



ALFRED NZO
DISTRICT MUNICIPALITY

TERMS OF REFERENCE
[Environmental Management By-Law]
2024/25 FINANCIAL YEAR

Issued and Prepared by:

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1. BACKGROUND AND OVERVIEW OF THE PROJECT

1.1 INTRODUCTION

Alfred Nzo district Municipality (ANDM) as a Water Services Provider and is duty bound by section 24 of the constitution to give effect to the environmental rights and other environmental legislation. The environmental rights in part states, "Everyone has a right to an environment that is not harmful to their health and well-being and the environment must be protected for the benefit of present and future generations through reasonable legislative and other measures". Section 156 (2) of the constitution provides that a municipality may make and administer by laws for the effective administration of the matters which it has the right to administer. The Local Government: Municipal Systems Act 32 of 2000 provides a framework to provide for legal matters pertaining to local government. The National Environmental Management Act (NEMA) section 46 provides for the publishing of standard by laws as well as the Municipal Systems Act 32 of 2000 under section 14. It is against all this background that ANDM intends to establish an environmental management by-law owing to different environmental aspects and impacts where the municipality has jurisdiction; which encompasses an area stretching over four (4) local municipalities. This will not only strengthen the municipality's capabilities in environmental protection efforts and service delivery provision but will also improve ANDM's oversight responsibilities while encouraging and improving intergraded environmental management as envisaged in the objectives set out in section 23 of NEMA.

The project will involve an extensive public participation process, which will assist in regulating activities and resources within the municipality's jurisdiction. The holistic approach in the identification of different environmental aspects will entail a process of clearly identifying the goals of the environmental management by-law, consulting stakeholders, developing the policy framework and the by-law, publicly making the by-law for commenting and reviewing and finally promulgating the by-laws. The environmental by-law must take into cognizance that ANDM is a water services authority and duly outline accordingly when it comes to such a function.

The environmental management by-law will assist the municipality in encouraging healthy environmental practices within the district. The by-laws will also empower the municipality with

enforcement powers, which allows the municipality to impose penalties in cases of non-compliance and prosecutorial powers as and when the need arises.

The unit will source a qualified and experienced specialist who will oversee the project implementation and in identifying the need of various other consultants as may be needed.

1.2 OVERALL AND SPECIFIC OBJECTIVES OF THE PROJECT

1.2.1 Overall objective

To promote a safe and healthy environment around the district by empowering the municipality with the necessary environmental management by-law that will encourage ANDM residents to live in harmony with the environment while assisting the municipality with means to monitor and prevent environmental non-compliance incidents.

1.2.2 Specific Objectives

- To draft an environmental management by-law that will take a holistic approach in the prohibition, restriction and control of activities in the jurisdiction of ANDM municipality which are likely to have a detrimental effect on the environment.
- To establish core principles for decision making on matters affecting the environment.
- To align and coordinate environmentally relevant functions of different line functions and divisions within ANDM
- Encourage community and public participation in the legislative process of law drafting.
- Promotion of sustainable development through creation of an environmental management by law that will guide future developments in areas where ANDM has jurisdiction.
- Promotion of a healthy environment through monitoring and enforcement of the environmental management by-law by ANDM.
- Protection of natural resources such as air, water and land as well as wildlife in and around ANDM through creation and adoption of an environmental management by-law/s.
- Improving service delivery in and around ANDM.

- Have tools (by-law) that will assist in the effective implementation of some of the units policies.

2. SCOPE & EXTENT OF WORK

Bids are invited from suitably qualified professional service providers to prepare and submit proposals to undertake the drafting of an environmental management by law for ANDM. The content, detail and complexity of the by law to be establishment will be influenced by the situational analysis /status quo of the environment in Alfred Nzo District Municipality. It is the responsibility of the appointed lead consultant to determine whether other sub-contractors may be required to execute the project objectives effectively. In the event that other specialists may be required, the appointed service provider will have the responsibility of sub-contracting such specialists and all work done must be consolidated. The project is expected to run for a minimum period of 4 months from the date of appointment of the service provider and the lead consultant is expected to update the Environmental and Water quality unit of ANDM monthly on the progress done on the project.

STAKEHOLDER CONSULTATION

Through consultation between the service provider and the ANDM, the service provider will provide scientific guidance and will be responsible for undertaking the stakeholder engagement, as it is a vital component in terms of chapter 4 of the municipal systems act.

2.2 EDUCATION AND CAPACITY BUILDING

The appointed service provider will be required to transfer skills and share knowledge on this nature of the exercise with the project steering committee and management officials within the institution during the project lifespan. For monitoring purpose it is advisable that during the site visits and other tasks the municipal officials working in the project be involved and input on the

project in order to ensure that the plan is credible. Appointed service provider will also oversee the implementation of the strategy during the liability phase.

3. PROJECT TIME FRAME

The project time frame will be 4 months from the date of appointment of the service provider.

4. KEY OUTPUTS/PROJECT MILESTONES/DELIVERABLES

- Clearly outline the roles and functions of the municipality in environmental governance as well as duties as they relate to the by-law.
- Clearly outline the roles and functions of municipal environmental personnel in respect to environmental monitoring, enforcement and oversight of the by-law in the municipality.
- Clearly outline procedure for protection of workers who are likely to perform work that would result in threat to the environment.
- Clearly outline offences and penalties for significant pollution or degradation of the environment or activities that are likely to cause significant pollution and degradation.
- Clearly outline a general code of conduct for councillors and municipal staff in respect of environmental by-law.
- An environmental management draft by-law to be compiled by the lead service provider must make available for public comment.
- A notice for public comment must be accompanied by what the EM by-law addresses, the service provider must clearly make a request for written comments and have clear instructions on how comments are to be made, and the deadline for comments should be clearly indicated.
- The appointed service provider must clearly define the roles and responsibilities of the various stakeholders as per implementation of the actions if the need so arises.
- The appointed service provider to update ANDM on a monthly basis on the progress of the project.

5. PROJECT MANAGEMENT

In case where the appointed service provider appoints the services of other consultants or sub-constructors, the appointed service provider will take responsibility for the work and payment of

the sub-contracted service provider. The project is to be coordinated and managed by a project steering committee comprising of officials from Alfred Nzo District Municipality, Winnie Madikizela Mandela Local Municipality, Ntabankulu Local Municipality, Umzimvubu Local Municipality, Matatiele Local Municipality, DFFE, DEDEAT, DWS, DRDAR, Traditional leaders and Councillors as well as the appointed service provider. A project manager will act as a liaison party between the service provider and the project steering committee.

6. REPORTING MECHANISM

Upon appointment, the service provider will have to submit action plan with tasks aligned to budget. It is expected that regular progress reports be presented to the PSC at the end of each phase and report be made available for inputs. This means that the reporting progress will be in both written and presentation format throughout the project cycle. The project Manager has the right to change frequency of reporting as and when necessary. The final environmental management by-law must be submitted in both hard and soft copy.

7. SUBMISSION OF QUOTATIONS

Completed bids in sealed envelopes endorsed tender number above, **must be deposited in the bid box at Alfred Nzo District Municipality offices**, Erf 1400, Ntsizwa Street, Mount Ayliff not later than stipulated time and date, where bids will be opened in public shortly afterwards at ANDM Conference centre. **Late, incomplete, electronic, telegraphic, telefaxed, faxed bids will not be considered.** The lowest or any proposal will not be necessarily be accepted and Alfred Nzo District Municipality reserves the right to accept any proposal either in whole or in part. And any assistance in completing partly or full the proposal from ANDM Official or Councillor will result in disqualification of bid.

8. EVALUATION CRITERIA

Evaluation criteria of the quotations;

The quotations will be evaluated in two stages, namely:

- Stage 1- Capacity to Execute Work

- Stage 2- Price and Specific Goal

Only Bidders who score 70% or more on stage 1 would be evaluated further and therefore eligible for the award

ITEM	Scoring
STAGE 1 OF EVALUATION – CAPACITY TO EXECUTE THE WORK	100
• Previous Experience	50
• Capacity and Expertise	40
• Methodology	10
Total Scoring	100

Stage 2

Price and Preference

Bids will be evaluated according to the 80/20 Point System in compliance with Preferential Procurement Policy Act (5/2000) and Preferential Procurement Regulations 2022.

Preferential Procurement Goals	Proof to be Attached to Claim full Points	Points
Price	N/A	80
Specific Goal		20
Bidders will score Specific Goals as follows		
Empowerment of Women	Attach ID Certified Copies of Directors Claiming Specific Goals; for Bidders to obtain full points the percentage of equity held must be 51% or more	6
Youth	Attach ID Certified Copies of Directors Claiming Specific Goals; for Bidders to obtain full points the percentage of equity held must be 51% or more	5

Rural	Attach Proof of Residence of the Business or Lease Agreement	3
Disabled	Attach a Signed Letter from Health Practitioner	3
Black Owned Companies	Attach CK and ID Certified Copies of Directors Claiming Specific Goals; for Bidders to obtain full points the percentage of equity held must be 51% or more	3
Total Scoring		100

Breakdown of Capacity to Execute the Work

Previous Company Experience	
Note: The scoring in this section is not cumulative	50
Traceable record for successful completion of a minimum of 03 or more environmental management by-law/s or Coastal Management by-law or Biodiversity by-law to the minimum value of R 44 000.00 each or more.	50
Traceable record for successful completion of a minimum of 02 or more environmental management by-law/s or Coastal Management by-law or Biodiversity by-law to the minimum value of R 44 000.00 each or more	30
Traceable record for successful completion of a minimum of 01 environmental management by-law/s or Coastal Management by-law or Biodiversity by-law to the minimum value of R 44 000.00 or more	20
Total Scoring	50
<p>Note COMPULSORY attachments for verifying work done:</p> <p>1. The ANDM Assessment Bidder Form (available on our website www.andm.gov.za) must be completed, stamped, and signed by the previous employer as a means of verifying references for each project undertaken. If 3 Projects were done, 3 Assessment bidder forms must be completed.</p> <p>2. In ADDITION to the above, a traceable record will be evaluated on the basis of:</p> <p>- An Appointment Letter or Official Purchase order</p>	

Capacity and Expertise to Undertake the Project Note: The scoring in this section is preferably non-cumulative, unless justifiable to the Specification Committee	40
A Project Team with the following areas of expertise:	
<ul style="list-style-type: none"> • Project team leader must have a minimum of NQF level 7 in Environmental Science/Management and be registered as professional with International Association of Independent Impact Assessors (IAIA) and or South African Council of Natural Scientific Professional (SACNSP). • Project Management certificate • GIS and Mapping tools e.g. availability of ArcGIS and other software • Minimum of 3 years' experience in Environmental Science/Management • Minimum of 3 years' experience in Environmental Law. 	40
<ul style="list-style-type: none"> • Two or more personnel must have a minimum of NQF level 6 in Environmental Science/Management • Project Management Certificate or • GIS and Mapping tools e.g. availability of ArcGIS and other software's • Minimum of 2 years' experience in Environmental Science/Management • Minimum of 2 years' experience in Environmental Law. 	20
NB: Attach CV and certified copies not older than 3 months for all qualifications	
Total Scoring	
40	
Methodology Note: The scoring in this section is preferably cumulative, unless justifiable to the Specification Committee	10

Detailed methodology for Environmental management by-law, maximum points will be obtained:	5
<ul style="list-style-type: none"> • How the project will be carried out showing understanding of scope of work as follows: • Detailed work plan with timeframes & financial projections 	
<ul style="list-style-type: none"> • Show ability to transfer skills, involvement of key stakeholders and presenting on District Environmental Management Forum 	3
<ul style="list-style-type: none"> • Demonstrate knowledge of government environmental management policies, laws & prescripts. 	2
Scoring	10
Total Scoring (40+10)	50

For any queries regarding this tender, please contact Mr M. Qumba for project related queries; on (039) 254 5070 or; Supply Chain Management contact for SCM related queries Mr .B.C.W. Makiwane at telephone number 039-254-5218/5134 during office hours.

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Mount Ayliff

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RECOMMENDED/ ~~NOT~~ RECOMMENDED



N.R XOLO
DIRECTOR: STRATEGIC GOVERNANCE

DATE

APPROVED/NOT APPROVED



MR. O DIKO
ACTING MUNICIPAL MANAGER

18/03/2025

DATE

Comments:

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ENVIRONMENTAL MANAGEMENT BY LAWS
2024/25 FINANCIAL YEAR