Environmental authorization (DM/AMEND0056/2014) for the Redevelopment of uMgababa Beach Node situated on portion 1, Umnini Location, number 1788.

5. Scope of The Project

The primary objective of this assignment is for the successful service provider to provide the services to Monitor the implementation of the EMP during the construction phase of the uMgababa Swimming Pool. In the course of monitoring the implementation EMP the Service Provider must:

- Serve and perform all the duties and functions of an Environmental Control Officer
- Compile and submit monthly Audit Reports
- Ensure that all the Conditions of the EIA (BA) are met.
- Inception Report within one week of appointment

A clear approach and methodology must be presented upon submission of your proposal.

6. Milestones and Timeframes

The service provider is expected to commence with the project immediately after appointment. The project is to be completed in **Eight (8) months** from the date of appointment. The timeframes and deliverables for the various phases will be discussed upon appointment.

7. End Products and Format

- MS Word to be font size 11, Arial and a line spacing of 1.
- Final report to be submitted in both hard-copy and electronic format
- Proposal and Report to be produced in A4 size

All information and reports produced as part of this work will remain the intellectual property of the EThekwini Municipality and no duplication; interpretation; re-use or copying of any kind, by the consultants or any other persons, is permitted without the consent of the Municipality.

Please note that all graphics/images used/produced during the project and on the templates need to be supplied in JPEG and open format to Projects Department. This will remain as the property of eThekwini Municipality. Furthermore templates are to be made in an email ready and print form.

8. Copyright on Documents

Please note that as a requirement of this project, all output and copyright thereof will become the property of eThekwini Municipality. The findings and results from this project shall by no means be used by any other sources. In the event of termination of this appointment, the Economic Development and Investment Promotion Unit reserve the right to use all or any parts of the documentation for completion of the project.

9. Project Team Requirements

The Service Provider must possess the relevant qualifications and experience and be registered with the relevant body where necessary.

10. Project Budget and Disbursement

Project budget is not to exceed **R200,000.00** (total cost inclusive of VAT). The submission must include a cost estimate breakdown for professional fees and disbursements.

11. Method of Payment

Payment terms and contractual arrangements will be discussed with the selected service provider prior to a letter of appointment. Final payment will be paid on full completion of the project and the receipt of the final report.

12. Tender Submission Details

The deadline for submissions is: **13 June 2018**

These must be submitted for attention: **Mr. Titus Mazibuko** of the Economic Projects Department and labeled: ***“Request for Proposals 7N38993: Appointment of an Environmental Control Officer for uMgababa Phase II Construction Project”***.

Proposals to be submitted to:

Corporate Procurement (Materials Management)

Archie Gumede Place, Old Fort Complex (And not to any other Department)

Durban

4001

Tenders must include:

- The location of the firm’s offices.
- A proposal responding to the above terms of reference, including:
 - The Service Provider’s response to this brief and scope of work.
 - A proposed plan and method for delivery.
 - A detailed timeframe for completion of the project, including key milestones and deliverables.
 - The quotation (to be included with the proposal) consisting of total cost, VAT and disbursements as separate figures. A schedule of projected time and financial cost per phase, and per staff member must be provided.
 - Descriptions of and references for, previous work of a similar nature as per the requirements outlined above.
 - A demonstration of the required level of experience as stipulated in the terms of reference, including the two page CVs on each member.
- Proof of registration on eThekweni Municipality’s Supplier Database.

- A valid Tax clearance certificate.
- Original BBBEE certification.
- Completed and signed MBD 9 Forms (Found in the Appendix):
 - Original Declaration of Interest
 - Original Declaration of Municipal Fees
 - Original Certificate of Independent Bid Determination

In the event that consortia respond to this request for proposals, each company forming part of the consortium are to fill out all of the supporting documentation in full.

Please note that the appointment will be made in terms of the council’s procurement policy. The quotation must include total cost, VAT and disbursements as separate figures. A schedule of projected time and financial cost per phase, and per staff member must be provided.

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the service provider, as well as any additional budget which may be allocated to the project.

13. Adjudication

The adjudication of this Request for Proposals will be in terms of MFMA Circular 53 (Municipal Finance Management Act No. 56 of 2003), whereby FUNCTIONALITY is included in this bid as a criterion (Stage 1) and will be assessed in terms of the evaluation criteria detailed in the table below. Any bid which fails to meet the minimum threshold of 70 out of 100 points for functionality will be disqualified. Thereafter, only qualifying bids will be evaluated in terms of the 80/20 preference points system (Stage 2) where 80 points is used for price only and 20 points are used for BEE points. The adjudication of this Tender will be in terms of the criteria presented below and be in compliance with the scope, purpose, and methodology of the intervention.

CRITERIA	MAXIMUM SCORE
STAGE 1	
1. Response to the brief	30
1.1. Does the proposal clearly demonstrate good understanding of the brief? All key	

deliverables are distinctly identified and adequately address.

- *Nil – No submission*
- *Poor (score 40%; 6 points) – The proposal shows limited understanding of the brief and project, has not adequately dealt with the key challenges.*
- *Satisfactory (score 70%; 10.5 points) – The brief is well understood, clearly articulated, and key components are adequately addressed. The proposal reflects necessary concepts but has insufficient detail for it to be distinctive.*
- *Good (score 90%; 13.5 points) – the proposal clearly demonstrates an understanding of the project’s brief. All key components are adequately addressed. It also reflects sufficient vision and detail to be distinctive.*
- *Very good (score 100%; 15 points) - A unique proposal that is strongly aligned to and identifiable with the project. It identifies and deals well with all the brief criteria and has the potential to leave a broader legacy.*

1.2. Is the methodology innovative, detailed to adequately address all elements of the project and the technical approach stating how each will be executed?

- *Nil – No submission*
- *Poor (score 40%; 6 points) –The technical approach and the methodology is poor/ is unlikely to satisfy the project objectives or requirements. The tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of it. The methodology is unacceptable.*
- *Satisfactory (score 70%; 10.5 points) – The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not adequately deal with the critical characteristics of the project. The quality plan, manner in which risk is managed is too generic.*
- *Good (score 90%; 13.5 points) – The approach is specifically tailored to address the specific project objectives and methodology and is*

<p><i>sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to manage risk etc. is specifically tailored to the critical characteristics of the project. The methodology is reasonable.</i></p> <ul style="list-style-type: none"> ○ <i>Very good (score 100%; 15 points) – Besides meeting the “good” rating, the important issues are approached in an innovative and efficient way, indicating that the tenderer has outstanding knowledge of the state-of-the-art approaches. The methodology is comprehensive.</i> 	
<p>2. Expertise and experience</p>	<p>35</p>
<p>Does the service provider and team members have relevant and sufficient experience and expertise in projects of similar nature and scale? Does the service provider have capacity and experience to raise specified sponsorship?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 14 points) – The team has limited relevant experience in projects of similar nature and has not taken a project of this magnitude. The proposed team is weak in important areas and is unlikely to deliver within the specified time frames.</i> ○ <i>Satisfactory (score 70%; 24.5 points) – The tenderer has relevant experience in projects of similar nature but has not directly undertaken a project of this magnitude. Key personnel allocated to the project have reasonable relevant experience.</i> ○ <i>Good (score 90%; 31.5 points) – The tenderer has extensive experience in projects of similar nature and has directly undertaken similar projects. The key personnel allocated have extensive relevant experience.</i> ○ <i>Very good (score 100%; 35 points) – The tenderer has extensive and outstanding experience in projects of similar nature and has taken many such projects. Key personnel allocated to the project have outstanding relevant experience.</i> 	
<p>3. Capacity to deliver and capability</p>	<p>20</p>
<p>Has the operational plan and resources clearly explained?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 8 points) – The operational plan is vague, and there is no clarity in terms of resources aligned to the project. It is unlikely that</i> 	

<p><i>the plan will deliver all outcomes on time and within budget.</i></p> <ul style="list-style-type: none"> ○ <i>Satisfactory (score 70%; 14 points) – Operational plan is complete and reasonably detailed. Resources appear adequate. The plan will deliver all outcomes on time and within budget.</i> ○ <i>Good (score 90%; 18 points) – Besides meeting the ‘satisfactory’ rating, resources have been clearly defined and make provision for key risk areas.</i> ○ <i>Very good (score 100%; 20 points) – Besides meeting the ‘good’ rating, the plan makes provision for every eventuality.</i> 	
4. Cost Breakdown	15
<p>Are the costs of work streams in proportion to their contribution to the end products? Is the cost breakdown clear i.e. cost per item?</p> <ul style="list-style-type: none"> ○ <i>Nil – No submission</i> ○ <i>Poor (score 40%; 6 points) – unacceptable proportion</i> ○ <i>Satisfactory (score 70%; 10.5 points)– adequate proportion</i> ○ <i>Good (score 90%; 13.5 points) – reasonable proportion</i> ○ <i>Very good (score 100%; 15 points) – fully in proportion</i> 	
TOTAL	100
STAGE 2	
Price: overall budget of the project	90
BEE: empowerment status	10
GRAND TOTAL	100

Broad Based Black Economic Empowerment Points will be awarded to bidders in accordance with the following table:

B-BBEE Status Level of Contributor	90/10 Point System	80/20 Point System
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4

8	1	2
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14. Council Contact Persons and Details

For any other queries, please contact:

Mr Titus Mazibuko

Titus.Mazibuko@durban.gov.za

Tel: (031) 312 6924 or 031 311 4227

15. Appendices

A) DECLARATION OF INTEREST

Any legal person, including persons employed by the principal, or persons having a kinship with persons employed by the principal, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favoritism, should the resulting bid, or part thereof, be awarded to persons employed by the principal, or to persons connected with or related to them, it is required that the bidder or his/her authorized representative declare his/her position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest, where-

- The bidder is employed by the principal; 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 Are you or any person connected with the bidder, employed by the principal? YES / NO

2.1.2 If so, state particulars.

2.2 Do you, or any person connected with the bidder, have any relationship (family, friend, other) with a person employed by the principal and who may be involved with the evaluation and or adjudication of this bid? YES / NO

2.2.1 If so, state particulars.

2.3 Are you, or any person connected with the bidder, aware of any relationship (family, friend, other) between the bidder and any person employed by the principal who may be involved with the evaluation and or adjudication of this bid? YES / NO

2.3.1 If so, state particulars.

DECLARATION

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

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 2.1 TO 2.3.1 ABOVE IS CORRECT. I ACCEPT THAT THE PRINCIPAL MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

SIGNATURE

DATE

POSITION

NAME OF BIDDER

B) DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal fees of _____ (company name) are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees:

ACCOUNT	ACCOUNT NUMBER
ELECTRICITY	_____
WATER	_____
RATES	_____
JSB LEVIES	_____
OTHER	_____

I acknowledge that should it be found that the Municipal fees are not up to date, the Council may take such remedial action as is required, including termination of contract, and any income due to the Contractor shall be utilized to offset any monies due to the Council.

Name

Signature

Designation

Date

C) CERTIFICATE OF INDEPENDENT BID DETERMINATION

This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a per se prohibition meaning that it cannot be justified under any grounds.

Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:

- Take all reasonable steps to prevent such abuse;
- Reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
- Cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

MBD 9 CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;

For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:

- Has been requested to submit a bid in response to this bid invitation;
- Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and

- Provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:

- Prices;
- Geographical area where product or service will be rendered (market allocation)
- Methods, factors or formulas used to calculate prices;
- The intention or decision to submit or not to submit, a bid;
- The submission of a bid which does not meet the specifications and conditions of the bid; or;
- Bidding with the intention not to win the bid.

8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.

9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position Name of Bidder

.....
Date

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.