

TERMS OF REFERENCE

Development of Amajuba District Municipality (DC 25) Environmental Management Framework

AMAJUBA DISTRICT MUNICIPALITY INVITATION TO BID

BID No.: T2017/01 Environmental Management Framework

Bids are hereby invited from service providers registered on the Central Supplier Database for the development of Environmental Management Framework at Amajuba District Municipality.

Interested service providers may collect the bid documents at Amajuba District Municipality Offices during normal working hours, B9356, Amajuba Building, Section1, Madadeni, 2951; or can be downloaded from the website www.amajuba.gov.za

NB: This bid will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No 5 of 2000) and for this purpose the enclosed forms must be scrutinized, completed and submitted together with your bid.

Bidders are required to submit original tax clearance certificate and valid B-BBEE Status Level Verification Certificates or certified copies thereof together with their bids, to substantiate their B-BBEE rating claims. Failure to submit the proof of B-BBEE Certificate will result in forfeiting the points

Completed bid documents in sealed envelopes endorsed "**Bid No. T2017/01 Environmental Management Framework**" must be deposited in the Municipality's tender box located in the reception of the Amajuba District Municipality on or before the closing date, whereby bids will be opened in public. Bids that are not sealed and numbered will not be considered.

Late bids will not be considered. Amajuba DM reserves the right not to award the lowest or any bid.

All technical enquiries should be directed to **Mrs Nothile Mthimkhulu** on 034 329 7200 or by email: nothilem@amajuba.gov.za and for enquiries regarding the bidding procedures, kindly contact **Mrs. Nokwazi Nzimande** on 034 329 7200 or by email: nokwazin@amajuba.gov.za .

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Closing date: Friday, 31 March 2017 at 12h00 noon


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**MR S.R MATHOBELA ka ZWANE
ACTING MUNICIPAL MANAGER**



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Development of Amajuba District Municipality (DC 25) Environmental Management Framework

1. REQUEST FOR PROPOSAL

Bids are hereby invited from experienced and independent professionals for the development of an environmental management framework for Amajuba District Municipality (DC25).

1.1 Methodology and Approach

Bidders are required to submit a proposal detailing the methodology and approach to be employed, which is required to illustrate what approach is being taken and why this approach is believed to be the best suited to achieve the project objectives.

2. BACKGROUND OF THE STUDY AREA

2.1 LOCATION:

Amajuba District is one of the 10 districts + 1 Metro of KwaZulu-Natal province of South Africa. The Amajuba District with a total population estimated at 499 839 people with a total surface area of 6910 km² is situated within the North-Western corner of the KwaZulu-Natal Province in South Africa. The district is made up three (03) local municipalities, namely; Newcastle, Dannhauser and Emadlangeni LM's. Newcastle is the economic hub of the district. The region is linked to the port cities of Richards Bay and Durban by rail and an airport with tarred runways and night landing systems, which puts Durban and Johannesburg within easy reach. The northern and western mountainous edges of the District are regarded as high value landscapes, and are where oribi, wattled crane, Rudds lark and medicinal plants occur. The area has dams for water supply such as Ntshingwayo Dam and Zaaihoek Dam. The district has a number of conservancies and a Nature reserve (Chelmsford Nature Reserve). All these ecological assets need to be conserved. The Amajuba District traverses four (4) biomes, namely Forest, Savannah, Grassland and Wetland and contains 14 vegetation types (EKZNW, Amajuba BSP, 2014 page 20).

The District has an extensive system of rivers and tributaries, which falls within two catchments, the Thukela and Phongola. The main Thukela catchment covers the majority of the District and is drained in a southerly direction by the Buffalo River and several tributaries including the Ngogo Ncandu, and Ngagane Rivers to the south and the Slangspruit, Dorpspruit, Doringspruit and Wasbank Rivers to the north. The Phongola catchment predominantly falls within the Zululand District, but also includes the high lying area along the north-western border of Amajuba. The Amajuba section of this catchment is drained by the Bivane River, and forms the headwaters of the uPhongolo River. Four important and sensitive wetlands have been identified, namely Blood River Vlei, Boschoffsvlei, Groenvlei and Padavlei. The wetland area around the Zaaihoek Dam is an important linkage to the Wakkerstroom wetland, with species such as the white wing fluff tail inhabits. The headwaters of the Slang River are regarded as one of the most pristine catchments, but are under threat from afforestation. The predominant activities around the district include, *inter-alia*; agriculture, coal mining and industrial activities such as steel manufacturing, rubber, etc. The district is also earmarked as a clothing and textile economic hub.

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The appointed service provider is to assist the DC25 and the Department of Economic Development, Tourism and Environmental Affairs (DEDTEA), as well as other sector departments to develop an EMF for the district of Amajuba. It is worth noting that the Newcastle EMF has been developed and this should be aligned/merged to the district EMF.

3 CONTRACT OBJECTIVES, ASSUMPTIONS AND RISKS

Preparation of the Environmental Management Framework must follow EMF Guidelines as issued by national Department of Environmental Affairs and comply with EMF Regulations of June 2010.

3.1 DELIVERABLES

The project deliverables are as follows:

- 3.1.1 EMF Inception Report
- 3.1.2 Draft and Final Environmental Status Quo Report.
- 3.1.3 Draft and Final Desired State of the Environment.
- 3.1.4 Environmental Management Zones.
- 3.1.5 Strategic Environmental Management Plan.
- 3.1.6 Environmental Management Framework (EMF)

An electronic Environmental Information Management System to be used for decision making for development applications (Interactive GIS system)

All spatial information must be provided in a GIS format in compliance with the standards of the Municipality and EDTEA; and all spatial information must be provided with metadata

Action plan(s) for the implementation and monitoring of the EMF.

A non-technical summary of the EMF report and outputs in English and isiZulu

3.2 PUBLIC PARTICIPATION

Public Participation must form an integral part the project in order to achieve a practical approach to the provision of people's needs. To achieve the development of an EMF that has a support of all stakeholders, the whole process will need to involve an extensive consultative and public participation process, which must include, consultation with relevant NGO's, CBO's, civil society structures, parastatals and Provincial and National Departments and agencies with environmental and development mandates. Particular attention must be given to include and incorporate Traditional Authorities within consultation process. The EDTEA and ADM in consultation with the service provider will determine the adequacy of the Public Participation Process.

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4 SCOPE AND EXTENT OF WORK

Bidders are required to describe in detail the methodology to be employed, which is required to illustrate what approach is being taken and why this approach is believed to be the best suited to achieve the Project's objectives.

4.1 ENVIRONMENTAL IMPACTS AND KEY ENVIRONMENTAL ISSUES

- Loss of biodiversity: e.g., indigenous vegetation because of firewood and/or muthi harvesting, hence an increased risk of flooding.
- Water pollution (high salinity & metal salts on water resources,).
- Land pollution, degradation & Grassland degradation as a result of cultivation & inappropriate farming practices, settlement of people in sensitive areas, development activities, etc.
- Soil erosion due to Land reform & intensive or semi intensive mixed farming Agricultural practices
- Anthropogenic sources with impact on Ambient Air quality are a challenge within the district and these include emissions from industrial activities, vehicle emissions, domestic activities, etc. can cause a nuisance from time to time as well as dust from agricultural activities, unpaved roads, etc.
- Valuable sites of cultural and historical importance should be preserved and protected from a legal standing
- Unlicensed waste disposal facilities are also a cause for concern.
- Aging and/or limited infrastructure (storm water drains in Townships) is unable to cope with development pressure especially in the Newcastle East and West areas. This results in sewer overflows and subsequent water pollution problems.
- Illegal sand mining and illegal coal mining
- Imminent threat of Acid mine drainage
- Illegal waste disposal.
- Protection of key ecological systems (wetlands, sensitive mountainous areas, critical biodiversity areas, etc.)

5 PROJECT MANAGEMENT STRUCTURES

5.1 PROJECT MANAGEMENT TEAM

- Proposals must provide a detailed project team with signed CVs and certified copies of qualifications.
- The applicable rates per team member should be indicated in the proposal including estimated time allocation for each team member.
- Project team organogram must be included in all proposals.

The Service Provider will report to the Project Management Team which comprise of relevant DC25 and DEDTEA officials

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5.2 PROJECT STEERING COMMITTEE

Following the appointment of the service provider, relevant officials from the DC25 and DEDTEA will meet with the service provider and other stakeholders to establish a project steering committee responsible for the management of this project progress in keeping with the relevant environmental legislation.

PSC meetings must take place over and above the Public Participation process and throughout the project life cycle

The Project Steering Committee should include, *inter-alia*; but not limited to representatives from the (DEA), EDTEA (Environmental Management), ADM & the Local Municipalities, Department of Water and Sanitation (DWS), Department of Agriculture and Rural Development (DARD), Department of Mineral Resources (DMR), the Department of Energy (DoE), the KwaZulu Natal Department of Co-operative Governance and Traditional Affairs (COGTA), Department of Human Settlement, Ezemvelo KZN Wildlife, World Wildlife Fund (WWF), Department of Transport (DoT) and relevant Civil Society Organisations.

6 LITERATURE REVIEW

All relevant legislation, guideline documents, policies, plans, and reports are to be considered by the service provider.

6.1 Generic Environmental and other relevant legislation:

- The National Environmental Management Act (Act 107 of 1998, 'NEMA'), as amended
- All the Specific Environmental Management Acts (SEMAs) promulgated in terms of NEMA, 1998, as amended
- The Development Facilitation Act (Act 67 of 1995, 'DFA')
- The NEMA EIA Regulations promulgated in terms NEMA, 1998, as amended
- The EMF Regulations.
- The Guideline Document developed by the National Department of Environmental Affairs and Tourism on Strategic Environmental Assessment in South Africa, February 2007
- Conservation of Agricultural Resources Act (Act 43 of 1983), as amended
- National Water Act (Act 36 of 1998)
- Electricity Regulation Act (Act 4 of 2006)
- The Mineral Resources Petroleum Development Act, Act of 2002 and regulations.
- KwaZulu Natal Planning and Development Act 2008
- The Spatial and Land Use Management Act, Act 16 of 2013 and SPLUMA regulations.
- Provincial legislations and ordinances.
- The Provincial Spatial Economic Development Strategy
- The National Framework for Sustainable Development.
- The World Heritage Convention Act, 1999 (Act 49 of 1999)

6.2 National, Provincial and Municipal Documentation / Studies:

- The KwaZulu Natal State of Environment Report (if available)

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- Any relevant EIA studies that are currently being undertaken or planned in the study area
- The current Integrated Development Plan and Spatial Development Framework for the Amajuba District Municipality
- The current Integrated Development Plans and Spatial Development Frameworks of Local Municipalities within Amajuba District Municipality
- Any relevant strategic planning documents compiled by the District Municipality
- Energy Security Master Plan – Electricity 2007 – 2025
- Amajuba Mountainous Nodal Areas Development Policy
- Newcastle Local Municipality Environmental Management Framework
- Amajuba DM Draft Air Quality Management Plan

7. EXPECTED OUPUTS

The following are project expected outputs and outcomes.

7.1 ENVIRONMENTAL MANAGEMENT FRAMEWORK

Preparation of the Environmental Management Framework must follow EMF Guidelines as issued by national Department of Environmental Affairs and comply with EMF Regulations of June 2010.

7.2 STATUS QUO REPORT

Preparation of the Status Quo Report must include data collection by desktop method and ground-truthing where no data exists. Ground-truthing must also be used to update existing data. A detailed methodology must be included. The EMF report is to be integrated with the District's Integrated Development Plan and Spatial Development Framework.

- The **Status Quo** report must include –
 - i. Important biodiversity conservation areas and sensitive natural environments such as riparian areas, wetlands, ridges, grassland areas, and potential red data fauna and flora habitat ;
 - ii. Threatened ecosystems and species (as identified for listing as per NEM:BA);
 - iii. Surface hydrology, including rivers, streams, natural floodplains, wetlands, riparian zones, lakes, dams, estuaries and related man-made structures;
 - iv. Groundwater including aquifers, groundwater yield, water table levels, groundwater quality and potentially sensitive groundwater resources;
 - v. Establish the baseline air quality status including a separate GIS layer indicating current ambient air quality;

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- vi. A spatial representation of geological features of the district municipality;
- vii. A spatial representation of planned and/or existing land uses that are potentially in conflict over the same land and other resources. Important emphasis on those that may threaten the environmental resources within the area;
- viii. Areas unsuitable for human habitation due to the history of the area or incompatible adjacent land use (e.g. due to high water table conditions, unstable geological conditions or sites previously used for disposal of waste by land fill);
- ix. Status of required primary resources (water availability or other limiting resources);
- x. Cultivated areas / or previously cultivated areas/ or areas potentially suitable for agriculture. Categorization of areas unsuitable for development due to their high agricultural resource potential and envisaged /or current impact on these areas by development;
- xi. Planned development nodes as obtained from the municipalities and other role players such as Eskom, Transnet and the mining industries in the area. Development nodes and corridors identified in the PSEDS must be taken into consideration;
- xii. Current allocations for prospecting rights, mining permits and rights, the service provider/s must consider all previous and current MPRDA applications in the area;
- xiii. EIA applications authorized and pending. The service provider/s (consultants) must consider all previous and current EIA studies and Environmental Management Plans (EMPs). The level of compliance with previous EIA's and EMPs or related must also be assessed;
- xiv. A spatial representation of existing land uses as well as legal and illegal development trends within the study area;
- xv. A composite site sensitivity plan of the study area;
- xvi. A review and comparison of all relevant spatial plans and other planning documents for the area;
- xvii. Status of existing services provision by the Amajuba District Municipality;
- xviii. State of open space availability/provisions in the area.
- xix. Identification of social and economic conditions of the area.
- xx. Identification of the key environmental issues (opportunities and constraints) in the study area.

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A Draft Status Quo Report must be submitted to the PSC for comments prior to finalizing the report.

- **Additional notes**

The Status Quo report must specify the attributes of the environment in the area, including the sensitivity, extent, interrelationships and significance of those attributes.

A draft of this report must be submitted to the project team for comments prior to finalization. This report will form the basis of consultation to establish the desired state of the environment and develop strategies to be implemented in order to guide development in the study area.

7.3 THE DESIRED STATE OF THE ENVIRONMENT

- 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.
- This desired state of the environment must be spatially represented in the same format as in the status quo report to enable comparison.
- The desired state must be compiled using a comparison analysis on the findings of the Status Quo Report.
- The desired state report will need to detail the identified conflicts over land use planning and identify strategies for dealing with conflicts.

7.4 ENVIRONMENTAL MANAGEMENT ZONES

Based on the spatial component of the desired state of the environment and biophysical constraints and opportunities, the study area must be divided into environmental control zones. 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 as well as:

- Areas in which the undertaking of an activity should be allowed to take place without further investigation;
- Areas in which the undertaking of an activity may be allowed subject to an environmental authorisation being granted in terms of these regulations; and
- Areas in which the undertaking of an activity should not be considered;

7.5 STRATEGIC ENVIRONMENTAL MANAGEMENT PLAN

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The study must include a Strategic Environmental Management Plan (SEMP) 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 for maintaining and managing Special Protected Areas that will focus on feasible land use, with emphasis on the prevention of illegal developments within these areas;
- A strategy for dealing with Waste Management, Water issues, Mining issues, Infrastructure, Air quality Management issues, etc.
- 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 work shopped with the project team and the relevant officials of the local authority.
- The SEMP document must include all relevant action plans required for the implementation of the EMF linked to an 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
- The service provider must then effect the changes derived from the workshop. The final EMF would then be supported by the project steering committee and should be incorporated in the next review of the Integrated Development Plan and Spatial Development Framework for Amajuba District Municipality. The outcomes of the EMF can also be used to demarcate inclusion and exclusion areas, or areas of particular sensitivity in terms of the NEMA EIA Regulations list of activities.

8 QUALIFICATIONS AND EXPERTISE REQUIRED FROM THE SERVICE PROVIDER

• CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT

The service provider/s must guarantee the presence of the senior members in charge of the project throughout the duration of the contract. Any changes must be submitted to the Project management team for consideration.

- The Senior/Lead consultant must have at least a minimum of 10 years' relevant work experience in the development of strategic environmental management tools.

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- Signed CVs for each member on the team, detailing their qualifications with certified copies of originals and experience relevant to this request, must be included in the proposal submitted to the Municipality. The references must be traceable. In addition, each proposed member must submit a signed declaration that indicates his or her involvement with a project that may be affected by the Scope of Works for this project. This is required to ensure the objectivity of the team.
- A Degree/Diploma in the environmental field

9 REPORTING

The Project Manager and co-project Manager (EDTEA representative) shall be jointly responsible for the ongoing management of the Service Provider.

The service provider/s will submit monthly progress reports to the Project Manager and EDTEA appointed co-project manager, within four (4) working days after the end of each month for the entire duration of the project.

- 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.
- This desired state of the environment must be spatially represented in the same format as in the status quo report to enable comparison.
- The desired state must be compiled using a comparison analysis on the findings of the Status Quo Report.
- The desired state report will need to detail the identified conflicts over land use planning and identify strategies for dealing with conflicts.

10 BUDGET

There is budget available for this project.

PROJECT QUOTATION AND PERFORMANCE MEASURES

A detailed project budget must be provided in accordance with the agreed performance measures. Each proposed project activity should be analyzed 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 **EDTEA and DC25**.

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11 SCHEDULE OF ASSIGNMENT

Note: This is recommended by EDTEA as a project reporting tool, wherein the budget and progress must be indicated by service provider (consultant) based on deliverables. This is only a guide, a final and detailed work breakdown structure will be finalized with the consultant once appointed.

Key Performance Area	Output	Key Activities (Deliverables)
Develop an EMF for Amajuba District.	EMF finalised and adopted by MEC	Prepare status quo report Preparation of the Status Quo Report must include data collection by desktop method and ground-truthing where no data exists. Ground-truthing must also be used to update existing data. A detailed methodology must be included. The EMF report is to be integrated with the District's Integrated Development Plan and Spatial Development Framework.
		Desired State of Environment <ul style="list-style-type: none"> o Setting the vision for the different attributes. o Develop strategies to achieve the desired SOE. o Formulation of strategic development zones for which guidelines, processes and parameters will be set to assist with compatible land uses level of EIA required o Workshops to determine desired future state
		Develop and spatially represent the Environmental Management Zones
		Develop a Strategic Environmental Management Plan (SEMP)
		Collate above into an Environmental Management Framework (Spatially)
		Finalise public participation and attach to draft EMF as annexure
		Present to HOD/MEC for sign off
		Proposed method of public participation, indicate at what stages public participation will be held and indicate cost.

12 TIME FRAMES

All work is to be carried out in accordance with the time schedule as agreed with the Project Manager but must not exceed a period of 19 months calculated from the date of appointment of the service provider

13 OWNERSHIP

All documents, materials, data and information in whatever manner or format whether hard copy, videotape or otherwise will be the property of the DC25 and the EDTEA.

14 BID EVALUATION

Bid will be evaluated on both price and functionality, based on 80/20 preference point system.

16.1 Functionality Evaluation Criteria

16.1.1 Methodology and approach (30)

16.1.2 Relevant project references (minimum two) (30)

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16.1.3 The Senior/Lead consultant must have at least a minimum of 10 years' relevant work experience in the development of strategic environmental management tools (10).

16.1.4 A Degree/Diploma in the environmental field (10).

NB: Only bidders who score at least 65 points for the functionality information will be considered for further evaluation.

16.2 CONDITIONS OF CONTRACT

16.2.1 Contracting

Acceptance of the successful bidder's Proposal is subject to entering a formal written and signed Service Level Agreement with the Municipality, which Agreement will contain the terms of the contract between the parties.

16.2.2 Technical competency

The bid proposals should be submitted with all required information containing technical information. The consultancy team's expertise should include but not be limited to the following (please provide relevant CV's):

- Environmental management proficiency.
- Ecological and agricultural background.
- Planning skills (Town Planning, Landscape Architecture, and Engineering).
- Resource Economics.
- Facilitation skills.
- Project management.
- Report writing skills.
- Administrative support.
- GIS Skills.
- Knowledge of the DFA, NEMA & SEMAs, SPLUMA, NWA, MPRDA, ECA, CARA and the Municipal Systems Act.
- Research skills.

17 BID EVALUATION: FUNCTIONALITY

The evaluation criteria for functionality are described in the table below. A minimum score of 65 is required, any bidder who scores below the minimum score will not be considered for further evaluation.

No.	Category	Total	Score
A.	Methodology and approach The SP has outstanding knowledge on the approach. The approach paper details ways to improve the project outcomes	30	

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	<p>and the quality of the outputs (5) Poor: 2 points Satisfactory: 3 points Good: 5 points</p> <p>The important issues are approached in an innovative and efficient way, indicating the SP has outstanding knowledge of the approach (5) Poor: 2 points Satisfactory: 3 points Good: 5 points</p> <p>Detailed methodology inclusive of the project plan must be submitted with the tender document.(10) Poor: 3 points Satisfactory: 7 points Good: 10 points</p> <p>Presentation of the methodology and the project plan will be done by shortlisted bidders (10) Poor: 3 points Satisfactory: 7 points Good: 10 points</p>		
B.	<p>Relevant project references</p> <p>2 reference projects (30) 1 project: (15) No reference projects: (0)</p>	30	
	<p>The Senior/Lead consultant must have at least a minimum of 10 years relevant work experience in the development of strategic environmental management tools. 10 years and above: (10) Less than 10 years: (0)</p>	10	

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	<p>A Degree/Diploma in the environmental field.</p> <p>The project leader must at least hold an undergraduate degree.</p> <p>Bachelor's degree, B-Tech, Diploma (10)</p> <p>No Bachelor's degree, B-Tech, Diploma: (0)</p>	10	
1.	<p>Capacity of the team to carry the project. Experience and educational background of the personnel proposed to provide the service in relation to the project. Critical fields to be considered include Environmental Management / planning, GIS, Hydrology, biodiversity, Air Quality Management, Waste Management and Public Participation. Assessment of the condensed Curricula Vitae of personnel involved on the projects.</p> <p>A detailed CV of personnel to be deployed for this project to be attached (10)</p>	10	

Terms of reference for the development of Amajuba District Municipality (DC 25) Environmental Management Framework

ANNEXURE A

AMAJUBA DISTRICT MUNICIPALITY
PERFORMANCE MEASURES
FOR ENVIRONMENTAL MANAGEMENT FRAMEWORK

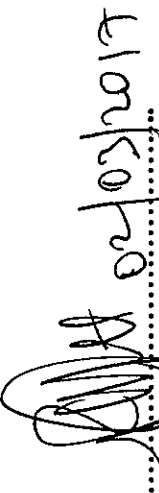
Note: This is recommended by EDTEA as a project reporting tool, wherein the budget and progress must be indicated by service provider (consultant) based on deliverables. This is only a guide, a final and detailed work breakdown structure will be finalized with the consultant once appointed.

Key Performance Area	Output	Key Activities (Deliverables)	Timeframes for delivery	Budget proposal	Progress reporting
Develop an EMF for Amajuba District.	EMF finalised and adopted by MEC	<p>Prepare status quo report</p> <p>Preparation of the Status Quo Report must include data collection by desktop method and ground-truthing where no data exists. Ground-truthing must also be used to update existing data. A detailed methodology must be included. The EMF report is to be integrated with the District's Integrated Development Plan and Spatial Development Framework.</p>	6 Months	R.	
		<p>Desired State of Environment</p> <ul style="list-style-type: none"> o Setting the vision for the different attributes. o Develop strategies to achieve the desired SOE. o Formulation of strategic development zones for which guidelines, processes and parameters will be set to assist with compatible land uses level of EIA required o Workshops to determine desired future state 	4 Months		
		Develop and spatially represent the Environmental Management Zones	3 Month		
		Develop a Strategic Environmental Management Plan (SEMP)	2 Month		
		Collate above into an Environmental Management Framework (Spatially)	1 Month		
		Finalise public participation and attach to draft EMF as annexure	2 Month		
		Present to HOD/MEC for sign off	1 Month		
		Proposed method of public participation, indicate at what stages public participation will be held and indicate cost.			
				TOTAL (VAT inclusive)	

12 ENQUIRIES

Enquiries relating to the tender process to be directed to Management – Ms. Nokwazi Nzimande Tel: 034 329 7200 / 7305.

Enquiries relating to the technical part of the EMF to be directed to:
Mrs Nothile Mthimkhulu: Tel 034 3297325 Cell: 0829085764 or
Mr. Thabani Gambu: Tel: 034 328 1200 Cell: 079 263 5574


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MR S. R. MATHOBELA ka ZWANE
ACTING MUNICIPAL MANAGER



MBD 1

INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE AMAJUBA DISTRICT MUNICIPALITY

BID NUMBER: T2017/01

CLOSING DATE: 31 MARCH 2017

CLOSING TIME: 12H00

DESCRIPTION: ENVIRONMENTAL MANAGEMENT FRAMEWORK

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

BID DOCUMENTS MUST BE DEPOSITED IN THE TENDER BOX SITUATED AT:

The Reception
B 9356 Amajuba Building,
Section 1
Madadeni

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open from 07h30 to 16h15 during working hours and between 07h30 and 15h00 on Fridays

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA & associated regulations

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER

POSTAL ADDRESS

STREET ADDRESS

TELEPHONE NUMBER CODE.....NUMBER.....

CELLPHONE NUMBER

FACSIMILE NUMBER CODE NUMBER.....

VAT REGISTRATION NUMBER

HAS A VALID ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)? YES/NO
(if no – please complete the following)
Income Tax Reference number:
Security Pin
TCC Number

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE SERVICES OFFERED BY YOU? YES/NO/NOT APPLICABLE
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

DATE

CAPACITY UNDER WHICH THIS BID IS SIGNED

TOTAL BID PRICE:..... NUMBER OF ITEMS:.....

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality: Amajuba District Municipality

Finance Department: Nokwazi Nzimande
Telephone: 034 329 7200
Fax: 086 690 4133

ANY ENQUIRIES REGARDING TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Nothile Mthimkhulu
Telephone: 034 329 7200
Fax: 0343143785

TAX CLEARANCE CERTIFICATE REQUIREMENTS

It is a condition of bid that the taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations.

- 1 In order to meet this requirement bidders are required to complete in full the attached form TCC 001 "Application for a Tax Clearance Certificate" and submit it to any SARS branch office nationally. The Tax Clearance Certificate Requirements are also applicable to foreign bidders / individuals who wish to submit bids.
- 2 SARS will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of 1 (one) year from the date of approval.
- 3 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate will result in the invalidation of the bid. Certified copies of the Tax Clearance Certificate will not be acceptable.
- 4 In bids where Consortia / Joint Ventures / Sub-contractors are involved, each party must submit a separate Tax Clearance Certificate.
- 5 Copies of the TCC 001 "Application for a Tax Clearance Certificate" form are available from any SARS branch office nationally or on the website www.sars.gov.za.
- 6 Applications for the Tax Clearance Certificates may also be made via eFiling. In order to use this provision, taxpayers will need to register with SARS as eFilers through the website www.sars.gov.za.



MBD 3.3

PRICING SCHEDULE
(Professional Services)

Name of Bidder:.....	Quotation Number: T2017/01
Closing Time: 12H00 NOON	Closing Date :31 MARCH 2017

OFFER TO BE VALID FOR 90 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO	DESCRIPTION	BID PRICE IN RSA CURRENCY INCLUSIVE OF VALUE ADDED TAX	
1.	The accompanying information must be used for the formulation of proposals.		
2.	Bidders are required to indicate a ceiling price based on the total estimated time for completion of all phases and including all expenses inclusive of VAT for the project.	R.....	
3.	PERSONS WHO WILL BE INVOLVED IN THE PROJECT AND RATES APPLICABLE (CERTIFIED INVOICES MUST BE RENDERED IN TERMS HEREOF)		
4.	PERSON AND POSITION	HOURLY RATE	DAILY RATE
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
	.....	R.....	.....
5.	PHASES ACCORDING TO WHICH THE PROJECT WILL BE COMPLETED, COST PER PHASE AND MAN-DAYS TO BE SPENT		
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
	.....	R.....	..... days
5.1	Travel expenses (specify, for example rate/km and total km, class of airtravel, etc). Only actual costs are recoverable. Proof of the expenses incurred must accompany certified invoices.		
	DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY AMOUNT
	.....	.....	R.....
	.....	.....	R.....
	.....	.....	R.....
	.....	.....	R.....
		TOTAL: R.....	

5.2 Other expenses, for example accommodation (specify, eg. Three star hotel, bed and breakfast, telephone cost, reproduction cost, etc.). On basis of these particulars, certified invoices will be checked for correctness. Proof of the expenses must accompany invoices.

DESCRIPTION OF EXPENSE TO BE INCURRED	RATE	QUANTITY	AMOUNT
.....	R.....
.....	R.....
.....	R.....
.....	R.....
TOTAL: R.....			.....

- 6. Period required for commencement with project after acceptance of bid
.....
- 7. Estimated man-days for completion of project
.....
- 8. Are the rates quoted firm for the full period of contract?
.....
- 9. If not firm for the full period, provide details of the basis on which adjustments will be applied for, for example consumer price index.
.....
.....
.....



DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state¹.
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.
3. **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

3.1 Full Name of bidder or his or her representative:.....

3.2 Identity Number:

3.3 Position occupied in the Company (director, trustee, shareholder²):.....

3.4 Company Registration Number:

3.5 Tax Reference Number:.....

3.6 VAT Registration Number:

3.7 The names of all directors / trustees / shareholders members, their individual identity numbers and state employee numbers must be indicated in paragraph 4 below.

(Please Tick /Mark the correct option in the following questions)

3.8 Are you presently in the service of the state? YES / NO

3.8.1 If yes, furnish particulars.

¹MSCM 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.

² Shareholder" means a person who owns shares in the company and is actively involved in the management of the company or business and exercises control over the company.

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

3.9.1 If yes, 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 yes, furnish particulars.
.....
.....

3.11 Are you, aware of any relationship (family, friend, other) between any other 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 yes, furnish particulars
.....
.....

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

3.12.1 If yes, furnish particulars.
.....
.....

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

3.13.1 If yes, furnish particulars.
.....
.....

3.14 Do you or any of the directors, trustees, 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 yes, furnish particulars:
.....
.....

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

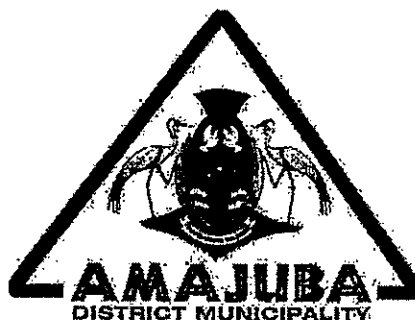
Full Name	Identity Number	State Employee Number

.....
Signature

.....
Date

.....
Capacity

.....
Name of Bidder



MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2001

PURCHASES

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value up to R1 000 000; and

1.2 The value of this bid is estimated not to exceed R1 000 000 and therefore the 80/20 system shall be applicable.

1.3 Preference points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contribution

1.3.1 The maximum points for this bid are allocated as follows:

	POINTS
1.3.1.1 PRICE	80
1.3.1.2 B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE must not exceed	100

Separate Preference Points Claim Forms will be used for the promotion of the specific goals for which points have been allocated in paragraph 1.3.1.2 (b) above.

1.4 Failure on the part of a bidder to fill in and/or to sign this form and submit a B-BBEE Verification

Certificate from a Verification Agency accredited by the South African Accreditation System (SANAS) or a Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) or an Accounting Officer as contemplated in the Close Corporation Act (CCA) together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

- 1.5. The purchaser reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the purchaser.

2.

DEFINITIONS

- 2.1.1 **"all applicable taxes"** includes value-added tax, pay as you earn, income tax, unemployment insurance fund contributions and skills development levies;
- 2.2 **"B-BBEE"** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- 2.3 **"B-BBEE status level of contributor"** means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- 2.4 **"bid"** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of services, works or goods, through price quotations, advertised competitive bidding processes or proposals;
- 2.5 **"Broad-Based Black Economic Empowerment Act"** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- 2.6 **"comparative price"** means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration;
- 2.7 **"consortium or joint venture"** 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;
- 2.8 **"contract"** means the agreement that results from the acceptance of a bid by an organ of state;
- 2.9 **"EME"** means any enterprise with an annual total revenue of R5 million or less .
- 2.10 **"Firm price"** means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or excise duty and any other duty, levy, or tax, which, in terms of the law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies, or the rendering costs of any service, for the execution of the contract;
- 2.11 **"functionality"** means the measurement according to predetermined norms, as set out in the bid documents, of a service or commodity that is designed to be practical and useful, working or operating, taking into account, among other factors, the quality, reliability, viability and durability of a service and the technical capacity and ability of a bidder;
- 2.12 **"non-firm prices"** means all prices other than "firm" prices;
- 2.13 **"person"** includes a juristic person;
- 2.14 **"rand value"** means the total estimated value of a contract in South African currency, calculated at the time of bid invitations, and includes all applicable taxes and excise duties;
- 2.15 **"sub-contract"** means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of the contract;

- 2.16 “total revenue” bears the same meaning assigned to this expression in the Codes of Good Practice on Black Economic Empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act and promulgated in the *Government Gazette* on 9 February 2007;
- 2.17 “trust” means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person; and
- 2.18 “trustee” means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

3. ADJUDICATION USING A POINT SYSTEM

- 3.1 The bidder obtaining the highest number of total points will be awarded the contract.
- 3.2 Preference points shall be calculated after prices have been brought to a comparative basis taking into account all factors of non-firm prices and all unconditional discounts;
- 3.3 Points scored must be rounded off to the nearest 2 decimal places.
- 3.4 In the event that two or more bids have scored equal total points, the successful bid must be the one scoring the highest number of preference points for B-BBEE.
- 3.5 However, when functionality is part of the evaluation process and two or more bids have scored equal points including equal preference points for B-BBEE, the successful bid must be the one scoring the highest score for functionality.
- 3.6 Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

4. POINTS AWARDED FOR PRICE

4.1 THE 80/20 PREFERENCE POINT SYSTEMS

A maximum of 90 points is allocated for price on the following basis:

80/20

$$Ps = 80 \left(1 - \frac{Pt - P \min}{P \min} \right)$$

Where

Ps = Points scored for comparative price of bid under consideration

Pt = Comparative price of bid under consideration

Pmin = Comparative price of lowest acceptable bid

5. Points awarded for B-BBEE Status Level of Contribution

- 5.1 In terms of Regulation 5 (2) and 6 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (80/20 system)
1	20
2	18
3	16
4	12
5	8
6	6
7	4
8	2
Non-compliant contributor	0

- 5.2 Bidders who qualify as EMEs in terms of the B-BBEE Act must submit a certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.
- 5.3 Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS.
- 5.4 A trust, consortium or joint venture, will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- 5.5 A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- 5.6 Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- 5.7 A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- 5.8 A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

6. BID DECLARATION

- 6.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

7. B-BBEE STATUS LEVEL OF CONTRIBUTION CLAIMED IN TERMS OF PARAGRAPHS 1.3.1.2 AND 5.1

7.1 B-BBEE Status Level of Contribution: =(maximum of 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 5.1 and must be substantiated by means of a B-BBEE certificate issued by a Verification Agency accredited by SANAS or a Registered Auditor approved by IRBA or an Accounting Officer as contemplated in the CCA).

8 SUB-CONTRACTING

8.1 Will any portion of the contract be sub-contracted? YES / NO (delete which is not applicable)

8.1.1 If yes, indicate:

- (i) what percentage of the contract will be subcontracted?%
- (ii) the name of the sub-contractor?
- (iii) the B-BBEE status level of the sub-contractor?
- (iv) whether the sub-contractor is an EME? YES / NO (delete which is not applicable)

9 DECLARATION WITH REGARD TO COMPANY/FIRM

9.1 Name of company/firm :

9.2 VAT registration number :.....

9.3 Company registration number
;

9.4 TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One person business/sole propriety
- Close corporation
- Company
- (Pty) Limited

[TICK APPLICABLE BOX]

9.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....
.....
.....

9.6 COMPANY CLASSIFICATION

- Manufacturer
- Supplier
- Professional service provider
- Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

9.7 Total number of years the company/firm has been in business?

9.8 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify

that the points claimed, based on the B-BBE status level of contribution indicated in paragraph 7 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we 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 paragraph 7, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- (iv) If the B-BBEE status level of contribution has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding 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) restrict the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, from obtaining business from any organ of state for a period not exceeding 10 years, after the audi alteram partem (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution

WITNESSES:

1.

2.

<p>.....</p> <p>SIGNATURE(S) OF BIDDER(S)</p> <p>.....</p>

DATE:.....

ADDRESS:.....

.....

.....



DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document 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. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - 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	<p>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?</p> <p>(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).</p>	Yes <input type="checkbox"/>	No <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)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
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?	Yes <input type="checkbox"/>	No <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?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION
MAY BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder



MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ 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).² 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 (MBD9) must be completed and submitted with the bid:

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

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

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

T2017/01: ENVIRONMENTAL MANAGEMENT FRAMEWORK

(Bid Number and Description)

in response to the invitation for the bid made by:

AMAJUBA DISTRICT MUNICIPALITY

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

MBD 9

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (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.

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

MBD 9

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