

D/Sm 6/23

DEVIATION: Procure the services of an Environmental Assessment Practitioner (EAP) for the Waste Management Licence (WML) for the expansion of the Stellenbosch Landfill



MEMORANDUM

DIRECTORATE: INFRASTRUCTURE SERVICES

CHECK BEFORE SUBMISSION	YES	NO
REGISTERED ON CSD DATABASE		
LETTER - SOLE SUPPLIER if applicable.		
QUOTE/INVOICE ATTACHED		
BUDGET (SAMRAS)		
CASHFLOW		
SIGNATURES		

To Aan: MUNICIPAL MANAGER
From Van: CLAYTON HENDRICKS
JOB TITLE: SENIOR MANAGER: WASTE MANAGEMENT
DATE DATUM: 25 OCTOBER 2022
Re Insake: **DEVIATION: TO PROCURE THE SERVICES OF AN ENVIRONMENTAL ASSESSMENT PRACTITIONER TO OBTAIN A WASTE MANAGEMENT LICENCE FOR THE EXPANSION OF THE STELLENBOSCH LANDFILL**

Municipality - Munisipaliteit
Stellenbosch

01 NOV 2022

Office of the Municipal Manager

Stuuder

1. PURPOSE

To obtain approval in terms of Supply Chain Management Policy, to deviate from the official procurement process in terms of section 36 of the approved SCM Policy to procure the services of an Environmental Assessment Practitioner (EAP) to obtain a Waste Management Licence (WML) for the expansion of the Stellenbosch Landfill.

REASON FOR DEVIATION: (Mark with x where applicable)		
1.	Emergency. "Emergency dispensation" means emergency as referred to in paragraph 36(1)(a)(i) of this policy under which one or more of the following is in existence that warrants an emergency dispensation;	
a	The possibility of human injury or death;	
b	The prevalence of human suffering or deprivation of rights;	
c	The possibility of damage to property, or suffering and death of livestock and animals;	
d	The interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole;	
e	The possibility of serious damage occurring to the natural environment;	
f	The possibility that failure to take necessary action may result in the municipality not being able to render an essential community service;	
g	The possibility that the security of the state could be compromised; or	
h	The prevailing situation, or imminent danger, should be of such a scale and nature that it could not readily be alleviated by interim measures, in order to allow time for the formal procurement process. Emergency dispensation shall not be granted in respect of circumstances other than those contemplated above.	
2.	Goods or services are produced or available from a single provider	
3.	Acquisition of special works of art or historical objects where specifications are difficult to compile.	
4.	Acquisition of animals for zoos and /or nature and game reserves	
5.	Exceptional case and it is impractical or impossible to follow the official procurement processes	X

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2. SUBSTANTIATE WHY SCM PROCESS COULD NOT BE FOLLOWED (TO BE REPORT TO COUNCIL)

The Stellenbosch Municipality (SM) is mandated by law to provide waste disposal of all collected waste. Waste disposal must be at a legally compliant facility.

Stellenbosch Municipality operates the Stellenbosch Landfill in accordance with Permit (16/2/7/G203/D16/Z1/P331) issued by then Department of Water Affairs and Forestry (DWAF) requirements and the National Environmental Management: Waste Act (Act 59 of 2008), and various amendments issued by the Provincial Department of Environment and Development Planning (DEADP).

This facility is now almost full and there is nowhere legally acceptable for the waste from the Stellenbosch Municipal area to be disposed of within Stellenbosch.

The only viable alternative at present is to send SMs waste to a private facility, Vissershok Waste Management Facility (VHWMF) situated in Cape Town. The Municipality has embarked on a process to further expand its landfill. The Municipality must obtain environmental authorisation before construction can commence. Gibb (Pty) Ltd was appointed in June 2019 to do a Basic Assessment process to obtain a WML. In April 2021, the DEADP advised the Municipality to follow a shorten process of a WML variation process. The scope of works for Gibb (Pty) Ltd was changed based on the advice received from the DEADP. Gibb (Pty) Ltd submitted a WML variation application in October 2021 and anticipated a varied WML in August 2022.

The DEADP sent a letter in August 2022 informing the Municipality that its WML variation application has been rejected and closed. The DEADP required the Municipality to follow a Basic Assessment and this decision contradicts the advice received from the DEADP in April 2021. The DEADP requires the Municipality to restart the WML application process.

Gibb (Pty) Ltd has started with the WML application process in 2019 and has all the necessary information and background knowledge to restart the process. A new service provider will require time to gather all the information that was compiled by Gibb (Pty) Ltd which will result in time delays and possible additional cost. Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" is familiar with the project and will require less time to compile this new information. The Municipality require this process to be completed timeously so that the Municipality can commence with construction of its new landfill cell. The new cell will intern save the Municipality with cost of hauling and disposing of its waste at VHWMF and makes this deviation urgent. For this reason, it is impractical to follow the official procurement process to procure the services of Gibb Environmental (Pty) Ltd.

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3. BACKGROUND

The Stellenbosch Municipality is mandated by law to provide waste disposal of all collected waste. Waste disposal must be at a legally compliant facility.

Stellenbosch Municipality operates the Stellenbosch Landfill in accordance with Permit (16/2/7/G203/D16/Z1/P331) issued by then Department of Water Affairs and Forestry (DWAF) requirements and the National Environmental Management: Waste Act (Act 59 of 2008), and various amendments issued by the Provincial Department of Environment and Development Planning.

This facility is now almost full and there is nowhere legally acceptable for the waste from the Stellenbosch Municipal area to be disposed of within Stellenbosch.

The only viable alternative at present is to send SMs waste to a private facility situated at Vissershok Waste Management Facility (VHWMF). The Municipality has embarked on a process to further expand its landfill. The process entails obtaining environmental approvals and an approval of the landfill design before construction. The latter has been received from the Department of Waste and Sanitation. The environmental process however has started in June 2019, which entailed applying for a WML. In April 2021 the DEADP advised the Municipality to follow a shorten process of varying of the WML. The Municipality has followed the advice and was anticipating the varied WML in August 2022.

The DEADP sent a letter in August 2022 informing the Municipality that the variation application for a WML has been closed and the Municipality must follow a new WML application process before the Municipality can commence.

4. DISCUSSION

The Municipality must follow the new process identified by the DEADP to obtain approval to expand its landfill. Gibb (Pty) Ltd was appointed in 2019 to do the environmental process. Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" does have the necessary background and information to complete the process further and a new service provider will need to start a fresh resulting in time delays and could be more costly.

5. FINANCIAL IMPLICATIONS

Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" has quoted the following to complete the process:

R98,555.00 Vat Incl.

The Department would like to add a 15% contingency for unforeseen work at the Municipality's discretion:

Total amount requested: R113 338 Vat incl.

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6. RECOMMENDATION

The Municipality procure the services of Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" for the completion of the WML process.

7. VALUE FOR MONEY (OTHER RATES/VALUES/...)

Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" was previously appointed to do the environmental assessment process and a new service provider will require time to gather all information and start the process which will result in time delays and could possibly be more costly.

8. IT IS RECOMMENDED THAT:

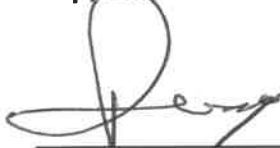
- 8.1 That the approval be granted in terms of the Municipality's Supply Chain Management Policy – in any other exceptional case where it is impractical or impossible to follow the official procurement process to appoint Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" as the EAP for the WML for the expansion of the Stellenbosch Landfill.
- 8.2 That the approval, from U-Key 20220630077139 from the 2022/23 financial year be granted in terms of the Municipality's Supply Chain Management Policy – in any other exceptional case where it is impractical or impossible to follow the official procurement process in an emergency for the deviation of payments in accordance with quote provided by Gibb (Pty) Ltd now known as "Gibb Environmental (Pty) Ltd" with a 15% contingency to the total value of R113 338 Vat incl.



Clayton Hendricks
Senior Manager: Waste Management

Date: 31/10/2022

Supported/ Not Supported-



Shane Chandaka
Director: Infrastructure Services

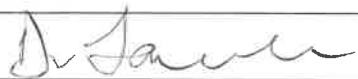
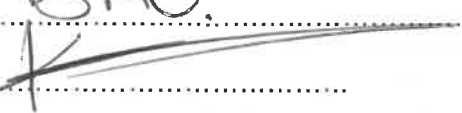
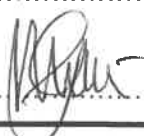
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7. SUPPLY CHAIN MANAGEMENT COMMENTS:

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8. APPROVAL:

REQUEST SUPPORTED / NOT SUPPORTED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE		
Name	Signature	Date
		28/10/2022
S. Chandaka	Online	28/10/2022
A. Barnes	Online	28/10/2022
A. de Beer	Online	28/10/2022
G. Boshoff	Online	28/10/2022
Comments: <i>Deviation is supported by the BAC.</i>		
CHAIRPERSON: 		DATE: 01/11/2022
RECOMMENDATION FROM BID ADJUDICATION COMMITTEE APPROVED BY THE ACCOUNTING OFFICER		
Comments:		
ACCOUNTING OFFICER: 		
		DATE: 1/11/2022