

INVITATION TO QUOTE

RFQ Number	Q23/532/SM
Description	Appointment of an Environmental Assessment Practitioner for a Water Use License Application for UMzimkhulu Bulk Water Supply Scheme
Closing Date and Time	30 August 2023 at 15:00
Contents of RFQ	1. Invitation to quote 2. Bidders information 3. Terms and Conditions 4. Undertaking by Bidder 5. Terms of Reference/RFQ specifications 6. Price Schedule [SBD 3.1] 7. Authority to Sign 8. Bidders disclosure [SBD 4] 9. Preference points claim form (SBD 6.1) 10. Contract Form [
Compulsory/Non-Compulsory Briefing Session	[N/A]
SCM Enquiries	Name: Sphamandla Mthembu Tel: 033 341 1325 Email: spha.mthembu@umgeni.co.za
Technical Enquiries	Name: Nomsa Nkasa Tel: 033 341 1365 Email: nomsa.nkasa@umgeni.co.za

Submissions:	Tip-Offs Anonymous Hotline:
Sealed quotations clearly marked, 'Quote number and description of the required goods/services' uMngeni-uThukela Water (Head Office) Supply Chain Management Unit 310 Burger Street Pietermaritzburg 3201 Or by email to : scmquotes@umgeni.co.za using Quote number as the email subject	Report unethical conduct at uMngeni-uThukela Water on: Toll Free Number: 0800 864 463 Email: umgeniwater@whistleblowing.co.za Toll Free Fax: 0800 212 689 Postal: Freepost KZN665, Musgrave, 4062 SMS: 33490 Online: www.whistleblowing.co.za <i>Stop theft / fraud / dishonesty / bribery / blackmail / intimidation, and remain anonymous.</i>

BIDDERS INFORMATION

Name of Bidder	
Company Registration number	
VAT registration number	
Contact Person	
Telephone number	
Cell number	
E-mail address	
Postal address	
Physical address	
uMngeni-uThukela Water Vendor Number	
CSD Supplier number	

I certify that the information furnished on this form is true and correct. I further accept that, in addition to cancellation of a contract, action may be taken against me should this declaration prove to be false.

Name of Representative
(Duly Authorised)

Signature

Date

TERMS AND CONDITIONS OF REQUEST FOR QUOTATION (RFQ)

1. Any alteration made by the bidder must be initialled.
2. Use of correcting fluid is prohibited
3. Bidders must be registered on the National Treasury's Central Suppliers Database.
4. Tenderers are required to submit a valid Tax clearance verification PIN or CSD MAAA number
5. This quotation is subject to the Preferential Procurement Policy Framework Act and the Preferential Procurement Regulations, 2022; the General Conditions of Contract (GCC) and if applicable any other Special Conditions of Contract.
6. The applicable preference point system for this tender is the 80/20 preference point system, Failure on the part of a tenderer to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder. Kindly refer to SBD 6.1 form for additional information.
7. Suppliers must complete the attached SBD 4 – Bidders disclosure, failure to complete these documents may result in the quotation being invalidated.
8. Quotations must be in accordance and comply with the terms of reference/specifications provided, unless otherwise stipulated.
9. The official UMngeni-uThukela Water quotation form must be used to quote the offered price. Should the allocated price page be insufficient, the tenderer may supplement the price page with an additional pricing breakdown.
10. Price Declaration must be completed, and should the total RFQ prices differ, the one indicated on the price declaration shall be considered the correct price.
11. The successful supplier may be required to fill in and sign a written Contract Form. (If applicable)
12. This document may contain confidential information that is the property of UMngeni-uThukela Water.
13. No part of the contents may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for preparing a proposal in response to this RFQ, without prior written permission from UMngeni-uThukela Water and the Bidder.
14. All Copyright and Intellectual Property herein vests with UMngeni-uThukela Water and its Bidder.
15. Responses to this RFQ must be submitted by email scmquotes@umgeni.co.za or be deposited in tender box situated as indicated on the quotation request form marked appropriated as directed. (*The applicable submission method is reflected on the cover page*).
16. It is the responsibility of the bidder to ensure that its response reaches UMngeni-uThukela Water on or before the closing date and time of the RFQ. Late and incomplete submissions will not be accepted.
17. No services must be rendered or goods delivered before an official UMngeni-uThukela Water Purchase Order form has been received.
18. A full copy of General Conditions of Contract (GCC) are available on the National Treasury website (<https://www.treasury.gov.za/divisions/ocpo/sc/generalconditions/general%20conditions%20of%20contract.pdf>)

UNDERTAKING BY BIDDER

1. I/We hereby quote to supply all or any of the supplies and/or to render all or any of the services described in the attached documents to UMngeni-uThukela Water on the terms and conditions. In accordance with the specifications stipulated in the quotation documents (and which shall be taken as part of and be incorporated into this quote) at the prices and on the terms regarding time for delivery and/or execution inserted therein.
2. I/we agree that:
 - (a) the offer herein shall remain binding upon me and open for acceptance by UMngeni-uThukela Water during the validity period indicated and calculated from the closing time of the quote;
 - (b) this quote and its acceptance shall be subject to the Public Finance Management Act, 1999, UMngeni-uThukela Water's Supply Chain Management Policy and Procedures, the General and Special Conditions of Contract as may be applicable, with which I/we am fully acquainted;
 - (c) if I/we withdraw my quote within the period for which I/we have agreed that the quote shall remain open for acceptance, or fail to fulfil the contract when called upon to do so. UMngeni-uThukela Water may, without prejudice to its other rights, agree to the withdrawal of my quote or cancel the contract that may have been entered into between UMngeni-uThukela Water and I/us. I/we will then pay to UMngeni-uThukela Water any additional expenses incurred for having either to accept any less favourable quote or, if fresh quote have to be invited, the additional expenditure incurred by the invitation of fresh quotes and by the subsequent acceptance of any less favourable quotes. UMngeni-uThukela Water shall reserve the right to recover such additional expenditure by set-off against monies which may be due to me under this, or any other tender or contract or against any guarantee or deposit that may have been furnished by me or on my behalf for the due fulfilment of this or any other tender or contract. Pending the ascertainment of the amount of such additional expenditure to retain such monies, guarantee or deposit as security for any loss UMngeni-uThukela Water may sustain by reason of my default;
 - (d) if my quote is accepted, the acceptance may be communicated to me by electronic mail, to the email address supplied in my quotation document;
 - (e) the law of the Republic of South Africa shall govern the contract created by the acceptance of my quote and I choose *domicilium citandi et executandi* in the Republic at (full physical address) :

3. I/we furthermore confirm that I/we have satisfied myself as to the correctness and validity of my quote: that the price(s), rate(s) and preference quoted cover all of the work/item(s) and my obligations under a resulting contract, and I accept that any mistakes regarding the price(s) and calculations will be at my risk.
4. I/we hereby accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement, as the Principal(s) liable for the due fulfilment of this contract.
5. I/we agree that any action arising from this contract may in all respects be instituted against me and I/we hereby undertake to satisfy fully any sentence or judgement which may be pronounced against me as a result of such action.
6. I/we confirm that I/we have declared all and any interest that I or any persons related to my business has with regard to this quote or any related quotations by completion of the Declaration of Interest Section.
7. **I/WE, THE UNDERSIGNED, WHO WARRANT THAT I AM DULY AUTHORISED TO DO SO ON BEHALF OF THE TENDERER, CERTIFY THAT THE INFORMATION SUPPLIED IN TERMS OF THIS DOCUMENT IS CORRECT AND TRUE, THAT THE SIGNATORY TO THIS DOCUMENT IS DULY AUTHORISED AND ACKNOWLEDGE THAT:**
 - (1) The tenderer will furnish documentary proof regarding any tendering issue to the satisfaction of the UMngeni-uThukela Water, if requested to do so.
 - (2) If the information supplied is found to be incorrect and/or false then UMngeni-uThukela Water, in addition to any remedies it may have, may: -
 - a) Recover from the contractor all costs, losses or damages incurred or sustained by UMngeni-uThukela Water as a result of the award of the contract, and/or
 - b) Cancel the contract and claim any damages which UMngeni-uThukela Water may suffer by having to make less favourable arrangements after such cancellation.

Name of Representative
(Duly Authorised)

Signature

Date

TERMS OF REFERENCE /SPECIFICATIONS OF GOODS REQUIRED

1. Background

UMngeni-uThukela Water proposes to establish an alternative, more reliable source of potable water for the Harry Gwala District Municipality previously known as Sisonke District Municipality. The scheme will mostly be for the stand-alone rural water supply schemes which rely, to a large extent on protected springs, boreholes or run-of-river abstraction and that continue to present operational and financial challenges for the municipality. UMzimkhulu Local Municipality is one of the five local municipalities which are serviced by UMngeni-uThukela Water within the Harry Gwala district municipality. The district consists of five municipalities namely UMzimkhulu, Ubuhlebezwe, Ingwe, KwaSani and Kokstad Local Municipalities.

UMzimkhulu Bulk Water Supply Scheme is a bulk water supply line that will provide treated drinking water to the local municipalities who will in turn reticulate this water to a number of surrounding communities. The proposed UMzimkhulu Bulk Water Supply Scheme comprises of the construction of a dam, a 50 Ml/d WTW, reservoirs, bulk water pipelines and associated structures.

The appointed EAP will be required to undertake the necessary studies that are essential for obtaining a Water Use Licence (WUL), permits/approvals that are obligatory as prerequisites to the construction of the proposed uMzimkhulu Bulk Water Supply Scheme. The appointed EAP will be required to work hand in hand with the currently appointed EAP who is responsible for the EIA process, to ensure that there is consistency and flow of information to assure that approvals are acquired prior to project commencement.

2. Description of services required

The proposed bulk water supply scheme is located within UMzimkhulu Local Municipality in KwaZulu-Natal Province. The UMzimkhulu Local Municipality (KZN435) is predominantly rural in nature with dispersed settlement patterns. The north western limit of the study area is defined by the Ndawana River, which is the boundary between the KwaSani and UMzimkhulu Local Municipalities. At Coleford the Ndawana River joins the Ngwangwane River, which forms the boundary between the Ingwe and UMzimkhulu Local Municipalities. It is envisaged that supply from the UMzimkhulu BWSS will supply north of the Ngwangwane River, the Greater Kilimon BWSS will supply the area from Kilimon to the St. Apollinaris area in the Ingwe Local Municipality.

The western boundary follows the border between the Greater Kokstad local municipality and Umzimkhulu Local Municipality past Tigerhoek until the boundary shared by Ugu District Municipality and Harry Gwala District Municipality. The southern boundary extends from Tigerhoek along the District boundary, across the Bisi River to the Mzimkhulu River and along it till Gloucester. The eastern boundary follows the Umzimkhulu River from the Ngwangwane River to the District boundary.

Table 1: The proposed UMzimkhulu BWSS entails the following infrastructure

Potable Water Component	Associated Infrastructure	Associated Activities
Dam and Reservoirs	• Surface area 8.5km² (area); • Storage capacity 77 million cubic meters; • Dam wall 48m (height) • Command reservoir 15M/L storage capacity	• Site clearing and establishment • Construction camp • Hauling of material • Excavations • Blasting • Stockpiling • Spoil site
Water Treatment Works & Potable Water Reservoir	• Access roads • 3m trench below ground level • 52M/L WTW, which includes (amongst others): ○ Control room; ○ Inlet works; ○ Chemical storage area; ○ Pre-chlorination facility; ○ Clarifiers; ○ Filters; ○ Post-chlorination facility; ○ Sludge holding tanks; ○ Thickeners; ○ Sludge storage area; and ○ Sludge dewatering area. • Operator's offices • Parking facilities • Fencing	• Site clearing and establishment • Construction camp • Hauling of material • Storage • Cut and fill • Related construction activities • Commissioning of works • Sludge and washwater management • Water quality monitoring • Operation and maintenance
Potable Water Pipeline	• Access roads • 1.5km long rising main • Approximately 12km bulk water pipelines and associated structures • Chambers and valves • 3 X Pump stations (1.5 MW each) • Cathodic protection	• Construction servitude • Site clearing and establishment • Drilling • Hauling and disposal of spoil material • Related construction activities • Permanent servitude registration • Operation and maintenance

The Environmental Assessment Practitioner (EAP) is required to undertake the necessary Specialist Studies and obtain a Water Use Licence (WUL) and the relevant permits/approvals that are required for the construction of UMzimkhulu Bulk Water Supply Scheme (BWSS). The studies should be undertaken with the view of identifying and investigating potential environmental impacts associated with the proposed project. In addition, the study must show how any adverse environmental impacts can be mitigated.

In compliance with NWA, a WULA in terms of Section 40 of the NWA will be required. An Environmental Assessment Practitioner(EAP) is required to undertake a WULA for the proposed project. The appointed EAP will be required to undertake the necessary processes, in terms of Section 40 of the NWA, to obtain a WUL before construction commences.

2.1 Water Use License Application

This should include, but not limited to:

- Pre-application enquiry meeting with the authority;
- Site inspection meeting with the authority to confirm water uses, determine information requirements and the need for public participation;
- Submission of Technical Report on water use licence application (as contemplated in regulation 10(3);
- Undertaking a Public Participation in relation to the WULA. A responsible authority may, at any stage of the application process, require the applicant-
 - a) To give suitable notice in newspapers and other media-
 - Describing the licence applied for;
 - Stating that written objections may be lodged against the application before a specified date, which must be not less than 60 days after the last publication of the notice;
 - Giving an address where written objections must be lodged; and containing such other particulars as the responsible authority may require.
 - b) To take such other steps as it may direct to bring the application to the attention of the relevant organs of state, interested persons and the general public; and
 - c) To satisfy the responsible authority that the interests of any other person having an interest in the land will not be adversely affected.
- Develop / prepare a Public Participation Report which must be submitted to the responsible authority. The report must contain the following –
 - written comments or objections of interested and affected parties;
 - record of meetings; and
 - register of interested and affected parties as contemplated in regulation 18
- Lodge an appeal to the Minister, as contemplated in Regulation 22, for any appeals arising out of the licence application.
- Data collection and collation of required information for submission to DWS. The information may range from completion of application forms, submission of reports and any other additional required information to ensure that the water use licence and permits are obtained.

The following reports must be prepared and submitted:

- Technical Report;

- Aide Memoir (Section 21(a) and (b) -if the purpose of taking of water from a water resource is treat it in a water treatment works);
- Wetland Delineation and Assessment Report;
- Wetland Management and Rehabilitation Plan (Systematic rehabilitation programme, re-vegetation, alien and exotic species control etc.)
- Geohydrological Report;
- Hydrological Report;
- Floodline Assessment Report;
- Public Participation Report;
- Environmental Management Plan (EMP) for the pre-construction, construction, operational and decommissioning phases. The plan should be reviewed to include requirements and conditions in terms of:
 - a) Erosion management and control;
 - b) Topsoil management;
 - c) Re-grassing (including species to be planted and areas to be rehabilitated);
 - d) Re-vegetation requirements (including species to be planted and areas to be re-vegetated);
 - e) Dune rehabilitation if applicable; and
 - f) Any other additional rehabilitation measures identified in the EMP.
- Storm Water Management Plan;
- Monitoring Programme for surface and groundwater and Auditing Plan;
- Plant Species Plan;
- Rehabilitation Plan and Rehabilitation Bill of Quantities;
- Waste Management Plan;
- Landscape Maintenance Plan;
- Water Quality Report;
- Soil Analysis Report;
- Floral Species Rescue and Relocation Plan;
- Sludge Management Plan;
- Erosion Management Plan;
- Risk Assessment and Management Plan based on the impact importance which refers to the nature, extent, magnitude, duration and probability of the impact balanced with the mitigation measures and structured in a matrix categorised as Low, Medium and High Risks;
- Section 27 Motivation Report addressing all eleven (11) Section 27(1) factors as outlined in the Act.

2.2 Public Participation Process

Procedure for public participation must be conducted as contemplated in section 41(4) of the NWA, as part of the water use licence application process. The Public Participation Process should include:

- Engagement with communities;
- Creation of landowner database and undertaking cadastral searches for landowners;
- Stakeholder notification;
- Newspaper notifications/advertisements;
- Background information documents;
- Placement of site notices around the proposed project site;
- Landowner consultation and public participation;
- Open day/public meeting;
- Comments from authorities (Traditional, Local, District) and/or service providers (Eskom, Telkom, etc.) are recorded in a comments and response report;

- Assisting with appeals.
- A Public Participation Report must be prepared, which must contain the following:
- Written comments or objections of interested and affected parties;
- Records of meetings; and
- Register of interested and affected parties as contemplated in Regulation 18.
- Where a person is desirous but unable to access written comments due to-
 - a) Illiteracy; or
 - b) Disability
- Reasonable alternative methods of recording comments must be provided for.

3. Deliverables.

The deliverables arising from the Water Use Licence Application should include the following:

- Copies of all formal documentation submitted to the authorities in the application process;
- Copies of all specialist reports;
- Public Participation report;
- Environmental Management Plan (Where necessary, the EMP must be reviewed, updated and approval received for any additional WUL related conditions);
- Rehabilitation plan and rehabilitation Bill of Quantities; and
- Record of application for all required permits from relevant authorities.

4. Contract term

The proposed timeframe for undertaking the specialist studies and preparation of the Water Use Licence Application is 12 months.

5. Other documents

In addition to this Bid document, the document listed below form part of this Bid:

- a) Detailed Terms of Reference

6. Pricing

- a) The bidder shall provide the price proposal as detailed in SBD 3.1
- b) The bidder's price must be fully inclusive, and each item must be clearly specified.
- c) All additional costs must be clearly specified and included in the total quotation price, (e.g. transport, labour, etc.).
- d) All prices must be VAT inclusive.
- e) The bidder is responsible for all the cost that they shall incur related to the preparation and submission of the quotation.

7. Evaluation Process

The RFQ will be evaluated using a three (03) stage evaluation approach:

7.1 First stage: Mandatory/ Administrative Requirements

1. Bidder completed all RFQ Forms
2. SBD 4 – Bidders disclosure
3. The EAP shall have one of the following qualifications: a minimum of an Honours Degree in Natural Science/ Environmental Science/ Environmental Engineering/ Agricultural Engineering/ or equivalent Science degree. If the qualification was not obtained from South Africa, the tenderer is required to obtain confirmation from South African Qualifications Authority (SAQA) of the equivalent

qualification with respect to South African standards. ***The EAP must also be registered with EAPASA.***

7.2 Second Stage: Functionality

COMPANY EXPERIENCE [30]

Scoring of the Tenderer's Company experience will be as follows:

DESCRIPTION	MAX POSSIBLE SCORE
Company experience as an EAP for projects requiring undertaking of Water Use Licence applications. - (Proof must be provided) 3 projects - 50 points 4 projects - 60 points 5 projects - 70 points 10 additional points for every project more than 3 projects to a maximum of 100 points	100

EXPERIENCE OF KEY PERSONNEL [60]

The scoring of the experience of Key Personnel shall be as follows:

DESCRIPTION	MAX POSSIBLE SCORE
The Key Personnel required below must supply information to show experience relating to projects where Water Use Licence applications were undertaken. Experience of EAP in Water Use Licence Applications 1 project - 15 points 2 projects - 30 points 3 projects - 45 points 4 projects - 60 points 5 projects - 70 points 10 additional points for every project more than 5 projects to a maximum of 100 points	100

METHOD STATEMENT [10]

The method statement must respond to the Scope of Work and outline the proposed approach / methodology. The method statement should articulate what value the Tenderer will add by in achieving the stated objectives for the project.

The Tenderer must as such explain his / her understanding of the objectives of the assignment and the Employer's stated and implied requirements, highlight the issues of importance, and explain the technical approach they would adopt to address them. The approach paper should explain the methodologies, which are to be adopted, demonstrate the compatibility of those methodologies with the proposed approach. The approach should also include a quality plan which outlines processes, procedures and associated resources, applied by whom and when, to meet the requirements and indicate how risks will be managed and what contribution can be made regarding value management.

The Tenderer must attach his / her approach paper to this page. The approach paper should not be longer than 5 pages. The approach should cover, but not limited to, the follow key areas:

- Applicable legal requirements, proposed project activity triggers, the required environmental authorization process and required permits/licenses
- Project Initiation
- Identification of interested and Affected Parties and Authority Consultation
- Water Use License Application Process
- Public Participation process
- Limitations, assumptions and exclusions

(Provide a method statement to undertake a Water Use Licence Application.)

The scoring of the approach paper will be as follows:

Technical approach and methodology	
No submission (score 0)	No Method Statement submitted
Poor (score 40)	The technical approach and / or methodology is poor / is unlikely to satisfy project objectives or requirements. The Tenderer has misunderstood certain aspects of the scope of work and does not deal with the critical aspects of the project.
Satisfactory (score 70)	The approach is generic but tailored to address the general project objectives and methodology. The quality plan, manner in which risk is to be managed is very generic.
Good (score 90)	The approach is specifically tailored to address the specific project objectives and methodology and is sufficiently flexible to accommodate changes that may occur during execution. The quality plan and approach to managing risk is specifically tailored to the critical characteristics of the project.
Very good (score 100)	Besides meeting the "good" rating, the important issues are approached in an innovative and efficient way, indicating that the Tenderer has outstanding knowledge of state-of-the- art approaches. The approach paper details ways to improve the project outcomes and the quality of the outputs.

7.3 Third Stage: Price and Preference goals

1. Subsequent to the evaluation of mandatory/ administrative requirements, the second stage of evaluation of the bids will be in respect of price and preferential procurement only.
2. Tenderer is tax compliant
3. In compliance with the Preferential Procurement Regulations 2022, the 80/20 preference point system is applicable: points for this bid shall be awarded for:
 - a) Price; and (80) and Preference as defined in SBD 6.1 (20)
4. The Preference Goals that have been identified for this bid is stipulated in SBD 6.1
5. Preferential goals and applicable points for this tender in terms of Preferential Procurement Regulations 2022, are indicated in the table below:

	Description	80/20	Evidence to be provided
HDI	The entity which is at least 51% women owned	5	BBBEE Certificate/ Sworn Affidavit
HDI	The entity which is at least 51% youth owned	5	Valid CSD Report / CIPC Registration Certificate
RDP	The promotion of SMME's, QSE's and or EME'S	5	Valid CSD Report/ BBBEE Certificate
RDP	The promotion of enterprises located in KwaZulu-Natal	5	Lease Agreement/ Municipal Account/ Letter from the Traditional Authority.
Total points for preferential goals		20	

6. Failure on the part of a bidder to submit proof or documentation required in terms of this RFQ to claim points for specific goals, will be interpreted to mean that preference points for specific goals are not claimed by the bidder.
7. UW reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by UW.
8. UW reserves the right to conduct negotiations with the qualifying bidder/s regarding any terms and conditions, including price(s), of a proposed contract where applicable UW reserves the right not to accept the lowest financial offer or any offer

SBD 3.1 PRICING SCHEDULE – FIRM PRICES (PURCHASES)

NOTE:

ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of bidder _____	RFQ number _____
Closing Time _____	Closing date _____

OFFER TO BE VALID FOR _____ CALENDER DAYS FROM THE CLOSING DATE OF QUOTE.

BILL OF QUANTITIES - PRICE TABLE

Item No.	Material / Description of item	Qty (A)	Unit Measure	Rate	Quoted Price(A x B) Excl. Vat
SECTION 1: WATER USE LICENCE APPLICATION					
1.1	<u>PROJECT MANAGEMENT</u> - Pre-application enquiry meeting with the authority to confirm project scope and environmental legal requirements; - Site inspection meeting with the authority; - Authority liaison and communication with UMngeni-uThukela Water and relevant stakeholders; - Completion of licence application forms for all water uses; - Landowner consent forms (DWS forms for each land parcel); and - Licencing administration fees	1	Sum		
1.2	Attend monthly progress meetings to provide technical support (make provision for 30 meetings)	30	No		
1.3	Attend EPCM: Gate Reviews (make provision for 10 meetings -pre-meetings, meetings and post meetings)	10	No		
1.4	Attend quarterly project progress meetings with the Project Steering Committee (make provision for 10 meetings)	10	No		
1.5	Preparation and submission of the Technical Report on Water Use Licence Application	1	Sum		
Subtotal 1					

SECTION 2: REPORTS TO BE PREPARED AND SUBMITTED FOR APPROVAL					
Material / Description of item		Qty (A)	Unit Measure	Rate	Quoted Price(A x B) Excl. Vat
2.1	Wetland Delineation and Assessment Report	1	sum		
2.2	Wetland Management and Rehabilitation Plan (Systematic rehabilitation programme, re-vegetation, alien and exotic species control etc.)	1	sum		
2.3	Geohydrological Report	1	sum		
2.4	Hydrological Report;	1	sum		
2.5	Floodline Assessment Report	1	sum		
2.6	Storm Water Management Plan	1	sum		
2.7	Monitoring Programme for surface and groundwater and Auditing Plan	1	sum		
2.8	Plant Species Plan	1	sum		
2.9	Rehabilitation Plan and Rehabilitation Bill of Quantities	1	sum		
2.10	Waste Management Plan	1	sum		
2.11	Water Quality Report	1	sum		
2.12	Soil Analysis Report	1	sum		
2.13	Risk Assessment and Management Plan	1	sum		
2.14	Section 27 Motivation Report	1	sum		
2.15	Floral Species Rescue and Relocation Plan	1	sum		
2.16	Erosion Management Plan	1	sum		
2.17	Sludge Management Plan	1	sum		
2.18	Environmental Management Plans for the pre-construction, construction, operational and decommissioning phases	1	sum		
2.19	Budgetary Allowance for any other specialist studies or licence/permit application that may be required	1	sum		
Subtotal 2					
SECTION 3: PUBLIC PARTICIPATION IN RELATION TO THE WULA					
Material / Description of item		Qty (A)	Unit Measure	Rate	Quoted Price(A x B) Excl. Vat
3.1	Develop / prepare a Public Participation Report which must be submitted to the responsible authority.	1	Sum		
3.2	Landowner title deed search and	1	Sum		

	database establishment				
3.3	Background information document	1	Sum		
3.4	Landowner consultation/consent forms signed	1	Sum		
3.5	Give notice to all potential I&APs (Fixing notice boards, giving written notice to occupiers of the affected land parcels, placing advertisements, using reasonable alternative methods, local radio stations in a local language)	1	Sum		
3.6	Public meetings / open days (make provision for 5 meetings)	5	No.		
3.7	Comments and response register (draft and final)	1	Sum		
3.8	Consultation with regulatory authorities (DEA, DWS, DAFF, AMAFA/SAHARA, EKZN wildlife, DMR, Ingonyama Trust, Department of land affairs and other)	1	Sum		
3.9	Consultation with affected service providers (Eskom, Telkom, DoT, Transnet, Local and District Municipalities and others) 2 meetings and 1 site visit for each service provider	1	Sum		
3.10	Water Use Licence advertised and distributed to all IAPs and appeals managed	1	Sum		
3.11	Adhoc site visits (make provision for 10 site visits)	10	No.		
Subtotal 3					
A. Subtotal 1 for WULA					
B. Subtotal 2 for Reports to be prepared and submitted for approval					
C. Subtotal 3 for Public Participation Process					
D. Subtotal (Sum of A to C)					
E. Contingencies @ 20% of Subtotal 4					
F. Total (D + E)					
G. Add VAT @ 15% on F					
H. Total Amount including VAT (F+G)					
I (full name) _____, in my capacity as _____, the duly authorized representative of _____ (business name) hereby declares that the offer is in accordance with the attached specification, notes to suppliers & accepts all conditions/clauses contained in the said documents.					
Signature of duly authorized representative			DATE:		
_____			_____		

AUTHORITY TO SIGN

RFQ NO: _____

Description: _____

Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader

Name: _____

Registration Number: _____
 RESOLUTION OF THE DIRECTORS OF THE COMPANY etc. RESOLVED that _____, in his/her capacity as _____, is authorized to make applications on behalf of the Close Corporation / Company / Partnership / Trust /Sole proprietor or sole trader for:

Any documentation relating to the business (which is not necessarily a change of ownership). The nominated person will also have access to webpage for the business. Signature(s) for Close Corporation / Company / Partnership / Trust/ Sole proprietor or sole trader.
 (Sole member still must sign this resolution)

Signature of members:

Name	Signature	Date
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

NB: FAILURE TO COMPLETE, SIGN AND DATE THE RESOLUTION AS OUTLINED ABOVE WILL RESULT IN THE TENDERER RENDERED INCOMPLETE AND WILL BE DISQUALIFIED/ ALTERNATIVELY THE TENDERER MAY ATTACH A SIGNED COMPANY RESOLUTION ON A COMPANY LETTERHEAD

SBD 4 - BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest¹ in the enterprise, employed by the state
YES/NO

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person

¹ the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

who is employed by the procuring institution?

YES/NO

2.2.1 If so, furnish particulars:

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract? **YES/NO**

2.3.1 If so, furnish particulars:

3 DECLARATION

I, the undersigned, (name)_____ in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
 - 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
 - 3.3 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 consortium² will not be construed as collusive bidding.
 - 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
-
- 3.4 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.

² 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.

- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.
- 3.6 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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

Signature

Date

Position

Name of bidder

SBD 6.1 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**

The applicable preference point system for this tender is the 80/20 preference point system.

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	80
SPECIFIC GOALS	20
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
$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$	or	$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{min} = 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:

80/20	or	90/10
$P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$	or	$P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right)$

Where

P_s = Points scored for price of tender under consideration
 P_t = Price of tender under consideration
 P_{max} = 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)
The entity which is at least 51% women owned	5	
The entity which is at least 51% youth owned	5	
The promotion of SMME's, QSE's and or EME'S	5	
The promotion of enterprises located in KwaZulu-Natal	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: _____

**OFFICIAL BRIEFING SESSION/SITE INSPECTION CERTIFICATE – NOT
APPLICABLE**

**Q23/532/SM - Appointment of a Environmental Assessment Practitioner for a Water Use
License Application for UMzimkhulu Bulk Water Supply Scheme**

THIS IS TO CERTIFY THAT (NAME)

ON BEHALF OF

ATTENDED THE COMPULSORY BRIEFING SESSION AT **UMNGENI-UTHUKELA WATER** AS
FOLLOWS: _

TIME:

DATE:

VENUE:

AND IS THEREFORE FAMILIAR WITH THE CIRCUMSTANCES AND THE SCOPE OF THE SERVICE
TO BE RENDERED.

TENDERER'S SIGNATURE /REPRESENTATIVE

DATE: _____

UMNGENI-UTHUKELA WATER SCM REPRESENTATIVE

SIGNATURE
(PRINT NAME)

UMGENI WATER'S STAMP

SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SERVICE PROVIDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SERVICE PROVIDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE SERVICE PROVIDER)

1. I hereby undertake to render services described in the attached bidding documents to UMngeni-uThukela Water in accordance with the requirements and task directives / proposals specifications stipulated in Requisition Number _____ at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the Purchaser during the validity period indicated and calculated from the closing date of the bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid;
 - Proof of tax compliance status;
 - Pricing schedule(s);
 - Filled in task directive/proposal;
 - Preference claim form for Preferential Procurement in terms of the Preferential Procurement Regulations;
 - Bidder's Disclosure form;
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the services specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.
5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorised to sign this contract.

NAME (PRINT) _____

CAPACITY _____

SIGNATURE _____

NAME OF TENDERER _____

DATE _____

WITNESSES

1. _____

2. _____

DATE: _____

SBD 7.2 CONTRACT FORM - RENDERING OF SERVICES

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I _____, in my capacity as _____ accept your bid under reference number _____ dated _____ for the rendering of services indicated hereunder and/or further specified in the annexure(s).
2. An official order indicating service delivery instructions is forthcoming.
3. I undertake to make payment for the services rendered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice.

ITEM NO.	
PRICE (ALL APPLICABLE TAXES INCLUDED)	
BRAND	
DELIVERY PERIOD	
TOTAL PREFERENCE POINTS CLAIMED	
THE ENTITY WHICH IS AT LEAST 51% WOMEN OWNED	
THE ENTITY WHICH IS AT LEAST 51% YOUTH OWNED	
THE PROMOTION OF SMME'S, QSE'S AND OR EME'S	
THE PROMOTION OF ENTERPRISES LOCATED IN KWAZULU-NATAL	

4. I confirm that I am duly authorized to sign this contract.

SIGNED AT _____ ON _____

NAME (PRINT) _____

SIGNATURE _____

OFFICIAL STAMP

WITNESSES

1. _____

2. _____

DATE: _____



UMGENI WATER

Group Operations - Infrastructure Division : Technical Support Department

GOps-ID/TS/No.01

Terms of Reference for the appointment of a PSP to a Water Use Licence Application Process for UMzikhulu Bulk Water Supply Scheme

Rev. No: 01

UMZIMKHULU BULK WATER SUPPLY SCHEME

- TERMS OF REFERENCE FOR THE APPOINTMENT OF A PROFESSIONAL SERVICE PROVIDER

DECEMBER 2022

Umgeni Water
Technical Support Department
P.O Box 9
Pietermaritzburg
3200
Tel: 033-341 1365
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ABBREVIATIONS AND ACRONYMS

BA	Basic Assessment
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
GNR	Government Notice Regulation
IEM	Integrated Environmental Management
KZN	KwaZulu-Natal
NEMA	National Environmental Management Act
NEM:BA	National Environmental Management Biodiversity Act
NEM: WA	National Environmental Management Waste Act
NHRA	National Heritage Resources Act
NWA	National Water Act
PSP	Professional Service Provider
ToR	Terms of Reference
WML	Waste Management Licence
WTW	Water Treatment Works
WULA	Water Use Licence Application

1. INTRODUCTION

1.1. BACKGROUND

Umgeni Water is a public entity established to provide water supply and sanitation services to other water services institutions in its supply area. Over the years Umgeni Water has grown into the largest bulk water supplier in Kwa-Zulu Natal (KZN). The organization derives its revenue from the sale of bulk potable water to six of its customers comprising one metropolitan, one local municipality and four district municipalities within the province of KZN.

Umgeni Water proposes to establish an alternative, more reliable source of potable water for the Harry Gwala District Municipality previously known as Sisonke District Municipality. The scheme will mostly be for the stand-alone rural water supply schemes which rely, to a large extent on protected springs, boreholes or run-of-river abstraction and that continue to present operational and financial challenges for the municipality. UMzimkhulu Local Municipality is one of the five local municipalities which are serviced by Umgeni Water within the Harry Gwala district municipality. The district consists of five municipalities namely UMzimkhulu, Ubuhlebezwe, Ingwe, KwaSani and Kokstad Local Municipalities.

UMzimkhulu Bulk Water Supply Scheme is a bulk water supply line that will provide treated drinking water to the local municipalities who will in turn reticulate this water to a number of surrounding communities. The proposed UMzimkhulu Bulk Water Supply Scheme comprises of the construction of a dam, a 50 Ml/d WTW, reservoirs, bulk water pipelines and associated structures.

The appointed PSP will be required to undertake the necessary studies that are essential for obtaining a Water Use Licence (WUL), permits/approvals that are obligatory as prerequisites to the construction of the proposed uMzimkhulu Bulk Water Supply Scheme. The appointed PSP will be required to work hand in hand with the currently appointed PSP who is responsible for the EIA process, to ensure that there is consistency and flow of information to assure that approvals are acquired prior to project commencement.

1.2. PROJECT DESCRIPTION

The proposed bulk water supply scheme is located within UMzikhulu Local Municipality in KwaZulu-Natal Province. The locality map and extent of study area are shown in **Figure 1**. UMzikhulu Local Municipality is one of five local municipalities (i.e. UBuhlebezwe, Ingwe, KwaSani and Kokstad) within the Harry Gwala District Municipality.

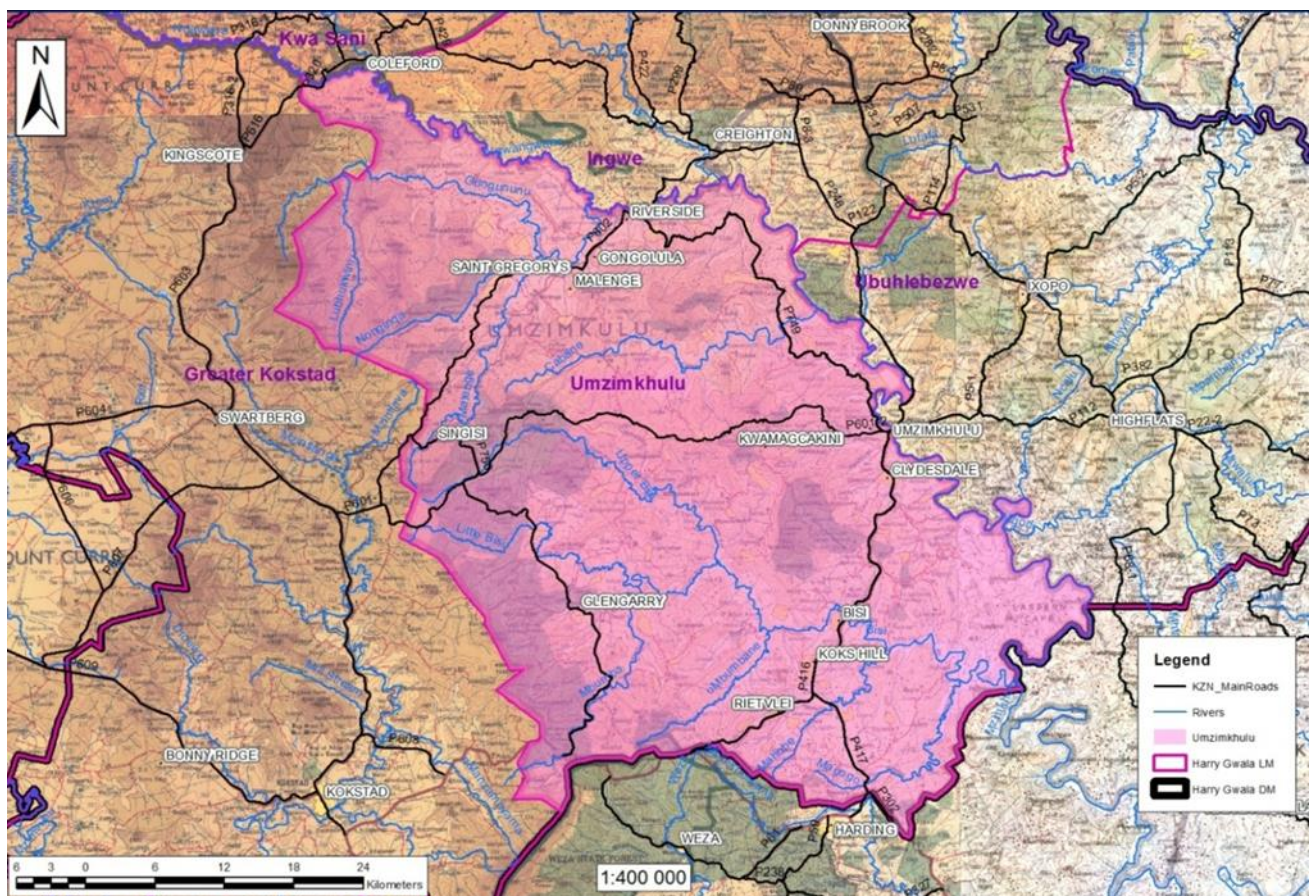


Figure 1: Locality map and extent of the study area.

The UMzikhulu Local Municipality (KZN435) is predominantly rural in nature with dispersed settlement patterns. The north western limit of the study area is defined by the Ndawana River, which is the boundary between the KwaSani and UMzikhulu Local Municipalities. At Coleford the Ndawana

River joins the Ngwangwane River, which forms the boundary between the Ingwe and UMzimkhulu Local Municipalities. It is envisaged that supply from the UMzimkhulu BWSS will supply north of the Ngwangwane River, the Greater Kilimon BWSS will supply the area from Kilimon to the St. Apollinaris area in the Ingwe Local Municipality.

The western boundary follows the border between the Greater Kokstad local municipality and Umzimkhulu Local Municipality past Tigerhoek until the boundary shared by Ugu District Municipality and Harry Gwala District Municipality. The southern boundary extends from Tigerhoek along the District boundary, across the Bisi River to the Mzimkhulu River and along it till Gloucester. The eastern boundary follows the Umzimkhulu River from the Ngwangwane River to the District boundary.

Table 1: The proposed UMzikhulu BWSS entails the following infrastructure

Potable Water Component	Associated Infrastructure	Associated Activities
Dam and Reservoirs	- Surface area 8.5km² (area); - Storage capacity 77 million cubic meters; - Dam wall 48m (height) - Command reservoir 15M/L storage capacity	- Site clearing and establishment - Construction camp - Hauling of material - Excavations - Blasting - Stockpiling - Spoil site
Water Treatment Works & Potable Water Reservoir	- Access roads 3m trench below ground level 52M/L WTW, which includes (amongst others): - Control room; - Inlet works; - Chemical storage area; - Pre-chlorination facility; - Clarifiers; - Filters; - Post-chlorination facility; - Sludge holding tanks; - Thickeners; - Sludge storage area; and - Sludge dewatering area. - Operator's offices - Parking facilities - Fencing	- Site clearing and establishment - Construction camp - Hauling of material - Storage - Cut and fill - Related construction activities - Commissioning of works - Sludge and washwater management - Water quality monitoring - Operation and maintenance
Potable Water Pipeline	- Access roads 1.5km long rising main - Approximately 12km bulk water pipelines and associated structures - Chambers and valves 3 X Pump stations (1.5 MW each) - Cathodic protection	- Construction servitude - Site clearing and establishment - Drilling - Hauling and disposal of spoil material - Related construction activities - Permanent servitude registration - Operation and maintenance

2. PURPOSE OF THE TERMS OF REFERENCE

The purpose of these Terms of Reference (ToR) is to set out Umgeni Water's requirements for the procurement of a Professional Service Provider (PSP) to undertake the necessary Specialist Studies and obtain a Water Use Licence (WUL) and the relevant permits/approvals that are required for the construction of UMzimkhulu Bulk Water Supply Scheme (BWSS).

The studies should be undertaken with the view of identifying and investigating potential environmental impacts associated with the proposed project. In addition, the study must show how any adverse environmental impacts can be mitigated.

3. LEGISLATIVE FRAMEWORK

In conducting its business, Umgeni Water monitors the impact on the environment and compliance with environmental regulations is paramount to the organisation. The purpose of the environmental legislative requirement review is to determine, within the scope of the information available to date, the legislative requirements that may be applicable to the proposed project.

Implementation of the UMzimkhulu BWSS project will be subject to environmental legislation and regulations, in terms of which compliance is required prior to construction commencing. The currently appointed PSP is in the process of making applications and undertaking the necessary processes which are required to inform authorisation decisions in terms of:

- National Environmental Management Act (NEMA) (Act 107 of 1998);
- National Environmental Management: Waste Act (NEM: WA) (Act 59 of 2008);
- National Water Act (NWA) (Act 36 of 1998);
- National Heritage Resources Act (NHRA) (Act 25 of 1999); and
- Minerals and Petroleum Resources Development Act (MPRDA) (Act 28 of 2002).

Section 3.1 - 3.2 below outlines the relevance of these statutes/regulations and details the process to be followed to ensure the project's compliance with them. It will be in the interest of the PSP who will undertake the additional special studies to be aware of and also consider the following:

3.1. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (No. 107 of 1998)

According to Section 2(3) of the National Environmental Management Act (NEMA) (Act No. 107 of 1998), *"development must be socially, environmentally and economically sustainable"*, which means the integration of these three factors into planning, implementation and decision-making so as to ensure that development serves present and future generations.

Section 24 of the NEMA (Act 107 of 1998) provides the Minister of Environmental Affairs with the responsibility to list activities considered to have an inherent risk to the environment and sets out that listed activities may not commence without an EA from the competent authority.

The proposed UMzimkhulu BWSS requires authorisation in terms of NEMA and the Environmental Impact Assessment (EIA) is underway and being undertaken in accordance with the prevailing EIA Regulations at the time of the application, which were the following:

- EIA procedures - Government Notice No. R. 543 of 18 June 2010;
- Listing Notice 1 - Government Notice No. R. 544 of 18 June 2010;
- Listing Notice 2 - Government Notice No. R. 545 of 18 June 2010; and
- Listing Notice 3 - Government Notice No. R. 546 of 18 June 2010.

The project triggered activities under Listing Notices 1, 2 and 3, and is subjected to a Scoping and EIA process. The Final EIA Report will be submitted to the Department of Environment, Forestry and Fisheries (DEFF).

3.2. NATIONAL WATER ACT (NO 36 OF 1998)

The National Water Act (NWA, No. 36 of 1998) was published in 1998 with the aim of fundamentally reforming the past laws relating to water resources. The NWA provides for fundamental reform of the

law relating to water resources. The purpose of the NWA is to ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors:

- Meeting the basic human needs of present and future generations;
- Promoting equitable access to water;
- Redressing the results of past racial and gender discrimination;
- Promoting the efficient, sustainable and beneficial use of water in the public interest;
- Facilitating social and economic development;
- Providing for growing demand for water use; protecting aquatic and associated ecosystems and their biological diversity;
- Reducing and preventing pollution and degradation of water resources;
- Meeting international obligations;
- Promoting dam safety; and
- Managing floods and droughts.

Chapter 4 (Part 1) of the NWA sets out general principles for regulating water. A water use is defined broadly, and includes taking water and storing water; activities which reduce stream flow; waste discharges and disposal; controlled activities (activities which impact detrimentally on a water resource); altering a watercourse; removing water found underground for certain purposes; and recreation.

In general, a water use must be licensed unless it is:

- Listed in Schedule I;
- An existing lawful use;
- Permissible under a General Authorisation, or
- If a responsible authority waives the need for a licence.

Section 21 of NWA defines the water uses that will require authorization from the Department of Water and Sanitation (DWS) before the water use can commence. Water uses that require authorisation include:

- a) Taking water from a water resource;

- b) Storing water;
- c) Impeding or diverting the flow of water in a watercourse;
- d) Engaging in a stream flow reduction activity contemplated in section 36;
- e) Engaging in a controlled activity identified as such in 37 (1) or declared under section 38 (1);
- f) Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
- g) Disposing of waste in a manner which may detrimentally impact on a water resource;
- h) Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process;
- i) Altering the bed, banks, course or characteristics of a watercourse;
- j) Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people; and
- k) Using water for recreational purposes.

The water uses that are associated with the project are listed in the table to follow.

Table 1: Water uses associated with the proposed project

Section 21 of NWA	Description	Possible relevance
21 (a)	Taking water from a water resource.	Potentially applicable - may be required for the abstraction of water for construction purposes.
21 (b)	Storing water	The proposed potable water reservoir at the WTW will have a storage capacity of 15 ML.
21 (c)	Impeding or diverting the flow of water in a watercourse.	Instream construction works associated with watercourse crossings by the potable water pipeline and access roads.
21 (i)	Altering the bed, banks, course or characteristics of a watercourse.	Construction activities for pipelines and access roads within the regulated area of any watercourse (i.e. 1:100 year floodline or delineated riparian habitat, whichever is greatest) or 500m radius of a wetland.

A Water Use License Application (WULA) in terms of Section 40 of the NWA will be required.

4. DETAILED SCOPE OF WORK

In compliance with NWA, a WULA in terms of Section 40 of the NWA will be required. A Professional Service Provider (PSP) is required to undertake a WULA for the proposed project. The appointed PSP will be required to undertake the necessary processes, in terms of Section 40 of the NWA, to obtain an WUL before construction commences.

4.1. WATER USE LICENSE APPLICATION

This should include, but not limited to:

- Pre-application enquiry meeting with the authority;
- Site inspection meeting with the authority to confirm water uses, determine information requirements and the need for public participation;
- Submission of Technical Report on water use licence application (as contemplated in regulation 10(3);
- Undertaking a Public Participation in relation to the WULA. A responsible authority may, at any stage of the application process, require the applicant-
 - a) To give suitable notice in newspapers and other media-
 - Describing the licence applied for;
 - Stating that written objections may be lodged against the application before a specified date, which must be not less than 60 days after the last publication of the notice;
 - Giving an address where written objections must be lodged; and
 - containing such other particulars as the responsible authority may require.
 - b) To take such other steps as it may direct to bring the application to the attention of the relevant organs of state, interested persons and the general public; and
 - c) To satisfy the responsible authority that the interests of any other person having an interest in the land will not be adversely affected.
- Develop / prepare a Public Participation Report which must be submitted to the responsible authority. The report must contain the following –

- written comments or objections of interested and affected parties;
- record of meetings; and
- register of interested and affected parties as contemplated in regulation 18
- Lodge an appeal to the Minister, as contemplated in Regulation 22, for any appeals arising out of the licence application.
- Data collection and collation of required information for submission to DWS. The information may range from completion of application forms, submission of reports and any other additional required information to ensure that the water use licence and permits are obtained.

The following reports must be prepared and submitted:

- Technical Report;
- Aide Memoir (Section 21(a) and (b) -if the purpose of taking of water from a water resource is treat it in a water treatment works);
- Wetland Delineation and Assessment Report;
- Wetland Management and Rehabilitation Plan (Systematic rehabilitation programme, re-vegetation, alien and exotic species control etc.)
- Geohydrological Report;
- Hydrological Report;
- Floodline Assessment Report;
- Public Participation Report;
- Environmental Management Plan (EMP) for the pre-construction, construction, operational and decommissioning phases. The plan should describe requirements in terms of:
 - a) Erosion management and control;
 - b) Topsoil management;
 - c) Re-grassing (including species to be planted and areas to be rehabilitated);
 - d) Re-vegetation requirements (including species to be planted and areas to be re-vegetated);
 - e) Dune rehabilitation if applicable; and
 - f) Any other rehabilitation measures identified in the EMP.

- Storm Water Management Plan;
- Monitoring Programme for surface and groundwater and Auditing Plan;
- Plant Species Plan;
- Rehabilitation Plan and Rehabilitation Bill of Quantities;
- Waste Management Plan;
- Landscape Maintenance Plan;
- Water Quality Report;
- Soil Analysis Report;
- Floral Species Rescue and Relocation Plan;
- Sludge Management Plan;
- Erosion Management Plan;
- Risk Assessment and Management Plan based on the impact importance which refers to the nature, extent, magnitude, duration and probability of the impact balanced with the mitigation measures and structured in a matrix categorised as Low, Medium and High Risks;
- Section 27 Motivation Report addressing all eleven (11) Section 27(1) factors as outlined in the Act.

4.2. PUBLIC PARTICIPATION PROCESS

A procedure for public participation must be conducted as contemplated in section 41(4) of the NWA, as part of the water use licence application process. The Public Participation Process should include:

- Engagement with communities;
- Creation of landowner database and undertaking cadastral searches for landowners;
- Stakeholder notification;
- Newspaper notifications/advertisements;
- Background information documents;
- Placement of site notices around the proposed project site;
- Landowner consultation and public participation;
- Open day/public meeting;

- Comments from authorities (Traditional, Local, District) and/or service providers (Eskom, Telkom, etc.) are recorded in a comments and response report;
- Assisting with appeals.
- A Public Participation Report must be prepared, which must contain the following:
- Written comments or objections of interested and affected parties;
- Records of meetings; and
- Register of interested and affected parties as contemplated in Regulation 18.
 - Where a person is desirous but unable to access written comments due to-
 - a) Illiteracy; or
 - b) Disability

Reasonable alternative methods of recording comments must be provided for.

5. PRICING SCHEDULE

The PSP is required to review the scope of work and determine the costs required to do the work. The PSP is required to fill in the values and complete the pricing schedule as per the tables below.

Table 2: Work Stages and Proportion of Fee to be paid for completion of each stage

Item No.	Description	Units	Quantity	Rate	Rand Value of Work Stage
SECTION 1: WATER USE LICENCE APPLICATION					
1.1	Project Management ▪ Pre-application enquiry meeting with the authority to confirm project scope and environmental legal requirements; ▪ Site inspection meeting with the authority; ▪ Authority liaison and communication with Umgeni Water and relevant stakeholders; ▪ Completion of licence application forms for all water uses; ▪ Landowner consent forms (DWS forms for each land parcel); and	Sum	1	R	R

Item No.	Description	Units	Quantity	Rate	Rand Value of Work Stage
	▪ Licencing administration fees				
1.2	Attend monthly progress meetings to provide technical support (make provision for 30 meetings)	No.	30	R	R
1.3	Attend EPCM: Gate Reviews (make provision for 10 meetings -pre-meetings, meetings and post meetings)	No.	10	R	R
1.4	Attend quarterly project progress meetings with the Project Steering Committee (make provision for 10 meetings)	No.	10	R	R
1.5	Preparation and submission of the Technical Report on Water Use Licence Application	Sum	1	R	R
	Sub Total 1				
<u>SECTION 2: REPORTS TO BE PREPARED AND SUBMITTED FOR APPROVAL</u>					
2.1	Wetland Delineation and Assessment Report	Sum	1	R	R
2.2	Wetland Management and Rehabilitation Plan (Systematic rehabilitation programme, re-vegetation, alien and exotic species control etc.)	Sum	1	R	R
2.3	Geohydrological Report	Sum	1	R	R
2.4	Hydrological Report;	Sum	1	R	R
2.5	Floodline Assessment Report	Sum	1	R	R
2.6	Storm Water Management Plan	Sum	1	R	R
2.7	Monitoring Programme for surface and groundwater and Auditing Plan	Sum	1	R	R
2.8	Plant Species Plan	Sum	1	R	R
2.9	Rehabilitation Plan and Rehabilitation Bill of Quantities	Sum	1	R	R
2.10	Waste Management Plan	Sum	1	R	R
2.11	Water Quality Report	Sum	1	R	R
2.12	Soil Analysis Report	Sum	1	R	R
2.13	Risk Assessment and Management Plan	Sum	1	R	R

Item No.	Description	Units	Quantity	Rate	Rand Value of Work Stage
2.14	Section 27 Motivation Report	Sum	1	R	R
2.15	Floral Species Rescue and Relocation Plan	Sum	1	R	R
2.16	Erosion Management Plan	Sum	1	R	R
2.17	Sludge Management Plan	Sum	1	R	R
2.18	Environmental Management Plans for the pre-construction, construction, operational and decommissioning phases	Sum	1	R	R
2.19	Budgetary Allowance for any other specialist studies or licence/permit application that may be required	Sum	1	N/A	R 200 000.00
	Sub Total 2				
SECTION 3: PUBLIC PARTICIPATION IN RELATION TO THE WULA					
2.1	Develop / prepare a Public Participation Report which must be submitted to the responsible authority.	Sum	1	R	R
2.2	Landowner title deed search and database establishment	Sum	1	R	R
2.3	Background information document	Sum	1	R	R
2.4	Landowner consultation/consent forms signed	Sum	1	R	R
2.5	Give notice to all potential I&APs (Fixing notice boards, giving written notice to occupiers of the affected land parcels, placing advertisements, using reasonable alternative methods, local radio stations in a local language)	Sum	1	R	R
2.6	Public meetings / open days (make provision for 5 meetings)	No.	5	R	R
2.7	Comments and response register (draft and final)	Sum	1	R	R
2.8	Consultation with regulatory authorities (DEA, DWS, DAFF, AMAFA/SAHARA, EKZN wildlife, DMR, Ingonyama Trust, Department of land affairs and other)	Sum	1	R	R
2.9	Consultation with affected service providers (Eskom, Telkom, DoT, Transnet, Local and District Municipalities and others) 2 meetings and 1 site visit for each service provider	Sum	1	R	R
2.11	Water Use Licence advertised and distributed to all IAPs and appeals managed	Sum	1	R	R

Item No.	Description	Units	Quantity	Rate	Rand Value of Work Stage
2.12	Adhoc site visits (make provision for 10 site visits)	No.	10	R	R
	Sub Total 3				R

Table 3: Summary of Work Stages

A.	Subtotal 1 for WULA	R
B.	Subtotal 2 for Reports to be prepared and submitted for approval	R
C.	Subtotal 3 for Public Participation Process	R
D.	Subtotal 4 (Sum of A to C)	R
E.	Contingencies @ 20% of Subtotal 4	R
F.	Total (D + E)	R
G.	Add VAT @ 15% on F	R
H.	Total Amount including VAT	R

6. PROJECT DELIVERABLES

The deliverables arising from the Water Use Licence Application should include the following:

- Copies of all formal documentation submitted to the authorities in the application process;
- Copies of all specialist's reports;
- Public Participation report;
- Environmental Management Plan;
- Rehabilitation plan and rehabilitation Bill of Quantities; and
- Record of application for all required permits from relevant authorities.

7. REPORTING REQUIREMENTS

Once the suitable PSP has been selected, a kick-off meeting will be arranged between the PSP and Umgeni Water's project team.

The meeting will aim at:

- Confirming the ToR and any information needed;

- Obtaining additional project background information from Umgeni Water; and
- Confirming the project approach, project scope and design, reporting requirements and schedule.

8. EVALUATION CRITERIA

The PSP shall have one of the following qualifications: a minimum of an Honours Degree in Natural Science/ Environmental Science/ Environmental Engineering/ Agricultural Engineering/ or equivalent Science degree. If the qualification was not obtained from South Africa, the tenderer is required to obtain confirmation from South African Qualifications Authority (SAQA) of the equivalent qualification with respect to South African standards. The PSP must also be registered with EAPASA.

The PSP will be required to submit, at its own cost, a proposal in which it will show its ability to perform the tasks described in these ToR in the stipulated period. The proposal, including a work programme schedule and a detailed schedule of resources with costs, should be concise and to the point.

Proposals shall include the following:

- CVs of proposed service provider showing relevant qualifications and experience in undertaking work of similar nature;
- Demonstration of an understanding of the scope of work required;
- Work programme indicating time frame and deliverables;
- A clear understanding of what is required as per the deliverables of the project outlined in these ToR must be presented;
- Cost estimate for all tasks of work required; and
- Administration including project management fees where applicable.

9. ANTICIPATED TIME FRAMES

The proposed timeframe for undertaking the specialist studies and preparation of the Water Use Licence Application is **12 months**.