



TERMS OF REFERENCE

TENDER NUMBER: SEZ/04/2015

SPECIAL ECONOMIC ZONE ENVIRONMENTAL IMPACT ASSESSMENT IN UPINGTON

ELIGIBILITY: Experienced Service Providers with a verifiable track record and good standing in conducting Environmental Impact Assessment (EIA) studies for the Special Economic Zone in Upington.

DUTY STATION: Upington and Kimberley.

CONTRACT PERIOD: 18 months (from date of appointment letter)

REPORT TO: The Chief Executive Officer, Northern Cape Economic Development, Trade and Investment Promotion Agency, The Project Executive or designated official.

APPOINTED BY: Northern Cape Economic Development, Trade and Investment Promotion Agency (NCEDA).

1. NEED

The Northern Cape Economic Development, Trade and Investment Promotion Agency (NCEDA) has a need to appoint an experienced Service Provider with a verifiable track record and good standing in conducting Environmental Impact Assessment (EIA) studies for the Special Economic Zone in Upington (Solar Components Manufacturing & maintenance). It is therefore calling for proposals to be submitted in this regard.

2. THE SPECIAL ECONOMIC ZONE (SEZ) SOLAR COMPONENTS MANUFACTURING & MAINTENANCE – UPINGTON

The establishment of the Solar Special Economic Zone (SEZ) in Upington is driven by the projected outlook for the renewable solar energy power demand in South Africa within the context of the IRP 2010 plan of the South African Government. The increased utilisation of renewable energy as a source of electricity generation will drive the establishment of new industries.

The SEZ is an important tool for accelerating implementation of government's industrial development programme as reflected in, amongst others, the IPAP. To this end, the Northern Cape Economic Development Agency has been given a full responsibility by the Department of Trade and Industry (DTI) to manage the SEZ in Upington.

It is the strategic objective of the Solar SEZ in Upington to be an industrial node attracting solar-related manufacturing, assembly and supporting services in support of South Africa's renewable energy strategy.

The goals of the SEZ in support of the overall objective include the following:

- To support the establishment of the Upington Solar SEZ based on the feasibility study;
- To create awareness and support for the development and growth of the Solar SEZ; and
- To support the process of attracting solar and related industries and tenants into the SEZ.

In order to expedite implementation of the Special Economic Zones Programme, both technical capacity and financial constraints have to be addressed. Environmental Impact Assessment Report is part of the process that need to be completed to address the environmental issues for the operationalization of the SEZ.

3. PROJECT OBJECTIVE

3.1. PURPOSE OF STUDY - EIA

To appoint a suitably experienced Service Provider in conducting Environmental Impact Assessment (EIA) for the SEZ in Upington.

4. COLLABORATIVE PARTNERSHIPS AND RELATIONSHIPS

The core collaborative partnerships and relationships are:

- Northern Cape Economic Development, Trade and Investment Promotion Agency
- Northern Cape Provincial Government
- Provincial Department of Economic Development and Tourism.
- National Department of Trade and Industry (DTI)
- Department of Environment & Nature Conservations
- Department of Water and Sanitation
- ZF Mgcawu District Municipality.
- //Khara Hais Municipality

5. SERVICE PROVIDER BUSINESS MODEL

The decision of NCEDA to award the Environmental Impact Assessment (EIA) study for the Upington SEZ to the Service Provider will be influenced by but not limited to the following guidelines:

- Experience and track record of the service provider on Environmental Impact Assessments,
- Understanding of the renewable energy sector and manufacturing, and
- Understanding of the Special Economic Zone (SEZ) strategy.

6. SCOPE

6.1. ENVIRONMENTAL IMPACT ASSESSMENT

It is expected of the successful Service Provider to deliver the following indicative terms of reference (TOR) for the EIA to the satisfaction of NCEDA: four activities are expected:

A detailed report on EIA for a PV Solar Plant

A detailed report on EIA for the Manufacturing Building Plant

A detailed report on EIA for the 314.4 hectares of land within six (6) months

The PV technology proposed does not entail the undertaking of a listed waste activity, as classified under the NEM: WA, thus prompting that a separate EIA Application must be submitted to the DEA with respect to the PV Technology developments. The application must be submitted in terms of NEMA and the associated EIA Regulations as promulgated in 2014.

The successful Service Provider will be expected to undertake 15 independent specialist assessments in order to assess both significant and less significant environmental impacts proposed by the development. The anticipated impacts must be assessed in detail by a range of independent specialists and mitigation measures proposed to reduce any significant impacts. These mitigation measures must be included in the EMP.

The following detailed independent specialist studies must be conducted:

- Heritage;
- Visual;
- Biodiversity;
- Avi-fauna;
- Fauna;
- Surface hydrology;
- Wetland;
- Air quality;
- Noise;
- Soils and Agriculture Potential;
- Geotechnical Assessment;
- Geohydrology;
- Waste Assessment, and
- Tourism

In addition to the aforementioned independent specialist assessments, an independent sensitivity mapping analysis must be undertaken. This analysis will characterise the

development site with regards to the significant environmental aspects in order to reflect the sites suitable and unsuitable (no-go) development footprint areas. This action will guide the final footprint of the PV Plant and the Manufacturing buildings.

The proper procedures must be conducted in the performing of the public participation process. All commenting authorities, stakeholders and registered Interested and Affected parties (I&AP's) must be involved throughout the PPP – their inputs, issues and concerns should be considered by the EAP and addressed adequately as reflected in the Issues and Response Report (I&RR).

An overview of the environmental legislative framework within which the project must be considered;

- South African Environmental Legislation
- National Requirements
- Provincial/Local Requirements
- Planning Legislation
- The requirements of the relevant authorisation processes triggered by the development; and
- Environmental Authorisation
- Other Licencing Requirements
- Water Use License
- Atmospheric emission license
- Waste management license
- Forest Licence
- Heritage notification and/or approval
- Any other necessary assessments/studies required to obtain a Record of Decision (ROD) in terms of the EIA
- Mitigation measures for potential impacts. Attached see the approved layout plan for the SEZ site.

7. INSTRUCTION TO SERVICE PROVIDERS

7.1. CLARITY ON SERVICES REQUIRED

The services required by NCEDA are described in these Terms of Reference and will be clarified and confirmed during a meeting with all interested bidders.

7.2. ALTERATION OR WITHDRAWAL OF PROPOSALS

Service Providers may withdraw their proposals by written notification on or before the closing date.

7.3. COSTS FOR PREPARATION OF PROPOSAL

The costs incurred by the Service Provider in respect of the attendance of any briefing or presentation meetings or costs incurred in preparing any proposal will be borne by the Service Provider and NCEDA shall in no way be liable to reimburse the Service Provider for such costs incurred.

7.4. OWNERSHIP OF PROPOSAL

NCEDA shall on receipt of any proposal relating to this terms of reference and submitted in accordance with this terms of reference and call for proposal procedure become the owner thereof.

NCEDA shall not be obliged to return any proposals to Service Providers who request such a return.

7.5. CONFIDENTIALITY

The entire process of calling for proposals as initiated by NCEDA in terms of its procurement policy is confidential. All deliberations in respect of the acceptability or otherwise of the proposals shall be conducted in closed sessions and members of the Evaluation and Procurement Committee is bound by confidentiality.

7.6. ETHICS

Any attempt by a Service Provider to obtain confidential information, or enter into unlawful agreements with competitors or influence the Evaluation and /or the Procurement Committee of NCEDA during the process of examining, evaluating and comparing proposals will lead to the rejection of its proposal in its entirety. The Service Provider must declare any business or other interests it has with NCEDA or any employee of NCEDA, failing which the Service Provider shall be automatically disqualified from further participation in the process to be appointed as Service Provider.

7.7. CANCELLATION OF BID PROCEDURE

NCEDA shall be entitled, within its sole and entire discretion, to cancel this call for proposals at any time and shall notify the Service Providers accordingly. NCEDA shall in no way be liable for any damages whatsoever, including, without limitation, damages for loss of profit, in any way connected with the cancellation of this call for proposal procedure. The publication of an invitation to call for proposals does not commit NCEDA to appoint any of the qualifying Service Providers.

8. REQUIRED EXPERTISE AND COMPETENCIES

The Service Providers proposal must outline the expertise and competencies on offer and should expressly detail their previous experience in dealing with projects of this nature. This may be supported by the CV's of the team or lead consultants.

NOTE THAT A FAILURE TO FULLY COVER THIS IN YOUR PROPOSAL MAY RESULT IN YOUR PROPOSAL BEING REJECTED WITHOUT FURTHER CONSIDERATION.

9. SUPPORTING DOCUMENTATION

Service Providers are required to submit the following documents:

- A valid tax clearance certificate – sole provider to validate tax certificate.
- Declaration of interest forms to be completed in full: SBD 4, SBD 8 and SBD 9
- BEE Verification Certificate

- Verifiable references.

NOTE THAT A FAILURE TO SUBMIT THESE DOCUMENTS WITH THE PROPOSAL WILL RESULT IN YOUR PROPOSAL BEING REJECTED WITHOUT FURTHER CONSIDERATION.

10. PREFERENTIAL PROCUREMENT

In compliance with the preferential public procurement laws applicable to NCEDA and in terms of NCEDA's procurement policy, preferential points will be awarded to Service Providers who demonstrate BEE in its management and ownership structures. In this regard Service Providers are required to expressly cover this in their proposals and state their BEE management and ownership status.

Proposals will be evaluated in terms of the preferential procurement policy framework Act 90/10 point system.

NOTE THAT FAILURE TO EXPRESSLY DEAL WITH YOUR BEE STATUS IN YOUR PROPOSAL, WILL RESULT IN NO PREFERENTIAL POINTS BEING AWARDED FOR YOUR BEE STATUS.

11. FUNCTIONALITY

The functionality criteria will be evaluated based on the following:

CRITERIA	WEIGHTS
Research and Project Methodology	
➤ Understanding of the brief and the aim and objectives of the proposal	10
➤ Scope of work and comprehensiveness of activities to be undertaken	20
➤ Project Management Programme and Time-frames with milestone	10
➤ Stakeholder engagement programme	5
➤ Appropriateness of Specialist Studies	5

Expertise & Qualification	
➤ Credentials of the practitioners undertaking the project	10
➤ Credentials of the proposed Specialist Studies practitioners	5
➤ Project management competence	5
Experience	
➤ Experience of principal service provider	15
➤ Experience of each Specialist Study service provider	10
➤ List of similar EIA projects successfully undertaken	5
TOTAL	100

20 = Poor	The technical approach and or methodology is poor and unlikely to satisfy the objectives of the assignment and or project. The tenderer has misunderstood certain aspects of the scope of works and does not deal with the critical aspects of the project
40 = Average	The approach is generic and not tailored to address the specific project objectives and methodology. The approach does not deal with the critical characteristics of the project. Risk management approach is too generic
60 = Good	The approach is good and tailored to address the specific project objectives and methodology. The approach addresses some of the critical characteristics of the project. Risk management approach is too generic
80 = Very good	Approach and understanding of the brief along with the project teams experience is relevant (at least 5years) to the objectives of the project. There are clear risk management measures in place in order to ensure that the project is delivered successfully
100 = Excellent	All the important issues are addressed and there is quantifiable and demonstrable innovation and with exceptional risk management in place. The project team's experience comprises of people with atleast 10years experience

Price / Cost Implications	
➤ Professional fees and costs of the principal service provider	50
➤ Estimated costs of Specialist studies	15
➤ Estimated contingency for unscheduled specialist service	10
BEE Score	
➤ BEE score for the respondent and any sub-contracted entities	15
Locality	
➤ Companies with an office in the Northern Cape.	10
TOTAL	100

Bidders are required to score a minimum of 70% points on functionality to qualify to be evaluated in the next level (BBBEE and Price). Bidders who do not score the minimum of 70% points on functionality will be disqualified and not be evaluated on Price and BBBEE

12. SERVICE LEVEL AGREEMENT

12.1. The acceptance of any proposal shall only be confirmed with the conclusion of a written service level agreement between NCEDA and the Successful Service Provider, in terms of which the rights and duties of the parties are recorded, which agreement shall regulate the relationship between NCEDA and the Successful Service Provider.

12.2. Until such time that an appropriate Service Level Agreement (SLA) has been concluded between NCEDA and successful Service Provider, no rights shall be conferred nor shall any legitimate expectations be conferred to the successful Service Provider to carry out the works or services provided for in this call for proposals.

13. FEE STRUCTURE

13.1. Service providers are required to expressly cover their proposed fee and disbursement structure based on the activities they propose undertaking to provide the service requested in this call for proposals. Refer to section 5 above.

13.2. NCEDA reserves the right to negotiate any aspect of the proposed fees and disbursements with the preferred Service Provider and shall not be bound to the fees and disbursements submitted by any Service Provider.

Closing Date: 11 November 2015

Closing Time: 11:00

Site Meeting: 12:00 on Tuesday, 3 November 2015

Contact: Senior Supply Chain Intern: Michelle Tire / Puseletso Kamolane

Telephone Number: 053 833 1503 / 076 739 6442

Technical Enquiries: Ms Babalwa Mbobo

Telephone Number: 071 016 5813

Sealed Proposals must be hand delivered or couriered to:

Monridge Office Park, Building No 6

Cnr Memorial Road and Kekewich Street (Opposite Choctaw Spur)

KIMBERLEY

8300