



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ENVIRONMENTAL AFFAIRS (DEA) AS AN ORGAN OF STATE SUBSCRIBES TO AND PROPAGATES THE NOTION OF BROAD BASED BLACK ECONOMIC EMPOWERMENT ACT, 2003 (Act No. 53 of 2003) (BBBEE), THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 (Act No. 5 of 2000) AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2011.

TERMS OF REFERENCE

TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER TO CONDUCT A STUDY ON WASTE TO ENERGY FOR THE PURPOSES OF FORMULATING A POLICY POSITION FOR SOUTH AFRICA

Table of Contents

1	PURPOSE	3
2	INTRODUCTION AND BACKGROUND	3
3	SCOPE AND EXTENT OF WORK	4
4	EXPECTED DELIVERABLES / OUTCOMES	4
5	PERIOD / DURATION OF PROJECT / ASSIGNMENT	6
6	COSTING/COMPREHENSIVE BUDGET	6
7	MANDATORY REQUIREMENTS (Only if applicable)	Error! Bookmark not defined.
8	SPECIAL CONDITIONS OF CONTRACT	6
9	PAYMENT TERMS	9
10	TECHNICAL ENQUIRIES	9
11	EVALUATION CRITERIA	9

1 PURPOSE

To appoint a service provider to conduct the comprehensive study on Waste to Energy (WtE) for the purposes of formulating a policy position for South Africa.

2 INTRODUCTION AND BACKGROUND

The Branch: Chemicals and Waste Management executes its mandate within the prescripts of the Constitution of the Republic of South Africa and National Environmental Management: Waste Act 2008 (Act no. 59 of 2008, as amended). The National Environmental Management: Waste Act 2008 (Act no. 59 of 2008, as amended) advocates for a clean and healthy environment, within the context of the Waste Management Hierarchy. The Waste Management Hierarchy is an internationally adopted approach for the management of waste. Waste recovery is one of the key options within the waste management hierarchy and therefore requires in-depth assessment.

Energy recovery from waste is already practiced in the country, hence the interest of the Department in working towards the determination of a waste to energy policy position for the country.

A study was conducted by the Department of Environmental Affairs which identified an abundance of Municipal Solid Waste (MSW) which could potentially be utilized as feedstock for waste to energy projects. Not only the MSW can be utilized as feedstock but also other waste streams outside the MSW characterisation. In terms of the National Waste Information Baseline report (2012), South Africa generated approximately 108 million tons of waste in 2011, 90% of the waste generated was disposed of at the landfill sites and of which only 10% was recycled.

Further to the baseline study the department developed a draft discussion document in form of a desktop study on waste to energy. The draft discussion document was disseminated to various stakeholders for comments and inputs.

The feedback from the various stakeholders suggested the need for detailed independent research be conducted on waste to energy practices, it is therefore recommended to appoint a service provider to conduct the required research that will enable the department to formulate a definitive policy position for South Africa.

3 OBJECTIVES

The aim and intention of this study is to achieve the following:

- 3.1 To review and critique the DEA Waste to Energy draft discussion document.
- 3.2 To investigate the associated environmental effects of energy recovery from waste.
- 3.3 To summarise and present the findings of the study to the DEA
- 3.4 To highlight any costs and benefits associated with Waste to Energy activities.
- 3.5 To comment on the most appropriate, efficient and economically sensible technology, or technologies related to Waste to Energy
- 3.6 To make recommendations that will guide the Waste to Energy policy direction in South Africa.

4 SCOPE AND EXTENT OF WORK

The service provider will be expected to perform the following activities:

- 4.1 Review and critique the DEA Waste to Energy draft discussion document.
- 4.2 Conduct a detailed study inclusive of research that will enable the determination of a policy direction for the Department regarding Waste to Energy (WtE) which will, in turn, inform the final draft report.
- 4.3 Review all the environmental management legislative framework across various government departments and aspects (Agriculture, Air Quality, Climate change, Mining etc.).
- 4.4 Conduct a study on various Waste to Energy technologies both national and internationally to allow the necessary policy direction and development to take place which will inform the final draft report.
- 4.5 Determine the availability of feedstock for WtE projects per province leading towards a country perspective
- 4.6 Determine the scale of WtE practices in the country.
- 4.7 Determine the viability of Waste to Energy projects in South Africa and related costs of establishing Waste to Energy plants and maintenance.
- 4.8 Determine minimum set of skills and knowledge requirements to establish and maintain the Waste to Energy plants
- 4.9 Conduct stakeholder consultations, with the inclusion of micro collectors (i.e. waste pickers), with regards to the Waste to Energy research
- 4.10 Conduct a literature review on Waste to Energy to inform the policy direction. The literature review must be detailed and describing the national and international trends in terms of W2E technologies, legislative and policy considerations.
- 4.11 The concept document must also indicate the cost of the implementation of the implementation of the waste to energy technologies.
- 4.12 Conduct site visits to a minimum of three reputable Waste to Energy plants, across different technologies within the Country to inform the final draft document.
- 4.13 To review and complete the draft waste to energy concept document
- 4.14 Formal reports & presentations should be provided for the necessary research conducted.

5 EXPECTED DELIVERABLES / OUTCOMES

- 5.1 The service provider is required to submit a detailed project plan to the project manager for inputs and approval at least 10 days before the commencement with the project activities. The project plan must details milestones and costing.
- 5.2 Review and critique the DEA Waste to Energy draft discussion document

- 5.3 The service provider must together with project manager's assistance identify relevant stakeholders and conduct stakeholder engagements and workshop with relevant stakeholders and consider their inputs in the final draft document
- 5.4 The service provider is required to provide comments and response document to DEA after each stakeholder workshop, meeting or consultation.
- 5.5 There should be a least 3 to 4 regional workshops conducted by the Service Provider (logistical arrangements will be coordinated by the department).
- 5.6 The service provider must have a monthly reporting meetings with DEA on the progress of the project.
- 5.7 The service provider must submit monthly progress report on waste to energy document.
- 5.8 .Compile a site visit report which will inform the final draft document.
- 5.9 The service provider must prepare and submit to project manager a PowerPoint presentation on the final draft document.
- 5.10 The draft waste to energy concept documents must be submitted to the Department.
- 5.11 The service provider is required to conduct a presentation on the draft and final report at a Working Group meeting and the date of the Working Group meeting will be provided by the department.
- 5.12 Final Report with recommendations regarding the Departments policy position recognising alignment to the principles of the Waste Act and National Waste Management Strategy.
- 5.13 The final report must be delivered in a form of one hardcopy and a CD

6 TERMS AND CONDITIONS

- 6.1 The Service Provider must guarantee the presence of the senior in charge of fieldwork throughout the duration of the contract. Prior to the appointment of a replacement, the Programme Manager must approve such appointment. If the senior has to leave the project, a period of at least a month is required in which the senior must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.
- 6.2 The service provider must submit a project plan and be by approved by project manager prior to the actual work started. The project plan must include clear timeframes and deliverables and schedules for monthly meeting on the progress of the project.
- 6.3 The service provider must have a monthly reporting meetings with DEA on the progress of the project.
- 6.4 The service provider must submit monthly progress report on waste to energy document.
- 6.5 The service provider must together with project manager's assistance identify relevant stakeholders and conduct stakeholder engagements and workshop with relevant stakeholders and consider their inputs in the final draft document.
- 6.6 The Department will become the owner of the information, documents, programmes, advice, recommendations and reports collected, furnished and/or compiled by the Consultant during the course of, and for the purpose of executing this task, all of which will be handed over to the Department on request, but in any event on the termination of this contract for whatever reason. The Consultant relinquishes its right of retention of any other rights to which it may be entitled.
- 6.7 Compile a site visit report which will inform the final draft document.
- 6.8 The service provider must prepare and submit to project manager a PowerPoint presentation on the final draft document.
- 6.9 The draft waste to energy concept documents must be submitted to the Department.

7 PERIOD / DURATION OF PROJECT / ASSIGNMENT

Project must be completed within 8 months after the signing of the SLA by both parties.

8 COSTING/COMPREHENSIVE BUDGET

Comprehensive budget must be provided inclusive of all disbursement costs, expenses and VAT.

Where possible the services can be outlined here to guide the bidder what must be included in his/her costs.

9 SPECIAL CONDITIONS OF CONTRACT

- 9.1 The performance measures for the delivery of the (specify the type of work you expect from the service provider/s) will be closely monitored by DEA.
- 9.2 The Service Provider/s will submit monthly and quarterly progress reports to the Programme manager, within 4 days after the end of each month and quarter for the duration of the project. Failure to submit the required reports on time will result in penalties.
- 9.3 The Programme manager shall do the ongoing management of the Service agreement.
- 9.4 The Service Provider/s must guarantee the presence of the senior in charge of fieldwork throughout the duration of the contract. Prior to the appointment of a replacement, the Programme Manager must approve such appointment. If the senior has to leave the project, a period of at least a month is required in which the senior must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.
- 9.5 All the conditions specified in the General Conditions of Contract (GCC) will apply and where the conditions in the special conditions of contract contradicts the conditions in the general conditions of contract the special conditions of contract will prevail.
- 9.6 Please take note that DEA is not bound to select any of the firms submitting proposals. DEA reserves the right not to award any of the bids and not to award the contract to the lowest bidding price.
- 9.7 Bidders must score a minimum of 75% for stage 1 (functionality / technical) of the evaluation to qualify for stage 2 (price and B-BBEE) of the evaluation.
- 9.8 The proposal should include, amongst other, the following:
 - A proposed plan of action;
 - A list of references; and
 - Ability to ensure continuing of staff on the project.
- 9.9 The original Tax Clearance Certificate must be submitted together with the bid. Failure to submit the original and valid Tax Clearance Certificate may result in the invalidation of the bid.
- 9.10 Certified copies of the Tax Clearance Certificate will not be acceptable
- 9.11 In bids where Consortia / Joint Ventures / Sub-contractors are involved, such must be clearly indicated and each party must submit a separate Tax Clearance Certificate before the Adjudication Committee. Failure to submit the original and valid Tax Clearance Certificate may result in the invalidation of the bid.
- 9.12 The Curriculum Vitae of the staff who will be available for the duration of the work must be attached.
- 9.13 The bid proposals should be submitted with all required information containing technical information.
- 9.14 DEA Entity Maintenance form included in the bid documents must be completed and returned with the bid proposals).
- 9.15 Bidders must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).

- 9.16 A breakdown of the hourly tariff inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Programme manager will not be reimbursed.
- 9.17 DEA will not be held responsible for any costs incurred by the bidder in the preparation, presentation and submission of the bids.
- 9.18 Travelling costs and time spent or incurred between home and office of consultants and DEA office will not be for the account of DEA.
- 9.19 To ensure that an adequate research and development skills transfer process is provided to the DEA employees.
- 9.20 Intellectual property rights will belong to DEA
- 9.21 **Bidders must submit two identical proposals for each bid clearly marked “original” and “copy”.**
- 9.22 Progress reports (hard copy or soft copy) must be submitted weekly / monthly / quarterly
- 9.23 **Before any work can commence the service level agreement must be signed by both parties (DEA and the successful bidder) as well as the issue of an official order and should there be any dispute regarding the finalisation of the agreement, DEA reserves the right to cancel the contract with no cost implications for the Department.**
- 9.24 The evaluation of Bids can only be done on the basis of information required by the department.
- 9.25 Bidders failing to meet all the mandatory requirements will automatically be disqualified.

Project Managers must insert special conditions applicable for (e.g.):

- * Any legislation which the bidder must comply with must also be mentioned where necessary
 - * Where catering is applicable it must be specific in terms of hot/cold or beverages and how often etc.
 - * If any engagement with the community is required it needs to be outlined and if translation is required it must be specified.
 - * The Bid Evaluation Committee reserves the right to conduct due diligence during the evaluation process if necessary
 - * Any other technical special condition applicable to this specific bid must be mentioned for instance where any construction is applicable the CIDB standards needs to be specified etc.
- 9.26 **Suppliers/Service Providers are requested to submit the original and valid B-BBEE Status Level Verification Certificate or certified copies thereof issued by verification agencies accredited by SANAS or registered auditors approved by IRBA together with their bids, to substantiate their B-BBEE rating claims, failing which the B-BBEE preference points claimed will be forfeited**
- 9.27 **Bidders who do not submit B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but will not be disqualified from the bidding process. They will score zero (0) points out of 20/10 for B-BBEE.**
- 9.28 **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.**
- 9.29 **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.**
- 9.30 **Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their bids.**

9.31 **A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capacity and the ability to execute the sub-contract.**

A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal or higher B-BBEE status level, unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capability and ability to execute the sub-contract.

10 PAYMENT TERMS

DEA undertakes to payout in full within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and the required reports stipulated in special conditions. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.

11 TECHNICAL ENQUIRIES

Should you require any further information in this regard, please do not hesitate to contact:

Name: Thabo Magomola _____

Office Telephone No. (12) 399 9303 _____

E-mail: TMagomola@environment.gov.za _____

12 EVALUATION CRITERIA

All bid proposals submitted will be evaluated in accordance with the 80/20 principle and the evaluation criteria should be as follows:

Values: 0 = Non-compliance, 1 = Poor; 2 = Fair; 3 = Average; 4 = Good; 5 = Excellent

Stage 1 evaluation criteria: The bidder must score a minimum of 75% during Stage 1 (functionality / technical) of the evaluation to qualify for Stage 2 of the evaluation where only points for price and B-BBEE will be considered.

STAGE 1				
No.	Category	Weight/ Value	Score	Total (Weight X Value awarded)
A	FUNCTIONALITY (To be determine by project managers in line with scope of work)	100		
1.	Bidder understands of the brief and the method to be employed. Outline and insight information provided in the bid document (relevance and accuracy)	30		
2.	Capability (profiles of key staff and persons to be assigned to the project). Experience and track record. <ul style="list-style-type: none"> • W2E experience • Renewable energy experience; • Experience in conducting a similar body of work • Research experience in waste management 	40		
3.	A proposed plan of action to achieve the objectives.	10		
4.	The experience and knowledge in the following fields of expertise <ul style="list-style-type: none"> • W2E experience • Renewable energy experience; • Experience in conducting a similar body of work • Research experience • Research experience in waste management 	20		

STAGE 2				
B.	PRICE	90 or 80		
C.	B-BBEE Status Level Contributor		Number of points (90/10)	Number of points (80/20)
	1		10	20
	2		9	18
	3		8	16
	4		5	12
	5		4	8
	6		3	6
	7		2	4
	8		1	2
	Non –compliant contributor		0	0

NB: A bid will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution or is a non-compliant contributor. Such a bidder will score 0 out of a maximum of 10/20 points for B-BBEE.

IN EVALUATING THE TECHNICAL INFORMATION CONTAINED IN THE BID, THE EVALUATION COMMITTEE WILL BE GUIDED BY THE FOLLOWING:

- **Bidder’s understanding of the brief** – The bid provides a clear indication that the bidder fully understands the purpose and scope of the work and the bidders’ own roles and functions in this regard.
- **Capability and experience** – The bid provides a clear indication that the bidder’s team comprises people with the necessary experience, skills, qualifications, knowledge and skills required to ensure the efficient and effective generation of the required deliverables to the highest standards of quality.
- **Track Record** – The bid provides clear information on previous, relevant projects that confirm that the bidder has the required experience and success track record in the area of general project management and management related projects.