

PART C2: PRICING DATA

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C2.1 Pricing instructions: Option A

1.1 The *conditions of contract*

1.2 How the contract prices work and assesses it for progress payment Clause 11 in NEC3 Professional Services Contract (PSC), June 2005 (with amendments June 2006 and April 2013) Option A states:

Identified and defined terms 11 (14) The Activity Schedule is the *activity schedule* unless later changed in accordance with this contract.

(15) The Price for Services Provided to Date is the total of the Prices for the activities which have been completed. A completed activity is one which is without Defects which would delay immediately following work.

(18) The Prices are the lump sums for each of the activities on the Activity Schedule unless later changed in accordance with this contract.

1.3 Measurement and Payment

1.3.1 The activity schedule provides the basis of all valuations of the Price for Services Provided to Date, payments in multiple currencies and general progress monitoring.

1.3.2 The amount due at each assessment date is based on activities and/or milestones completed as indicated on the activity schedule.

1.3.3 The activity schedule work breakdown structure provided by the Consultant is based on the activity schedule provided by the Employer. The activities listed by the Employer are the minimum activities acceptable and identify the specific activities which are required to achieve Completion. The activity schedule work breakdown structure is compiled to the satisfaction of the Employer with any additions and/or amendments deemed necessary.

1.3.4 The Consultant's detailed activity schedule summates back to the activity schedule provided by the Employer and is in sufficient detail to monitor completion of activities related to the Accepted Programme in order that payment of completed activities may be assessed.

1.3.5 The Prices are obtained from the activity schedule. The Prices includes for all direct and indirect costs, overheads, profits, oncosts, risks, liabilities, obligations, etc. relative to the contract.

C2.2 Activity Schedule

The Tenderer details his Activity Schedule below or makes reference to his Activity Schedule and attaches it to this schedule. The tenderer must price for each of the activities listed on this activity schedule. In the event an activity is not priced for, the *Employer* will deem it as being included on the total sum of the price.

Activity No.	Activity	Price of each activity
1.	<u>TASK</u>	
1.1	Attendance to the project inception meeting	
1.2	Initial Site visit	
1.3	Collection and Literature review of relevant background information	
1.4	Prepare and submit Project Plan and Schedule	
1.5	Appointment of Specialists (Noise, Dust, Soil, Structural Heritage, Environmental Monitoring, etc.)	
1.6	Project Screening report	
2.	<u>AUTHORITY CONSULTATION</u>	
2.1	Pre-application consultation meeting with Department of Forestry, Fisheries, and the Environment (DFFE) Municipality Health Department,	
2.2	Draft Minutes of Meeting held with DFFE and Nelson Mandela Bay Metropolitan Municipality	
3.	<u>APPLICATION FOR AUTHORISATION: BASIC ASSESMENT/EIA PROCESS</u>	
3.1	Compile & submit application form for environmental authorization	
3.2	Preparation of Background information document (BID)	
4.	<u>PUBLIC PARTICIPATION PROCESS</u>	
4.1	Prepare Advert	
4.2	Placement of advert (local & regional newspapers) and BID	
4.3	Identify key stakeholders, affected & adjacent occupiers/tenants, officials, organs of states, Interested and Affected Parties (I&APs)etc.	
4.4	Compile and update I&AP database	
4.5	Venue Booking for Public Participation Process (PPP)	
5.	<u>SCOPING AND ENVIRONMENTAL IMPACT ASSESSMENT REPORT</u>	

5.1	Impact Assessment	
5.2	Incorporation of Specialist reports into Impact Assessment Report (Heritage Impact Assessment, Dust/Air, Soil and Noise baseline etc.)	
5.3	Compilation of Draft Generic Environmental Management Programme (EMPr)	
5.4	Compilation of the Draft Heritage Impact Assessment report	
5.5	Compilation of Draft Environmental Impact Assessment (EIA) report	
6.	<u>CONSULTATION WITH I&APs: PUBLIC REVIEW PROCESS OF DRAFT EIA REPORT AND EMPr</u>	
6.1	Advertising of Draft EIA, EMPr Report, Heritage assessment, Dust/Air, Soil and Noise management plan etc.	
6.2	Consolidation of comments and response table	
6.3	Update EIA, EMPr Report, Heritage assessment, Dust/Air, Soil and Noise management plan etc.	
6.4	Advertising of Final EIA, EMPr Report, Heritage assessment, Dust/Air, Soil and Noise management plan etc.	
6.5	Prepare responses to the Final EIA, EMPr, Heritage assessment, Dust/Air, Soil and Noise management plan etc.	
7.	<u>AUTHORITY REVIEW OF FINAL EIA/BA REPORT. EMPr</u>	
7.1	Authority site inspection & meeting regarding EIA report & EMPr,	
7.2	Authority review & addressing DFFE queries	
8.	<u>ENVIRONMENTAL AUTHORISATION</u>	
8.1	Issuance of Environmental Authorization (EA) and Inform I&APs of Authorisation, Licences and Permits	
8.2	Management of Appeal process	
9.	<u>PROJECT MANAGEMENT:</u>	
9.1	Progress Reports	
9.1.1	Monthly Progress Report X12	
10.2	Meetings	
10.2.1	Contract Kick off meeting and Minute taking	
10.2.2	Chairing, Minute taking & Attendance, by invitation only from Employer X12	
Total of the Prices (Rands) carried forward to the Form of Offer & Acceptance(Excluding Vat)		
Plus 15% Vat		
Total of the Prices		R

* This activity schedule is based on the initial scope of work as agreed on. Scope and timelines for deliverables may be modified due to changes in circumstances, with written consent required from both parties.

PART C3: SCOPE

Document reference	Title	No of pages
C3.1	This cover page	1
	Scope	5
Total number of pages		6

C3.1 Scope

1 Description of the services

1.1 Executive overview

- 1.1.1. Joost Park is situated in the Port of Ngqura under the ownership of Transnet National Port Authority (TNPA). The land extent is approximately 6.72 ha and is currently zoned as Transport Zone 2. The land parcel currently accommodates approximately 63 Houses. Joost Park is located within the jurisdiction of the port.
- 1.1.2. The infrastructure involved is within the boundaries of the Port of Ngqura on the Southern end and adjacent to the Coega Industrial Development Zone. The Joost Park site has two access points. The first one is close to the existing Port entrance inside the Port, and the second access point is from the St Georges Beach off-ramp.
- 1.1.3. The earmarked units are considered 'Heritage Structures' (EIR, 2001) as they are older than 60 years of age and are rich in heritage value. A heritage impact assessment may be required to conclude the necessary Heritage permit processes should it be prescribed by the relevant authority.
- 1.1.4. The dilapidated units contain asbestos roof sheeting, some of which overtime have deteriorated. Removal, handling and overall management of Asbestos containing material must be handled as per the Asbestos Abatement Regulations (Occupational Health and Safety Act of 1998).
- 1.1.5. There is a Port of Ngqura Record of Decision (ROD Ref.:03/02/24 A24/16/3/56), with conditions relating to persons residing in the Port and SEZ as well as the need for adequate buffers between the SEZ, Port and residential areas. Also, the Final Environmental Impact Report (EIR) (Sept. 2001) for the Port of Ngqura stipulates a 1000m buffer to be allowed between residential areas and IDZ/Port. The FEIR also states that no residential sites should be allowed within the IDZ as per the requirements of the Manufacturing Development Act, no 187 of 1993 (as amended). The appointment will be required to confirm if there is a need for an EA amendment for the above.



Figure 1:Port of Ngqura Jooste Park Houses Layout

1.2 Employers Objective

Planning Perspective

- 1.2.1. The objective of the project is to obtain land use rights from the Local Authority in order to refurbish the existing dilapidated houses and utilize them for purpose of establishing staff quarters.
- 1.2.2. The successful service provider shall undertake the land use application and facilitate all the requisite processes including engaging the Local Authority and other interested and affected parties on behalf of TNPA in order to obtain Council approval.
- 1.2.3. The development rights shall be aligned with the development controls of the port and those of the Municipality to ensure that TNPA will be able to refurbish the existing area and convert it into staff quarters.
- 1.2.4. The successful service provider is expected to take project lead for the entire process of obtaining development rights including managing other specialists that are deemed necessary to obtain the development rights.

Environmental Perspective

- 1.2.5. The service provider required is for the completion of an Environmental Authorisation (EA) process, in accordance with the National Environmental Management Act (NEMA) 107 of 1998 as amended and all relevant regulations promulgated in terms thereof for the proposed project.
- 1.2.6. Prior to initiating the EA, the appointed service provider will be required to conduct a comprehensive screening exercise to ensure that all listed activities under the latest EIA regulations, its listing notices and any other specified activities have been identified, including Nelson Mandela Municipal bylaws (e.g., Air Quality requirements).
- 1.2.7. The Screening Report shall not only depict and contextualize such activities but also describe what authorisation processes must be followed, who the relevant competent authorities are and provide a professional opinion on the timeframes required to complete such approval processes. The screening report must also highlight environmental sensitivities, required Specialist studies and potential risks associated with the proposed development.
- 1.2.8. The appointed Consultant is further expected to identify, and include in the screening report, all other environmental approvals applicable to the proposed project and ensure that these are obtained as part of the EA process.

2 SCOPE OF WORKS & OUTCOMES

2.1 PLANNING

The scope of works entails obtaining the development rights from local authority to enable the establishment of staff quarters. The scope of works for this project from planning perspective is outline as follows:

- 2.1.1. Assessment of the site for suitability in relation to proposed development of the staff quarters
- 2.1.2. Conduct expert studies in line with regulatory requirements and municipal by-laws.
- 2.1.3. Conduct stakeholder engagements where necessary including undertaking public participation, consulting adjoining neighbours to obtain their consent, placing of public notice where required
- 2.1.4. Acquire the development rights from the Local Authority.

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- 2.1.5. Prepare application on behalf of Transnet and project lead and manage the entire process and specialists until approval is obtained for the development rights as well as the EIA process.
 - 2.1.6. Ensure that all regulatory and statutory requirements are met, which includes adhering to the Municipal by-laws and other requisite processes as outlined in the SPLUMA Act (Act 16 of 2013) and Municipal Systems Act (Act 32 of 2000).
 - 2.1.7. The successful service provider will determine the nature of the land use application that will be commensurate to the envisaged development of the subject property, and such must be stipulated in your proposal
 - 2.1.8. Should there be objections received from interested and affected parties, the successful service provider is expected to formulate responses to the comments or objections including directly engaging the objector(s) or any aggrieved parties with a view to obtain support of this application.
 - 2.1.9. In the event that an Appeal is required, after the Council decision, the successful service provider is expected to lodge an Appeal on behalf of TNPA including representing them in all the committees and Planning Tribunals. This should be undertaken if the prospects of success are presumed to be good.
 - 2.1.10. The successful service provider is expected to hold monthly meetings to give an update to the client including preparing presentation where necessary and taking minutes of the meetings.
 - 2.1.11. The successful service provider is expected to prepare a land use application, complete all the necessary forms, prepare any plans and layout designs, source any property information i.e., deeds information, prepare specialist reports/studies, conduct land use assessments where necessary, lodge the application to the Local Authority, represent TNPA to Planning Tribunals including any other processes deemed necessary to obtain the land use rights.
 - 2.1.12. Provide weekly status update report every Friday of the week until the project is concluded.

2.2 ENVIRONMENTAL

The TNPA's objective is to secure an Environmental Authorisation (EA) in terms of the National Environmental Management Act (Act No. 107 of 1998) and or all further relevant environmental permits, licenses and authorizations required for the refurbishment of the existing Joorst Park infrastructure.

GENERAL REQUIREMENTS – The scope of work has been compiled to facilitate and accomplish the following:

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- 2.2.1. To meet the requirements of the Environmental Impact Assessment (EIA) as well as other relevant regulations with respect to the environmental impact assessment to be conducted for the project.
 - 2.2.2. Ensure compliance of the independent Environmental Assessment Practitioner (EAP) and the TNPA with the requirements of the EIA regulations as well as relevant legislation.
 - 2.2.3. Ensure a high quality of environmental assessment and reporting on behalf of the TNPA.
 - 2.2.4. Ensure the effective administration of the Environmental Impact Assessment (EIA) conducted for the TNPA.
 - 2.2.5. These terms of reference attempt to clarify the requirements of the TNPA in relation to the EIA regulations to ensure adequate provision of information to facilitate speedy decision making.
 - 2.2.6. Ensure compliance with Nelson Mandela Municipality regulations as well as other relevant by-laws, etc.
 - 2.2.7. The review and confirmation of the EIA triggers, a need to amend the existing Port ROD (03/02/24 A24/16/3/56).

2.3 Environmental Approval Process

The appointed Service Provider must confirm the listed activities that are triggered in the 2014 EIA Regulations as amended, the relevant and other applicable permits/licenses from the Nelson Mandela Municipal bylaws and undertake the Application process as documented. Consideration of the existing Record of Decision for the Port of Ngqura, when confirming listed activities must be considered. The proposal to be submitted as part of this tender must consider and account for (a) to (l) below (these are covered in more detail in section 5 of this document):

- 2.3.1. Client and Project team meetings (over the 13 Monthly Progress meetings). (This will include the kick-off meeting, and any ad hoc meetings required).
- 2.3.2. The Pre-application meeting with the Department of Forestry, Fisheries and the Environment (DFFE), DFFE (Waste Management), DFFE (Oceans and Coast), South African Heritage Resources Agency (SAHRA), Nelson Mandela Municipality, etc.

- 2.3.3. The review and confirmation of the EIA triggers, a need to amend the existing Port ROD (03/02/24 A24/16/3/56), if any relevant authorization/s and/or permits requirements and required Specialist studies.
- 2.3.4. Completion of the application forms for the relevant Competent Authorities.
- 2.3.5. Preparation of a Site Baseline Report & Screening Report.
- 2.3.6. The Public Participation process (notification, signboards, adverts, etc.) as per Chapter 6 of the EIA Regulations. Engagements with Nelson Mandela Municipality's is essential.
- 2.3.7. Contracting, Appointment and Management of Specialist to undertake Specialist studies as determined by DFFE and approved by the client (where applicable).
- 2.3.8. Undertaking the Impact Assessment process
- 2.3.9. The draft and final Impact Assessment Report incorporating the Specialist studies that are compliant with Appendix 1 of the EIA Regulations.
- 2.3.10. The Comments and Response Report detailing the activities and results of the public participation process undertaken as per Chapter 6 of the EIA Regulations.
- 2.3.11. The preparation of the draft and final Environmental Management Programme (EMPr) compliant with Appendix 4 of the EIA Regulations.
- 2.3.12. Management of the appeal process.

It is the responsibility of the Consultant to advise the TNPA of the relevant listed activity and follow the application process as outlined in this Section (Section 2.3). If it is in the Consultant's professional opinion that specific authorization processes are not required, it is the duty of the Consultant to engage with the relevant competent authority and obtain confirmation in writing.

3 Parts of the Services which the Consultant is to provide.

- 3.1.1. The service provider is requested to obtain development rights from local authority and undertake environmental authorization process for the establishment of staff quarters. Table below outlines the expected focus areas as well as the outcomes.

Focus Area	Outcome
PLANNING: ACQUIRING THE DEVELOPMENT RIGHT	<ul style="list-style-type: none"> Obtain Land Use rights to establish staff quarters Environmental Impact Assessment Stakeholder Engagements and public participation (where applicable)

	<ul style="list-style-type: none"> • Assessment of environmental constraints and considerations • Application to Local Authority and other authorities (where applicable). • Represent TNPA to Planning Tribunal. • Convene monthly meetings to provide feedback to the client including taking meeting notes and arranging the meeting for the time that will be convenient to the client. • Project manage the entire process including leading, appointing and managing Specialist.
ENVIRONMENTAL: PROJECT INITIATION	<ul style="list-style-type: none"> • Preparation of Screening Report and confirmation of need to amend the existing Port ROD. • Preparation of Site Baseline Report. • Environmental authorisation application form, pre-application consultation notice, and/or other relevant documents. • Meeting minutes and meeting register from pre-application meeting with the relevant Competent Authority/ies. • Project plan and schedule. • Copy of all correspondence with relevant Authorities.
ENVIRONMENTAL IMPACT ASSESSMENT & SPECIALIST STUDIES	<ul style="list-style-type: none"> • Terms of Reference for appointment of Specialist. • Management of specialists & Quality Management of all outputs. • Specialist Reports and GIS information (where required). • Draft Basic Assessment/Environmental Impact Report and EMPr. • Final Basic Assessment/Environmental Impact Report and EMPr. • Environmental Authorisation (Decision on the application from the DFFE and relevant Competent Authority/ies). • Notification of the I&APs of the receipt of an EA/s. • Appeal Response Report (ARR) (if required).

PUBLIC PARTICIPATION AS PER CHAPTER 6 OF THE EIA REGULATIONS	<ul style="list-style-type: none"> • All requirements of sections 41 inclusive of Regulation R 982 issued in terms of Chapter 5 of the National Environmental Management Act, 1998 (NEMA). • Register/Database of I&APs, Stakeholders and Lead Stakeholders. • Notification 1 (pre-application consultation with I&APs) including Background Information Document and Comment Form. • Comments and responses report • Notification 2 (consultation on draft basic assessment/impact assessment report) • Notification 3 (consultation on basic assessment/impact assessment report) • Notification 4 (notification of final basic assessment/impact assessment report) • Notification 5 (Notice of Decision by DFFE, other relevant Competent Authorities and appeal process) • Public participation report – containing: Minutes of all relevant engagements and public meetings, and discussions. Copies of all public documents such as advertisements, Site notices, Background Information Document, notification letters, etc. Proof of public consultation including proof of notification sent to I&APs, notification register, advertisements, placement of sign boards, etc. from stakeholder engagements (this includes engagements with local authorities)
PROJECT MANAGEMENT	<ul style="list-style-type: none"> • Project Management of EIA and Public Participation Process • General project communication. • Monthly Progress reports – highlighting status, risk and actions for next month. • Monthly update of schedule • Minutes of all projects related meetings with the Employer. • Project Plan and Schedule.

3.2. Procedure for the Submission and Acceptance of Consultant's Design

Some of the reports and documents to be used by the service provider include amongst others the following:

- 3.2.1. Port of Ngqura Port Development Framework Plan (PDFP)
- 3.2.2. Port of Ngqura Growth Strategy
- 3.2.3. Layout plan for existing houses
- 3.2.4. Port of Ngqura Record of Decision (ROD)
- 3.2.5. Nelson Mandela Metropolitan Municipality Land Use Management Scheme
- 3.2.6. Any other policy or study relevant/applicable to this area.

- 3.2.7. The service provider will be required to sign a non-disclosure agreement in line with the Transnet policies and procedures.
- 3.2.8. The Consultant shall submit all documentation complying with the TNPA's standards and requirements. The TNPA will issue all relevant documentation to the Consultant, but control, maintenance and handling of these documents will be the Consultant's sole responsibility and at its expense and managed with a suitable document control system.

The project team is required to consult and request input from the following departments during the project execution:

- 3.2.9. Planning and Development
- 3.2.10. Safety, Health, Environment and Quality Department (SHEQ).
- 3.2.11. Property.
- 3.2.12. Port Operations
- 3.2.13. Port Engineering and Infrastructure.
- 3.2.14. Any other departments as may be required

The Consultant undertakes design safety as per standard, and best practice codes of Engineering.

3.3. Review and Acceptance of service provider

- 3.3.1. In the event that the proposed development triggers further licenses and/or permits, the Consultant must follow the appropriate application process with the relevant competent authority and follow the BA/EIA process.

3.3.2. Nelson Mandela Municipality (Public Health) - Environmental Management and Environmental Health Departments (Air Quality) must be consulted to clarify if there are any other requirements that will need to be met prior to project implementation.

3.4. Temporary services, Site services & Construction constraints

3.4.1. Design team, site entry and security control, permits, and Site regulations

The service provider shall comply with the TNPA's site entry requirements which encompasses the detailed personnel of the team members for security control and safety precautions.

3.4.2. Restrictions to access on Site, roads, walkways and barricades:

The Consultant is specifically excluded from entering the Employer's Operational Areas which are adjacent to the Site and Working Areas. The Consultant plans and organises his work in such a manner so as to cause the least possible disruption to the Employer's operations.

3.4.3. The Consultant ensures safe passage of his team, to traffic and around the site working areas at all times which includes providing flagmen.

3.4.4. The Consultant ensures that any of his staff, labour and Equipment moving outside of his allocated Site and Working Areas does not obstruct the operations of the rail line. To this end, access routes are allocated and coordinated by the Employer's Agent.

3.4.5. The Consultant ensures that all his construction staff, labour, and Equipment remains within his allocated and fenced off construction area.

3.4.6. All Consultant's staff and labour working within Railway boundary complies with TNPA operational safety requirements and are equipped with all necessary personnel protective equipment (PPE).

3.4.7. People restrictions on Site; hours of work, conduct and records:

The Consultant keeps daily records of his people engaged on the Site and Working Areas (including subconsultants) with access to such daily records available for inspection by the Employer's Agent at all reasonable times.

4 PREVIOUS EXPERIENCE

- 4.1.1. Respondents must submit evidence that they have completed similar projects to give confidence to ensure that they are experienced and qualified to execute the work. The evidence shall be in the form of completion certificates or reference letters in the client letterhead, signed and with contactable details.
- 4.1.2. The evidence to be submitted should indicate superior capabilities in conducting multi-faceted work that involves rezoning, subdivisions, environmental considerations, land use and planning principles, and stakeholder participation/consultation.
- 4.1.3. Curriculum Vitae's detailing the experience & qualifications of the project team must accompany all proposals. Certified copies of the qualifications and professional registration shall also be required as part of the submission. (**Refer to T2.2-02 Management of CVs, T2.2-05 Previous Experience and T2.2-04 Method Statement, for the evaluation criteria**)
- 4.1.4. Proof of registration with South Africa Council for Planners for Town Planners ("SACPLAN"), Environmental Assessment Practitioners Association of South Africa ("EAPASA") for the EAP/Senior EAP and South African Council for Natural Scientific Professions ("SACNASP") for Environmental Specialists will form part of the prequalification.

5 LIST OF REFERENCE DRAWING/SKETCH AND SUPPORTING DESIGN INFORMATION

The above stipulation is for information and reference purposes only.

Please refer to electronic references.

Drawing number	Revision	Title
Joorst Park houses site map	Figure 1	Port of Ngqura Jooste Park Houses Layout

5. Procurement

5.1 The Consultant's Invoices

- 5.1.1 The invoice states the following:

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- Invoice addressed to Transnet Limited;
 - Transnet Limited's VAT No: 4720103177;
 - Invoice number;
 - The Consultant's VAT Number; and

5.1.2 The invoice contains the supporting detail:

A bill format as per the tender document indicating previously paid, paid to date and amount due for the month.

The invoice is presented either by post or by hand delivery.

5.1.3 Invoices submitted by post are addressed to:

Finance Department

5.1.4 Invoices submitted by hand are presented to:

Finance Department

The invoice is presented as an original.