



ENERGY OFFICE

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Tuesday, 02 July 2013

Request for Quotation Technical Expert: Transport Durban Climate Change Strategy

1. Introduction

The eThekweni Municipality wishes to procure a suitably qualified technical expert to support the development of the Transport Theme of the Durban Climate Change Strategy.

2. Background

The Environmental Planning and Climate Protection Department (EPCPD) and the Energy Office (EO) of eThekweni Municipality have commissioned Urban Earth, in association with FutureWorks!, to develop a city-wide climate change adaptation and mitigation strategy for Durban through an inclusive and participatory process entitled the Durban Climate Change Strategy (DCCS).

Following initial public consultation on what should be included in the strategy and how stakeholders would like to be consulted, a Reference Group was established for the DCCS to provide input and advice to EPCPD and EO on the structure and content of the strategy. Based on the key issues that emerged during the public consultation and expert advice, the Reference Group identified seven themes that will form the focus of the strategy content. The seven themes are:

1. **Sustainable Energy:** The focus of this theme will be on reducing greenhouse gas emissions from energy use. Additional areas that will be covered in this theme include creation of local economic opportunities through the development of the sustainable energy sector in Durban, building capacity and knowledge of Durban citizens in the climate impact of energy use, and ensuring the adaptation of energy systems to future climate change.
2. **Transport:** The focus of this theme is on moving towards less carbon intensive forms of transport. Additional areas that will be covered in this theme include the creation of local economic opportunities in the provision of low carbon transport, building capacity and knowledge of Durban citizens on the climate impact of transport, and ensuring the adaptation of the transport system to future climate change.
3. **Biodiversity:** The focus of this theme is on protecting ecological infrastructure. Additional areas that will be covered in this theme include the creation of local economic opportunities in biodiversity protection, building the capacity and knowledge of Durban's citizens on the importance that

biodiversity plays in providing ecosystem services, and the role biodiversity can play in mitigation strategies.

4. **Water:** The focus of this theme is on preparing for the impacts of a change in rainfall patterns. Additional areas that will be covered in this theme include the creation of local economic opportunities in water and sanitation, and building the capacity and knowledge of Durban's citizens on the value of conserving water.
5. **Food Security:** The focus of this theme is on preparing for the impacts of a change in climate on food production and security. Additional areas that will be covered in this theme include the creation of local economic opportunities in agriculture, building the capacity and knowledge of Durban's citizens to grow their own food, and ensuring that greenhouse gases from agricultural processes are reduced.
6. **Health:** The focus of this theme is on preparing for the impacts of a change in climate on human health. An additional area that will be covered in this theme is building the capacity and knowledge of Durban's citizens on the risks of climate related disease.
7. **Waste Management and Pollution:** The focus of this theme is on minimising the amount of waste that goes to landfill and reducing pollution from industry. Additional areas that will be covered in this theme include the creation of local economic opportunities in waste management and recycling, building capacity and knowledge of Durban's citizens on the value of managing waste and pollution, and reducing emissions from waste and industry.

The implementing agents Urban Earth and Futureworks! are now in the process of convening working groups for each of the seven themes. The working groups will consist of a range of stakeholders with specific interest in the theme in question. The following process will be followed for each theme:

1. A theme workshop will be convened
2. Based on input generated in the theme workshop and information provided by the technical expert a first draft theme report will be developed by Urban Earth and FutureWorks!
3. This report will be made available for public comment
4. A second theme workshop will be convened to review the first draft theme report
5. Based on written comments received and comments received at the workshop a second theme report will be developed
6. The theme reports will be collated into a draft Durban Climate Change Strategy

To ensure that the content of each of the themes is based on existing knowledge in the area, EPCPD and EO would like to appoint technical experts to provide input into each theme. This Terms of Reference is for the Technical expert for the Transport Theme.

3. Scope of Work

The technical expert for the Transport Theme will act as an advisor to the working group and will help formulate content based on the input of the working group.

The technical expert will be expected to undertake the following tasks during the course of the contract:

1. Develop a brief introductory paper on the theme to be circulated to the working group in advance of the first meeting. This five page paper should be based on existing knowledge and cover the following:

- a. The status quo in Durban with regards to this theme
 - b. The key challenges facing Durban with regards to this theme
 - c. Strategies that have already been implemented in Durban to address these challenges
 - d. A brief summary of strategies that have been used world-wide to address these challenges
 - e. A summary list of stakeholders and organisations in Durban that are relevant to this theme
2. Develop a presentation on the introductory paper to be presented at the first working group meeting.
3. Attend the first working group meeting and present the introductory paper as well as provide expert technical advice.
4. Review the first theme report developed by Urban Earth and Futureworks! based on the information provided by the technical expert and the input provided by stakeholders at the first meeting.
5. Attend the second working group meeting and present key comments of the first theme report to stakeholders.
6. Review the final theme report that will be amended as a result of feedback received from stakeholders and experts on the first draft report.

It should be noted that Urban Earth and Futureworks! will be responsible for:

1. Convening all the working group meetings.
2. Facilitating the workshops and completing formal workshop minutes to be shared with all stakeholders for all of the workshops.
3. Writing up a first draft theme report for each workshop that will ultimately be included in the final strategy document.
4. Circulating the theme report to stakeholders and workshop participants to get their feedback on the first draft report.
5. Amending the first draft report to take into account the comments of the technical expert and stakeholders.

4. Submissions

All interested service providers should be registered on the municipal supplier database and will be required to submit a proposal with the following chapters:

1. Chapter One: An overview of the experience and expertise of the proposed technical expert in the theme in question.
2. Chapter Two: A brief one to two page summary of the key challenges facing Durban with regards to the Transport Theme.
3. Chapter Three: A summary of the proposed technical expert's writing and documentation preparation experience.
4. Chapter Four: A summary of the proposed technical expert's experience in presenting technical information to stakeholders from a range of backgrounds.
5. Chapter Five: A budget breakdown showing the total consulting fees and showing VAT and disbursements as separate figures.

The proposal must be accompanied by the following supporting documents:

1. The location of the submitting entities offices,

2. Tax clearance certificate,
3. (MBD 9) Forms:
 - a. Original Declaration of Interest
 - b. Original Declaration of Municipal Fees
 - c. Original Certificate of Independent Bid Determination
 - d. Certified copy of BBBEE certification

These terms of reference are subject to any changes which may stem from a negotiation of the final terms with the service provider, as well as any additional budget which may be allocated to the project.

Payment arrangements will be negotiated on the basis of the completion of project milestones and will be outlined in the letter of appointment. Final payment will be paid on full completion of the project and the receipt of the final set of deliverables.

This contract will be adjudicated in terms of the eThekweni Municipality Supply Chain Management rules and policies and will follow the 80:20 rule. The procurement will be done in terms of the Section 18 of approved Supply Chain Management Policy, "Procedures for procuring goods or services through written or verbal quotations and formal written price quotations¹" (i.e. formal written price quotations for procurements of a transaction value over R30 000 up to R200 000 (VAT included)).

THE CLOSING DATE FOR SUBMISSIONS OF QUOTATIONS IS 11:00 AM, 19th July 2013.

Each service provider must submit a quotation clearly marked **"Technical Expert: Durban Climate Change Strategy Theme Transport"**. Quotations need to be submitted (preferably by e-mail) to:

Clinton Jackson
E-mail: Clinton.Jackson@durban.gov.za
Suite 1, 19th Floor
75 Dr Langalibalele Dube Street, Durban
Tel: 031 311 - 4509

The eThekweni Municipality does not bind itself to accept the lowest or any quotation, and reserves the right to accept a portion of any quotation, unless the supplier expressly stipulates otherwise in their quotation. The eThekweni Energy Office does not undertake to consider quotations received after the due date and time unless clear evidence of dispatch is available.

5. Time Frames

The time frames of the project will be dictated by the dates of the working group meetings. It is expected that the entire duration of the contract will be four months.

6. Service Provider Skills and Experience

Service Providers submitting proposals for the technical expert appointment should demonstrate the following:

¹ <http://www.durban.gov.za/durban/government/scm/strategy/Approved%20SCM%20Policy.pdf>

1. Substantial expertise and experience in the Transport Theme
2. Understanding of the theme Transport in the Durban context as conveyed in Chapter 2 of the proposal
3. Good writing and documentation skills
4. Ability to present technical information to stakeholders from a range of backgrounds

Proposals will be considered from individuals and companies. However the work should be carried out by a single person.

7. Tender Adjudication

The adjudication of this Request for Proposals will be in terms of a two stage tender process. Stage 1 will be based on functionality and stage 2 on price and empowerment. Companies or individuals that obtain above 70 points in the functionality stage will then be eligible for the price and empowerment evaluation stage.

Stage 1: Functionality

CRITERION	Maximum Score
Functionality	100
Experience and expertise of the proposed technical expert in theme Transport	60
Understanding of the theme Transport in the Durban context as conveyed in Chapter 2 of the proposal	20
Good writing and documentation skills as conveyed in examples of previous work cited in proposal	10
Ability to present technical information to stakeholders from a range of backgrounds as conveyed in examples of previous work cited in proposal	10

Stage 2: Budget and Empowerment

CRITERION	Maximum
Budget	80
Broad – Based Black Economic Empowerment	20

Broad Based Black Economic Empowerment Points will be awarded to bidders in accordance with the table below:

B-BBEE Status Level of Contributor	90/10 Point System	80/20 Point System
1	10	20
2	9	18
3	8	16
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2

Annexure : Supporting Documents

A. DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state².
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, shareholder³):.....

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.

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

² MSCM 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.

³ 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.

If yes, furnish particulars.....

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

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**

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**

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**

If yes, furnish particulars.

.....

.....

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

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

B. DECLARATION OF MUNICIPAL FEES

I/We do hereby declare that the Municipal fees of _____ (company name), are, as at the date of the tender closing, fully paid up, or arrangements have been concluded with the Municipality to pay the said fees :

ACCOUNT

ACCOUNT NUMBER

ELECTRICITY

WATER

RATES

JSB LEVIES

OTHER

I acknowledge that should it be found that the Municipal fees are not up to date, the Council may take such remedial action as is required, including termination of contract, and any income due to the Contractor shall be utilised to offset any monies due to the Council.

Name

Signature

Designation

Date

C. 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 (MBD 9) 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:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

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;
6. 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
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.

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

.....

Date

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.