



**NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY**

**DESCRIPTION: COMPILATION OF ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY (NMMDM)**

**BID NUMBER: NMMDM 23/24/20 P&D**

TENDER SUBMITTED BY (DIRECTOR) : .....

NAME OF BIDDING COMPANY:.....

BUSINESS ADDRESS: .....

.....

.....

TEL. / CELL NUMBER : .....

E-MAIL ADDRESS : .....

ISSUED BY:

Municipal Manager  
Ngaka Modiri Molema District Municipality  
Private Bag X 2167  
Mahikeng  
2745  
Tel: (018) 381 9400

**CLOSING DATE: 26 MARCH 2024 @ 11H00AM**

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# NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY



## COMPILATION OF ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY (NMMDM)

**TENDER NO: NMMDM 23/24/2 P&D**

### INVITATION TO BID

Prospective service providers are hereby invited to bids for the **COMPILATION OF ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY (NMMDM)**

Detailed bids documents are obtainable from [www.etenders.gov.za](http://www.etenders.gov.za) / [www.nmmdm.gov.za/tenders](http://www.nmmdm.gov.za/tenders)

Tenders completed as prescribed shall be sealed in an envelope marked **"BID NO: NMMDM 23/24/20 P&D - DESCRIPTION: COMPILATION OF ENVIRONMENTAL MANAGEMENT FRAMEWORK (EMF) FOR THE NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY (NMMDM)"**

and deposited in the bid box at Ngaka Modiri Molema District Municipality, Cnr Carrington and 1st Avenue, Industrial Sites, Mahikeng, to reach its destination not later than **26 MARCH 2024 AT 11H00AM** when tenders shall be opened in public.

Bids will be adjudicated based on the Preferential Procurement Regulations 2022 using compliance, functionality and 80/20 points system.

The validity period for this tender is 90 days.

Any enquiries regarding the bidding procedure may be directed to Mr P. Tauetsile (018) 381 9400, e-mail [tauetsilep@nmmdm.gov.za](mailto:tauetsilep@nmmdm.gov.za) / Ms B.D Mokate (018 381 9400) , e-mail [mokateb@nmmdm.gov.za](mailto:mokateb@nmmdm.gov.za) / Ms T. Manyeneng (018 381 9400), e-mail [manyenengt@nmmdm.gov.za](mailto:manyenengt@nmmdm.gov.za)  
Any enquiries regarding technical information may be directed to Mr C. Mbengo, e-mail [mbengoc@nmmdm.gov.za](mailto:mbengoc@nmmdm.gov.za) / [czmbengo@gmail.com](mailto:czmbengo@gmail.com)

**SIGNED**  
**O.A LOSABA**  
**MUNICIPAL MANAGER**

## PART A INVITATION TO BID

<b>YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE</b> (NAME OF MUNICIPALITY/ MUNICIPAL ENTITY)					
BID NUMBER:		CLOSING DATE:		CLOSING TIME:	
DESCRIPTION					
<b>THE SUCCESSFUL BIDDER WILL BE REQUIRED TO FILL IN AND SIGN A WRITTEN CONTRACT FORM (MBD7).</b>					
BID RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS					
<b>SUPPLIER INFORMATION</b>					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
TAX COMPLIANCE STATUS	TCS PIN:		OR	CSD No:	
ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES OFFERED? <input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER PART B:3 ]		
TOTAL NUMBER OF ITEMS OFFERED			TOTAL BID PRICE		R
SIGNATURE OF BIDDER	..... 		DATE		
CAPACITY UNDER WHICH THIS BID IS SIGNED					
<b>BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO:</b>			<b>TECHNICAL INFORMATION MAY BE DIRECTED TO:</b>		
DEPARTMENT			CONTACT PERSON		
CONTACT PERSON			TELEPHONE NUMBER		
TELEPHONE NUMBER			FACSIMILE NUMBER		
FACSIMILE NUMBER			E-MAIL ADDRESS		
E-MAIL ADDRESS					

## PART B TERMS AND CONDITIONS FOR BIDDING

<b>1. BID SUBMISSION:</b>										
<p>1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.</p> <p>1.2. <b>ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED (NOT TO BE RE-TYPED) OR ONLINE</b></p> <p>1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT AND THE PREFERENTIAL PROCUREMENT REGULATIONS THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.</p>										
<b>2. TAX COMPLIANCE REQUIREMENTS</b>										
<p>2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.</p> <p>2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER'S PROFILE AND TAX STATUS.</p> <p>2.3 APPLICATION FOR THE TAX COMPLIANCE STATUS (TCS) CERTIFICATE OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE <a href="http://WWW.SARS.GOV.ZA">WWW.SARS.GOV.ZA</a>.</p> <p>2.4 FOREIGN SUPPLIERS MUST COMPLETE THE PRE-AWARD QUESTIONNAIRE IN PART B:3.</p> <p>2.5 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.</p> <p>2.6 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.</p> <p>2.7 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.</p>										
<b>3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS</b>										
<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?</td> <td style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </table> <p><b>IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.</b></p>	3.1. IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO	3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO
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3.2. DOES THE ENTITY HAVE A BRANCH IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.3. DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.4. DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?	<input type="checkbox"/> YES <input type="checkbox"/> NO									
3.5. IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?	<input type="checkbox"/> YES <input type="checkbox"/> NO									

**NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.  
NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE.**

SIGNATURE OF BIDDER: .....

CAPACITY UNDER WHICH THIS BID IS SIGNED: .....

DATE: .....

## LIST OF RETURNABLE DOCUMENTS

1. Proof of Central Suppliers Database (CSD) registration
2. C.K Document
3. Certified ID copies (of not more than three months) of company directors
4. Certified copies must have a date of certification and should be not older than 3 months as at the close of the tender. (Should the copy not have the date of certification the tender will be regarded as non-responsive)
5. Only original stamp and signature will be accepted.
6. Copy of a certified document will be considered non responsive.
7. A signed Joint Venture Agreement (In case of a Joint Venture)
8. Recent Statement of Municipal rates and taxes or municipal service charges of every Director Listed on the C.K Document not older than three months from the date issued (the address that appears on the rates statement must correspond to the address on the CSD)
9. Recent Statement of Municipal rates and taxes or municipal service charges of the Company (Bidder) not older than three months from the date issued.
10. Should a Company (Bidder) Lease a property, the lease agreement will replace the requirement on (11).
11. Should Directors be residing in rural areas, Letter from Tribal Authority confirming your stay in that Area ( the address that appears in the letter from Tribal Authority must correspond to the address on the CSD)
12. Should the Director not be responsible for rates and taxes but residing in an area where there is Municipal Services offered, the director should submit the Original Affidavit from South African Police Service Confirming as such.
13. Should the Company (Bidder) be operating from the Same Address as the Director, An affidavit confirming such should be submitted.
14. Accreditation of the Company with Environmental Assessment Practitioner of South Africa (EAPASA) or South Africa Council for Natural Scientist Professional (SACNASP).
15. Requirements should be submitted for J.V based on their applicability.
16. Soft copy of the entire document including returnable saved in a USB. **(Failure to submit the soft copy will result in a disqualification)**
17. Should any of the returnable documents stated not be attached to this bid document, your bid will be declared invalid.

## **BID REQUIREMENTS**

- 1.** Late bids will not be considered. Please note that bids are late if they are received after the closing date and time.
- 2.** Bids will be valid for 90 days.
- 3.** All prices must be quoted in South African currency and must be VAT Inclusive.
- 4.** All items must be priced, failure to price all items will render your bid non-responsive.
- 5.** All relevant forms attached to this bid document must be completed and signed in black ink where applicable by a duly authorised official. Use of tipex and pencil will not be acceptable.

**NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY**

**SIGNATORY AUTHORISATION**

**(To be completed by the Bidder)**

**SIGNATORY AUTHORISATION**

I/We the undersigned, am/are authorized to enter into this contract on behalf of

-----  
(Name of Firm)

By virtue of resolution dated -----day of -----20-----  
(Month)

The certified copy of resolution that is herewith attached to this Bid.

*AS WITNESSES:*

**1.** .....  
(Initials and Surname in full) Signature

Firm/Company's Name:

.....  
.....

Physical Address:

.....  
.....

**2.** .....  
(Initials and Surname in full) Signature

Firm/Company's Name:

.....  
.....

Physical Address:

.....  
.....



**NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY**

**DECLARATION OF INTEREST**

1. No bid will be accepted from persons in the service of the state\*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.
3. In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.
  - 3.1 Full Name: .....
  - 3.2 Identity Number: .....
  - 3.3 Position occupied in the Company (director, trustee, shareholder).....
  - 3.3 Company Registration Number:.....
  - 3.5 Tax Reference Number: .....
  - 3.6 VAT Registration Number: .....
  - 3.7 The names of all directors / trustees / shareholder members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.
  - 3.8 Are you presently in the service of the state\* **YES/NO**

---

\* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
  - (i) any municipal council;
  - (ii) any provincial legislature; or
  - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

3.8.1 If so, furnish particulars: .....

3.9 Have you been in the service of the state for the past twelve months? **YES/NO**

3.9.1 If so, furnish particulars:  
.....

3.10 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

3.10.1 If so, furnish particulars:  
.....  
.....

3.11 Are you, aware of any relationship (family, friend, other) between any bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid? **YES/NO**

3.11.1 If so, furnish particulars:  
.....  
.....

3.12 Are any of the company's directors, managers, principle shareholders or stakeholders in service of the state? **YES/NO**

3.12.1 If so, furnish particulars:  
.....

3.13 Are any spouse, child or parent of the company's directors Managers, principle shareholders or stakeholders in service of the state? **YES/NO**

3.13.1 If so, furnish particulars:  
.....

3.14 Do you or any other of the directors, Managers, principle shareholders or stakeholders of this company have any interest in any other related companies or business whether or not they are bidding for this contract? **YES/NO**

3.14.1 If so, furnish particulars:  
.....

4. Full details of directors / trustees, members / shareholders.

Full Name	Identity Number	State Employee Number

**I, THE UNDERSIGNED (NAME)**

.....  
 CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.  
 I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....  
 Signature

.....  
 Date

.....  
 Position

.....  
 Name of Bidder

**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)

**1.2 To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a. The applicable preference point system for this tender is the 80/20 preference point system.
- b. 80/20 preference point system will be applicable in this tender. The lowest acceptable tender will be used to determine the accurate system once tenders are received.

- 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
<b>PRICE</b>	<b>80</b>
<b>SPECIFIC GOALS</b> <b>RACE (BLACK) [AS PER BBBEE ACT AND HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI)] = 5</b> <b>GENDER (WOMEN) = 5</b> <b>YOUTH = 5</b> <b>LOCALITY = 5</b> <b>(WITHIN NMMDM JURISDICTION) = 5</b> <b>(WITHIN NW PROVINCE) = 3</b> <b>(NATIONAL) = 2</b>	<b>20</b>
<b>Total points for Price and SPECIFIC GOALS</b>	<b>100</b>

- 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 PREFERENCE POINT SYSTEMS

A maximum of 80 points is allocated for price on the following basis:

**80/20**

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

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**

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

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = 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 the 80/20 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 the 80/20 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 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)
RACE (BLACK) [AS PER BBBEE ACT AND HISTORICALLY DISADVANTAGED INDIVIDUALS (HDI)]	5	
GENDER (WOMEN)	5	
YOUTH	5	
LOCALITY (WITHIN NMMDM JURISDICTION) = 5 (WITHIN NW PROVINCE) = 3 (NATIONAL) = 2	5	

## DECLARATION WITH REGARD TO COMPANY/FIRM

3.1. Name of company/firm.....

3.2. Company registration number: .....

3.3. 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]

3.4. 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

forward the matter for criminal prosecution, if deemed necessary.

.....  
**SIGNATURE(S) OF TENDERER(S)**

**SURNAME AND NAME:** .....

**DATE:** .....

**ADDRESS:** .....

.....

.....

.....

# 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 (name of the institution)..... in accordance with the requirements and task directives / proposals specifications stipulated in Bid 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;
    - Declaration of interest;
    - Declaration of Bidder's past SCM practices;
    - Certificate of Independent Bid Determination;
    - 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 FIRM .....

DATE .....

## WITNESSES

1 .....

2 .....

DATE:.....



**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.

DESCRIPTION OF SERVICE	PRICE (ALL APPLICABLE TAXES INCLUDED)	COMPLETION DATE	TOTAL PREFERENCE POINTS CLAIMED	POINTS CLAIMED FOR EACH SPECIFIC GOAL

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

SIGNED AT ..... ON .....

NAME (PRINT) .....

SIGNATURE .....

OFFICIAL STAMP

**WITNESSES**

1 .....

2 .....

DATE:.....

**DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

1. This Municipal Bidding Documents must form part of all bids invited.
2. It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
3. The bid of any bidder may be rejected if that bidder, or any of its directors have:
  - a. abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system;
  - b. been convicted for fraud or corruption during the past five years;
  - c. wilfully neglected, reneged on or failed to comply with any government, municipal or other public sector during the past five years;
  - d. been listed in the Register for Tender defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act(no 12 of 2004).
4. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1.	Is the bidder or any of its directors listed on the National Treasury's database as a company or person prohibited from doing business with the public sector? <b>(Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>audi alteram partem</i> rule was applied)</b>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.1	If so, furnish particulars		
4.2.	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? <b>(To access this Register enter the National Treasury's website, <a href="http://www.treasury.gov.za">www.treasury.gov.za</a>, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 326 5445).</b>	<input type="checkbox"/>	<input type="checkbox"/>
4.2.1	If so, furnish particulars		
4.3.	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	<input type="checkbox"/>	<input type="checkbox"/>
4.3.1	If so, furnish particulars		

4.4.	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	<input type="checkbox"/>	<input type="checkbox"/>
4.4.1	If so, furnish particulars		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	<input type="checkbox"/>	<input type="checkbox"/>
4.5.1	If so, furnish particulars		

**CERTIFICATION**

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

**CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.**

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

-----  
**Signature**

-----  
**Date**

-----  
**Position**

-----  
**Name of Bidder**

**CERTIFICATE OF INDEPENDENT BID DETERMINATION**

- 1 This Municipal Bidding Document (MBD) must form part of all bids<sup>1</sup> invited.
- 2 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).<sup>2</sup> Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 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:
  - a. take all reasonable steps to prevent such abuse;
  - b. 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
  - c. 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.
- 4 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.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

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;
5. 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:
  - (a) has been requested to submit a bid in response to this bid invitation;
  - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
  - (c) 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 consortium<sup>3</sup> 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:
  - (a) prices;
  - (b) geographical area where product or service will be rendered (market allocation)
  - (c) methods, factors or formulas used to calculate prices;
  - (d) the intention or decision to submit or not to submit, a bid;
  - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
  - (f) 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

<sup>1</sup> Includes price quotations, advertised competitive bids, limited bids and proposals.

<sup>2</sup> 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.

<sup>3</sup> 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.

## **TERMS OF REFERENCE**

### **1. INTRODUCTION**

- 1.1 Ngaka Modiri Molema District Municipality (NMMDM) hereby calls for proposals from suitably qualified individuals, companies, or consortia with relevant skills and experience for the compilation Environmental Management Framework (EMF) for the Ngaka Modiri Molema District Municipality (NMMDM).

### **2. BACKGROUND**

- 1.1. The current adverse status quo regarding the unavailability of a credible District's EMF disadvantages the district municipality when it comes to monitoring growth and development and the protection of its natural resources.
- 1.2. The absence of a credible EMF and other environmental strategies at the district level hinders effective and sustainable development from taking place, as well as the implementation of the service-delivery oriented projects for the five constituent Local Municipalities since they cannot be comprehensively guided in the most efficient and environmentally sustainable manner.
- 1.3. Once compiled and approved by the MEC, the proposed EMF will become a statutory framework that will enable the municipality to have a tool that can be utilised to give effect to the environmental principles contained in the National Environmental Management Act (NEMA) (Act 107 of 1998).
- 1.4. Section 24 of the Constitution of the Republic of SA states that "*everyone has the right- (a) to an environment that is not harmful to their health or well-being; (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures*", the district municipality does not have the means to give effect to latter constitutional right, furthermore the District is mandated in terms of Section 83 of the Municipal Structures Act to undertake sustainable integrated development planning in all constituent local municipalities.
- 1.5. The holistic objective of the District is to promote sustainable spatial planning and this can be achieved through simultaneously establishment of mutually informed strategic documents i.e. Spatial Development Framework (SDF) and the Environmental Management Framework (EMF)
- 1.6. The specific objectives of the proposed Environmental Management Framework (EMF) shall include, but not limited to:
  - A framework for more detailed environmental planning: that will contain strategic assessment of the environmental impact of the SDF and identify areas where strategic environmental intervention is required (such as the Groot Marico) or indicate areas where priority spending is required.
  - Environmental Management Framework which includes an overview of current status quo, bio-diversity issues as well as policy for the prioritisation of future projects and its impact.
  - Considerations of the impact of the Provincial, surrounding Districts and constituent local municipalities EMF's.
  - Integration with the recommendations of the IDP and, public and stakeholder consultation and participation.
- 1.7. In pursuit of the District Municipality's corporate vision of promoting integrated municipal governance, the anticipated EMF must be aligned with other sector plans and ensure that it carries out its future development and service delivery functions in a manner that is socially, economically and environmentally sustainable.
- 1.8. Guideline 6 of the Integrated Environmental Management Guideline Series (Gazette No. 28854 of 19 May 2006) is aimed at promoting sustainable development. The EMF process should meet the requirements of the EMF regulations that were promulgated on 18th June 2010, under Sections 24(5) and 44 of NEMA. These EMF Regulations draw on the EIA Regulations and give clarity to EMF's and thus this document should set out to meet both the requirements of the EIA and EMF Regulations.
- 1.9. The Outcome 10 Delivery Agreement which was negotiated and signed by Cabinet Ministers, Members of Executive Councils (MECs) of Provinces, Organized Local Government and State Owned Enterprises in the

Environment Sector and the Presidency, enjoins all these institutions to deliver the Spatial Development Frameworks (SDFs) that are informed by approved Strategic Environmental Management tools such as the Environmental Management Frameworks (EMF), Strategic Environment Assessments (SEA), Bio-Regional Plans, Conservation Plans (CP), etc.

- 1.10. The Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013 ascribes to the principle of spatial sustainability whereby spatial planning and land use management systems must uphold consistency of land use measures in accordance with environmental management instruments (such as EMFs).

In addition SPLUMA encourages environmentally sustainable land development practices and processes (Section 3(1)(c)(iii) of the Act), requires sustainable land development at the required scale by encouraging the sustained protection of the environment (section 3(1)(h)(iii) of the Act) and states that in setting land development objectives, the "sustained utilization of the environment" must be taken into account (Section 28(b) (ii) of the Act).

- 1.11. The Provincial **Department of Economic Development, Environment, Conservation and Tourism (DEDECT)** will play a strategic supporting role to assist the district municipality with the compilation of a credible EMF to ensuring that credible spatial planning tools are developed.

- 1.12. There is a need for an environmental decision support tool to be developed in the NMMDM due to:

- 1.12.1. Increasing number of environmental contraventions taking place within the district.
- 1.12.2. Several promulgated EMFs in the District study area older than the 5-year EMF review cycle recommended in the 2010 EMF Regulations
- 1.12.3. The review of the EMFs, on an individual basis, would prove to be financially unviable especially for the rural financially struggling municipalities. By incorporating an all-encompassing, district wide EMF will be a) more cost efficient and b) will allow for a more effective 5-year review cycle in future.

### 3. AIM

- 3.1 The aim of this project is to develop an EMF for the Ngaka Modiri Molema District Municipality in terms of the provisions contained in the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) and the 2010 NEMA EMF Regulations.

- 3.2 The proposed NMMDM EMF will replace all other previously adopted District EMF, allowing for a single updated EMF that will encompass the whole NMMDM jurisdiction area.

- 3.3 Given the promulgation of the Spatial Planning and Land Use Management Act (Act 16 of 2013), the complexities around competing land uses in the area, as well as the need to align spatial plans affecting the area, it is important that a consolidated and inclusive approach be followed for the management of this area. It is therefore envisaged that the outputs of the EMF should ultimately be integrated in a future update of the District Spatial Development Framework (SDF) and provide a basis for the integration of environmental factors in municipal plans such as Land Use Schemes (LUS), Integrated Development Plans (IDP) etc.

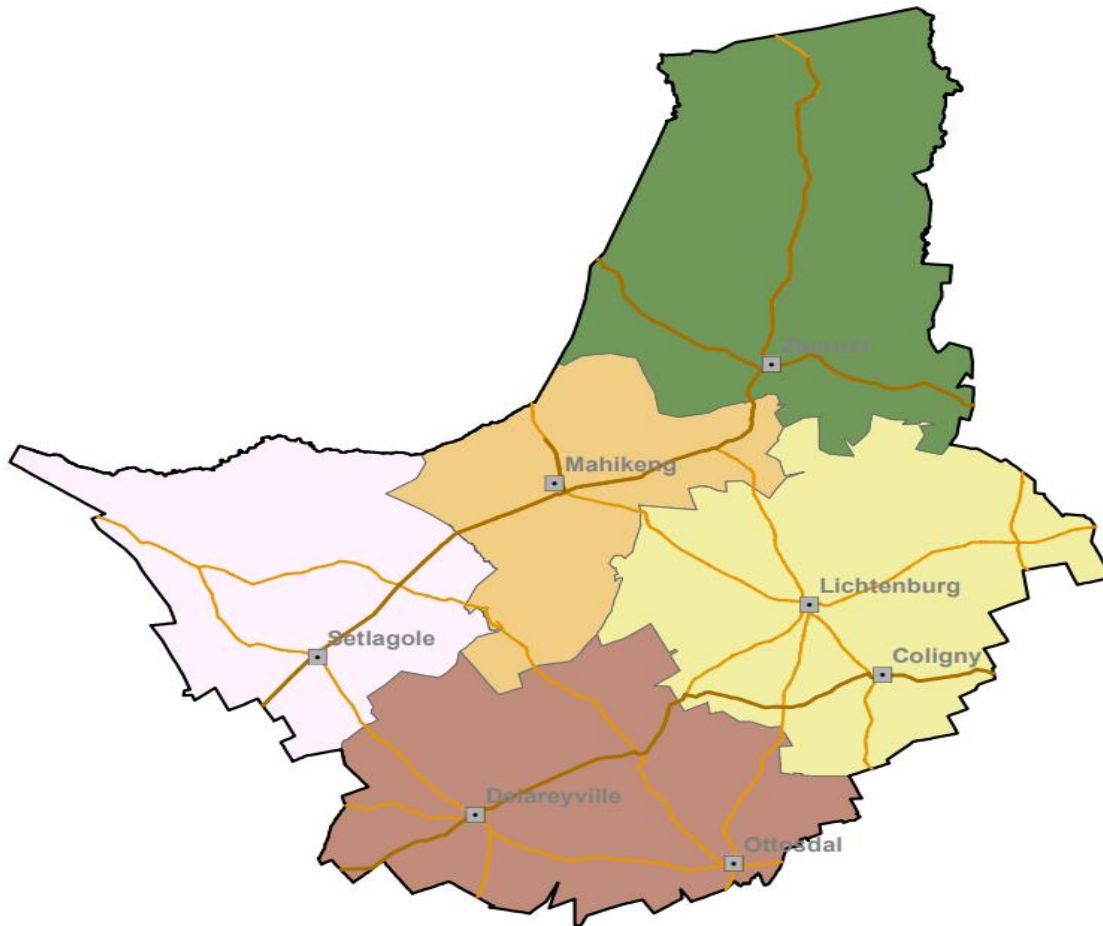
### 4. OBJECTIVES

- 4.1 The objective of the project is to allow for a coordinated effort by government at all levels to achieve consensus in the formulation of mechanisms to manage development in the NMMDM municipal area, by defining and spatially showing the state of environment, the environmental control/management zones and the desired state of the environment and development of the study area, including:

- Desired land uses;
- Existing open space network;
- Road network (provincial, municipal and private);
- Development corridors;



- Geological and hydrological constraints;
  - Biological resources and their conservation status;
  - Environmentally sensitive environments;
  - Agricultural resources;
  - Mining resources;
  - Heritage resources;
  - Tourism potential;
  - Service provision/capacity and other non-renewable resources;
- 4.2 Develop a full understanding of the social dynamics and development drivers of the area and identify strengths and weaknesses that can support or hinder the project from reaching its objectives;
- 4.3 Define and spatially represent the environmental and economic attributes as well as the desired state of environment and development for the study area (with emphasis on desired land uses, the open space network, the road network, development corridors, geological and hydrological constraints, the protection of sensitive environments, agricultural and mining resources, service provision/capacity, bio-physical constraints and other non-renewable resource etc.);
- 4.4 Develop monitoring and reporting systems as part of the Strategic Environmental Management Plan (SEMP) to control and measure the success of the implementation of the EMF. Emphasis here should be placed on internal capacity, legislation and organisational structures that will ensure the sustainable management of the site as envisaged in the strategic plan; and
- 4.5 Provide recommendations to integrate the findings of the EMF with the municipal SDF and the municipal Integrated Development Plan (IDP).



Locality Map

- 5.1 The Ngaka Modiri Molema District Municipality (NMMDM) is a Category C municipality and one of the four district municipalities in the North West Province. The District is located on the northern part of the province and shares an international border with the Republic of Botswana. It is comprised of five constituent local municipalities: Mahikeng, Ratlou, Ramotshere Moiloa, Ditsobotla and Tswaing. The district is home to Mahikeng the administrative and capital city of the province.
- 5.2 Ngaka Modiri Molema is home to the Platinum Development Corridor, as transportation corridor linking SADC countries with Gauteng, the economic heartland of the South Africa with the Maputo harbour, is supported by the N4 and the Johannesburg- Mahikeng railway line, which traverses through the Bojanala and Ngaka Modiri Molema Districts. The N18 is also a key linkage between the capital city of Mahikeng and the town of Vryburg
- 5.3 Ngaka Modiri Molema District Municipality accommodates more than a quarter (30%) (2011) of the provincial urban population with the main population concentrated in Mahikeng Local Municipality. Agricultural economy plays a pivotal role in the District particularly in Ditsobotla and Tswaing local municipalities and the rest of the District possess excellent eco-tourism infrastructure that is regrettably underutilized
- 5.4 The District Municipality is a Water Service Authority mandated with the provision of basic sanitation, water and other services to the rural population

5.5 The Madikwe Game Reserve is home to numerous South African big five and consists of a rich diversity of floral species. It is a great destination for tourists bringing in the much-needed economic boost to the province.

## **6. LEGISLATIVE FRAMEWORK**

The consultancy team should ensure that the project takes cognisance of all relevant legislation and guideline documentation, which include but not limited to:

### **6.1 Generic Environmental and other relevant legislation**

- The National Environmental Management Act (Act 107 of 1998, 'NEMA'), as amended and promulgated NEMA EMF Regulations of 2010.
- All the Specific Environmental Management Acts (SEMA) promulgated in terms of NEMA, 1998, as amended. Such as:
  - National Environmental Management: Air Quality Act
  - National Environmental Management: Biodiversity Act
  - National Environmental Management: Waste Act
  - National Environmental Management: Protected Areas Act
- Environment Conservation Act (Act 73 of 1989).
- National Heritage Resources Act (Act 25 of 1999)
- Conservation of Agricultural Resources Act (Act 43 of 1983).
- National Water Act (Act 36 of 1998).
- Water Services Act (Act 107 of 1997)
- Tourism Act, 1993.
- Electricity Regulation Act (Act 4 of 2006).
- Mineral and Petroleum Resources Development Act (Act 60 of 2003).
- Intergovernmental Relations Framework Act (Act 13 of 2005).
- Municipal Systems Act of 2002.
- Municipal Structures Act.
- Provincial legislations and ordinances.
- Local Government By-Laws.
- World Heritage Convention & Operational Guideline
- World Heritage Convention Act, 1999 (Act 49 of 1999)
- Spatial Planning and Land Use Management Act (Act 16 of 2013, 'SPLUMA')

### **6.2 National, Provincial and Municipal Documentation / Studies:**

- The North West Spatial Development Framework (PSDF) and any other studies currently in progress relating to the PSDF, including the North West Provincial Development Plan (PDP).
- The Guideline Document developed by the National Department of Environmental Affairs and Tourism on Strategic Environmental Assessment in South Africa, February 2007.
- Provincial, National and local air quality intervention strategies.
- Department of Water Affairs Integrated Catchment Management Studies
- National Protected Area Expansion Strategy, DEAT/SANBI, 2008
- All relevant Information from SANBI's Biodiversity GIS programme (BGIS).
- The 2009 North West Biodiversity Conservation Assessment (BCA).
- The 2015 North West Biodiversity Sector Plan.
- The North West Environment Outlook (2013).
- Any relevant EIA studies that are currently being undertaken or planned in the study area.
- Local Government White Paper of 1998.
- State of local Government in South Africa of 2009.
- Guideline document of provincial-local intergovernmental relations.
- The current Integrated Development Plan for the afore-mentioned district and local municipalities.
- The Spatial Development Framework for the five constituent local municipalities.
- Any relevant strategic planning documents compiled by the afore-mentioned district and local municipalities.
- Energy Security Master Plan – Electricity 2007 – 2025.

- Relevant Strategic Infrastructure Plans (SIP 8 and 10) for Solar PV and Energy Distribution.
- National Biodiversity Framework.
- War on Poverty Programme.
- Comprehensive Rural Development Programme (CRDP).
- Green Paper on Land Reform.
- The NW Climate Change Vulnerability and Risk Assessment.
- North West Parks and Tourism Board Protected Area Expansion Strategy.
- Springbokpan Rural Development Plan.

## 7. SCOPE OF WORK

- 7.1 The EMF must comply with the minimum prescribed content for EMFs as promulgated in the NEMA 2010 EMF Regulations (Government Gazette No. R 547 of 18 June 2010) and the 2012 EMF Guideline Document (Government Gazette No. 806 of 10 October 2012).
- 7.2 The EMF map should be undertaken at an appropriate scale (1:50 000 was used for the most recent EMFs completed in the province due to data limitations) for informing strategic level land-use planning and decision-making and use appropriate methods and technology.
- 7.3 The proposed EMF must incorporate and **review** where necessary the findings of the previous existing EMFs in the District Municipality. It is the intention of NMMDM to request DEDECT to withdraw/repeal all existing EMFs and replace it with one encompassing NMMDM EMF.
- 7.4 The NMMD had already commenced the process of reviewing its EMF and had completed the following phases: Name theme

The PSP will however be expected to review the above data to ensure it is in line with the latest available information and data.

7.2 The **SCOPE OF WORK** will consists of:

- 7.2.1 Analysis of the Draft Inception Report that was compiled to be finalized and adopted as a Final Inception Report.
- 7.2.2 Environmental Status Quo Report

### 7.2.3 The Desired State of the Environment

- i. *Current allocations for prospecting rights, mining permits and rights.*
- ii. *Current spatially defined environmental NGO initiatives in the study area.*
- iii. *EIA applications authorized and pending. The service provider/s (consultants) must consider all previous and current EIA studies and Environmental Management Plans depending on their availability from DEDECT.*
- iv. *The compilation of socio-economic profile and infrastructure of the area:*
  - *Demographic and economic profiling*
  - *Assessment of the age and heritage status of the area*
  - *Settlement patterns and associated infrastructure*
  - *Status of services and infrastructure*
  - *Transportation network inventory*
- v. *A review and comparison of all relevant spatial plans and other planning documents for the area including alignment and/or incorporation of existing EMFs.*
- vi. *A spatial representation of planned and/or existing land uses that are potentially in conflict over the same land and other resources.*
- vii. *Status of existing services.*
- viii. *Electricity generation, transmission and generation infrastructure both existing and planned*

In addition to the following:

- ix. The status quo report must be used to facilitate a consultative public participation process through which the desired state of the environment for the area will be established.
- x. This desired state of the environment must be spatially represented in the same format as in the status quo report to enable comparison.
- xi. The desired state must be compiled using a comparison analysis on the findings of the status quo report.
- xii. The desired state report will need to detail the identified conflicts over land use planning and identify strategies for dealing with conflicts.
- xiii. A draft of this report must be submitted to the PSC for comments prior to finalisation.

#### **7.2.4 Environmental Management Zones**

- i. Based on the spatial component of the desired state of the environment and bio-physical constraints and opportunities, the study area must be divided into Environmental Management Zones (EMZs). The purpose of such strategic environmental zoning would be to facilitate future decision-making on environmental requirements and acceptability of development applications. This must include a spatial representation of such zoning within the area in respect of one or more activities in a manner that will be identified.
- ii. Areas in which the undertaking of an activity should be allowed to take place without further investigation (desirable).
- iii. Areas in which the undertaking of an activity may be allowed subject to an environmental authorisation being granted in terms of the NEMA EIA Regulations (conditional to management guidelines as per management zone); and
- iv. Areas in which the undertaking of an activity should not be considered (undesirable).
- v. A draft of this report must be submitted to the PSC for comments prior to finalisation.

#### **7.2.5 Strategic Environmental Management Plan**

A Strategic Environmental Management Plan (SEMP) must be developed that will address management guidelines and responsibilities, which will include but will not be limited to:

- A strategy for maintaining productive agricultural activity on land where agriculture has been identified as a feasible and desired land use;
- A strategy for maintaining biodiversity conservation on land where biodiversity conservation has been identified as a feasible and desirable land use;
- A strategy for maintaining land as open spaces where identified as appropriate;
- A strategy in dealing with environmental land use planning conflicts.
- A strategy for the incorporation of the Environmental Management Zones into the SDF and LUS.

The SEMP document must include all relevant action plans required for the implementation of the EMF linked to institutional framework, a system to evaluate, monitor and report on progress made towards the state of the environment and land uses in the study area. A realistic set of parameters coupled with measurable time scales must be developed.

A draft copy of the report must be circulated for comment to identified stakeholders. After incorporation of comments, the draft EMF would need to be approved by the PSC.

The outcomes of the EMF can also be used to demarcate inclusion and exclusion areas (if deemed feasible/necessary), or areas of particular sensitivity in terms of the proposed NEMA EIA Regulations list of activities.

### **7.2.6 Environmental Management Framework**

In summary, the EMF must as a minimum by way of a map and/or interactive GIS tool/viewer:

- identify the geographical area to which it applies.
- specify the attributes of the environment in the area, including the sensitivity, extent.
  - interrelationship and significance of those attributes.
- identify any parts in the area to which those attributes relate.
  
- state the conservation status of the area and in those parts.
- state the environmental management priorities of the area.
- indicate the kind of developments or land uses that would have a significant impact on those attributes and those that would not.
- indicate the kind of developments or land uses that would be undesirable in the area or in specific parts of the area.
- indicate the parts of the area with specific socio-cultural values and the nature of those values.
- identify information gaps; and
- include any other matters that may be specified.

### **7.2.7 Final Environmental Management Framework (EMF) document**

### **7.3 EMF GIS tool/viewer**

The Service Provider must ensure that the EMF GIS layers and supporting information are easily accessible by NMMDM and the constituent municipalities with limited GIS capacity.

The Service Provider needs to:

Provide all the GIS layers and metadata using ESRI's Geodatabase format.

Develop a GIS tool/viewer to access information by using either of the following:

- a) ESRI's ArcGIS Online
- b) Explorer for ArcGIS
- c) ArcReader (Service Provider will publish the GIS layers for NMMDM using ArcPublisher)
- d) Google maps
- e) Other i.e. an web-based application developed by the Service Provider.

The Service Provider must take into consideration the limited GIS capacity and skills within the local municipalities and design a GIS tool with this in mind.

## **8 DELIVERABLES**

The following documents and products as set out under the Scope of Work (Section 7) above are required:

- Draft Environmental Status Quo Report.
- Final Environmental Status Quo Report.
- Draft Desired State of the Environment.
- Final Desired State of the Environment.
- Draft Environmental Management Framework.
- Final Environmental Management Framework.

- 8.1 Final EMF Document: A total of 30 hard copy reports and electronic copies shall comprise of the EMF document in both MS Word and PDF formats.
- 8.2 Final documents are to be bounded and printed with an agreed-upon graphically designed cover page to the satisfaction of both NMMDM.
- 8.3 Standalone public participation strategy report including copies of attendance registers, minutes etc and a contact database in Microsoft Excel of all stakeholders.
- 8.4 All relevant GIS layers (in ESRI's File Geodatabase Format) on 2 external portable devices or hard disk drives.
- 8.5 The service provider must prepare training material and provide EMF training to officials of NMMDM and the relevant municipalities once the EMF has been completed.
- 8.6 A Power Point presentation of the final results and outcomes of the project must be developed by the service provider and be made available to the project team.
- 8.7 The service provider must provide electronic copies of **all draft** reports to each PSC member.

***NB: It should be noted that the intellectual property rights of the anticipated EMF products rest with NMMDM and not the consultant. Therefore, any use and/or copy of the information for any other purposes are prohibited unless permission is granted by NMMDM – Refer to Section 17 below.***

## **9 PROJECT MANAGEMENT MEETINGS**

- 9.1 The project will operate in a complex and challenging multidisciplinary environment, requiring partnerships with various departments, in all three spheres of government, and strategic stakeholder groupings, in support of a coordinated approach to project implementation.

- 9.2 After appointment, the consultant/s will meet with the relevant officials from NMMDM to:

- 9.2.1 Confirm the scope of work for the project and agree upon the project plan and the time frames for the deliverables.
- 9.2.2 Establish a Project Management Team (PMT) which should include Ngaka Modiri Molema District Municipality, DEDECT and representatives of the Local Municipalities who will be responsible for the day to day management of the project.
- 9.2.3 Agree upon the roles and responsibilities of the PMT.
- 9.2.4 In addition to the above PMT, a broader Project Steering Committee (PSC) must be established that must comment and sign off on project deliverables.
- 9.2.5 Potential role-players and relevant stakeholders that could be invited to PSC meetings include:

Department of Environmental Affairs (DEA), Department of Water and Sanitation (DWS), Department of Mineral Resources (DMR), Department of Energy (DoE), Department of Sports, Arts and Culture, and Department of Agriculture, Forestry and Fisheries (DAFF). Key Provincial Departments and local environmental agencies, conservation groups, businesses, mining groups, community-based organizations (CBOs), knowledge institutions, non-governmental organization (NGOs) and traditional and cultural leaders should also be included.

- 9.2.6 Agree upon the roles and responsibilities of the PSC.

- 9.2.7 Agree on the number of PSC meetings as well as an ideal venue for such meetings. (NB: The development of the EMF may not exceed a maximum of 8 PSC meetings).
- 9.2.8 Agree on the public participation strategy and the extent of public coverage and consultation.
- 9.2.9 Progress meetings and reports shall be submitted at intervals agreed upon with the project team.
- 9.2.10 Venues of all meetings will be convened at the offices of the NMMDM offices in Mahikeng and bidders are therefore advised to take this into account in their quotation.

## 10 STAKEHOLDER INVOLVEMENT

This is a core activity to the whole EMF process and the methodology must be clearly outlined and costed in the proposal submission (see also Section 8 project deliverables).

- 10.1 Due to the complex nature of the area in question, it would be required to develop a detailed stakeholder participation and communication strategy to ensure that there is maximum involvement of all stakeholders in the planning, implementation and outcome of the project.
- 10.2 The service provider must establish a detailed database of stakeholders, contacts and comments made during all public participation and consultation processes.
- 10.3 Furthermore, public awareness must be raised by placing adverts in local newspapers, in at least two official languages, as well as by conducting focus group meetings with identified stakeholders.

## 11 TIMING OF ASSIGNMENT

- 11.1 All work is to be carried out in accordance with the preliminary work plan that will be concluded by the Project Management Team at the first Inception meeting.
- 11.2 It is expected that the project be completed in a period of nine (9) months effective from the date of appointment.
- 11.3 Due to the urgency of the project it is critical that timeframes are strictly adhered to. Financial penalties may be imposed for any delay or non-compliance with time and quality requirements.

## 12 RELEVANT SKILLS AND EXPERIENCE

- 12.1 The following skills are required, failure to meet them will lead to bids not being evaluated further:
  - 12.1.1 Project leader should be in possession of at least a South African Qualifications Authority (SAQA) recognized NQF Level 8 qualification that relate to environmental management and/or natural science.
  - 12.1.2 Project leader must be registered with Environmental Assessment Practitioners Association of South Africa (EAPASA) as an environment assessment practitioner **OR** with the South African Council for Natural Scientific Professions (SACNASP) as a Professional Natural Scientist and have acquired practical and verifiable experience.
  - 12.1.3 Professional team must have a Professionally Registered GISc member registered with South African Geomatics Council (SAGC)

## 13 PROJECT QUOTATION AND PERFORMANCE MEASURES

- 14.1 A detailed project budget must be provided in accordance with the performance measures outlined in the preliminary Work Plan (**Annexure A**). Each proposed project activity should be analysed in terms of the



required inputs and these inputs must be costed. The performance measures for the delivery of the EMF will be closely monitored by the Project Management Team.

- 14.2 Travel and accommodation expenses to the meetings outlined in **Annexure A**, and when undertaking the actual work (i.e. workshops, ground trothing etc.) are for the account of the Service Provider and must be budgeted for accordingly. Venue hiring, inclusive of catering and materials, required for the workshops are also for the account of the Service Provider.

- 14.3 Service providers are expected to submit a proposal that amongst others addresses the following:

- 14.3.1 Methodology to be followed in executing the project and a detailed project plan;
- 14.3.2 Proposed time schedule for the completion of the project according to the time restriction referred to in section 11 of this Terms of Reference;
- 14.3.3 A summary of resources that will be provided for the execution of the project;
- 14.3.4 The curricula vitae of all project team members (Roles & responsibility of each team member must be clearly defined in line with the project deliverable);
- 14.3.5 A summary of related project experience;
- 14.3.6 Project management set up;
- 14.3.7 Any other relevant information in support of elucidating the proposal.

## **15 SKILL DEVELOPMENT**

- 15.1 NMMDM consider skills development as an integral part of the project. The process should ensure that skills development and transfer is achieved within the district municipality. Proposals should indicate how skills development and transfer would be achieved in the district municipality.

## **16 INFORMATION GATHERING**

- 16.1 The successful Service Provider is expected to make contact with the relevant unit within DEDECT and relevant stakeholders to obtain relevant information that is required for the project.
- 16.2 In the light of the event that the service provider needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the NMMDM will provide the requested letter.

## **17 COPYRIGHT AND CONFIDENTIALITY**

- 17.1 Copyright of all materials will belong to NMMDM.
- 17.2 Copyright of information obtained through the course of the assignment will be the property of NMMDM and may not be sold or re-produced by the service provider without the prior permission of the client.
- 17.3 All reports, collateral, photographic and audiovisual material developed are the property of the client and are to be used or distributed only with the permission of the client.
- 17.4 No presentations of any materials may be made without the prior permission of the client.

## **18 CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT**

- 19.1 The service provider must guarantee the presence of their project leader in charge throughout the duration of the project. If the project leader has to leave the project, a period of at least a month is required in which the project leader must work parallel with the next person (senior consultant with appropriate expertise and experience) appointed to be able to transfer skills and knowledge.

## ANNEXURE A: PRELIMINARY WORK PLAN

Key performance Measures (Deliverables)	Activity
Inception Report	Analysis of the Drafted Inception report and its adoption
Draft Environmental Status Quo Report.	1st Project Steering Committee Meeting to be held to introduce project and identify additional stakeholders.
	Circulate all reports drafted to PSC members for comment
	2 <sup>nd</sup> Project Steering Committee Meeting to discuss draft status quo
	Stakeholder workshop/s on draft status quo Report
Final Environmental Status Quo	3 <sup>d</sup> Project Steering Committee Meeting to finalise status quo and workshop Desired State and draft Environmental Management Zones
Draft Desired State & Environmental Management Zones	Circulate draft report to PMC members for comment
	Stakeholder workshop/s on Environmental Management Zones, environmental constraints, potential conflicting LU areas
Final Desired State & Environmental Management Zones	4 <sup>th</sup> Project Steering Committee Meeting to finalize Desired State & Environmental Management Zones
Draft EMF (inclusive of SEMP)	Circulate draft report to PMC members for comment
	Stakeholder workshop/s on Draft EMF
Final EMF	Final EMF made available via gazette for 30 days for public comment
	Final EMF and products delivered
	EMF workshop for councilors.

## ANNEXURE B: FUNCTIONALITY EVALUATION CRITERIA

All bid proposals submitted will be evaluated in accordance with the functionality evaluation criteria as contained in the table below.

Tenders are required to score a minimum of **75 (SEVENTY-FIVE)** for functionality and will be disqualified if scored less.

CATEGORY	WEIGHT	SCORE	Total
<b>COMPANY EXPERIENCE</b>	<b>40</b>		
Number of Environmental Management Frameworks that have been produced by the Service Provider. Copies of appointment letter and corresponding reference letters to be attached. 1 – 2 EMF (5) 3- 5 EMF (10) 6 - 7 EMFs (25) 8 + EMF's (40)			
<b>EXPERIENCE OF KEY PERSONNEL</b>	<b>40</b>		
<u>Project Manager/Leader:</u> 1-3 Years (10) 4-6 Years (20) 7 and above (30)  <u>Professional GISc Practitioner:</u> 1-3 Years (3) 4-6 Years (5) 7 and above (10)  <b>NB: Bidders to include CVs, with certified qualifications and valid proof of affiliation with professional body of their choice.</b>			
<b>Accreditation with the professional body</b>	<b>20</b>		
Project leader must be registered (in good standing) with Environmental Assessment Practitioners Association of South Africa (EAPASA) as an Environmental Assessment Practitioner (EAP), <u>or</u> with the South African Council for Natural Scientific Professions (SACNASP) as a Professional Natural Scientist and have acquired practical and verifiable experience. <b>(15 points)</b>  Professional GISc Practitioner must be registered with South African Geomatics Council (SAGC) <b>(5 Points)</b>			
<b>TOTAL</b>	<b>100</b>		

**PRICING SCHEDULE:**

<b>Key performance Measures (Deliverables)</b>	<b>Activity</b>	<b>Price:</b>
Inception Report	Analysis of the Drafted Inception report and its adoption	
Draft Environmental Status Quo Report.	1st Project Steering Committee Meeting to be held to introduce project and identify additional stakeholders.	
	Circulate all reports drafted to PSC members for comment	
	2 <sup>nd</sup> Project Steering Committee Meeting to discuss draft status quo	
	Stakeholder workshop/s on draft status quo Report	
Final Environmental Status Quo	3 <sup>d</sup> Project Steering Committee Meeting to finalise status quo and workshop Desired State and draft Environmental Management Zones	
Draft Desired State & Environmental Management Zones	Circulate draft report to PMC members for comment	
	Stakeholder workshop/s on Environmental Management Zones, environmental constraints, potential conflicting LU areas	
Final Desired State & Environmental Management Zones	4 <sup>th</sup> Project Steering Committee Meeting to finalize Desired State & Environmental Management Zones	
Draft EMF (inclusive of SEMP)	Circulate draft report to PMC members for comment	
	Stakeholder workshop/s on Draft EMF	
Final EMF	Final EMF made available via gazette for 30 days for public comment	
	Final EMF and products delivered	
	EMF workshop for councilors.	
<b>Sub-Total</b>		<b>R</b>
<b>Including VAT (@15%)</b>		<b>R</b>
<b>TOTAL</b>		<b>R</b>

**Annexure A**  
**General conditions of contract**