

REQUEST FOR PROPOSALS

YOU ARE HEREBY INVITED TO SUBMIT A BID TO MEET THE REQUIREMENTS OF THE DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED

BID NUMBER:	RFP062/2024
NON-COMPULSORY BRIEFING SESSION DETAILS:	02 December 2024 @ 10h00 am via Microsoft Teams Link: Join the meeting now
CLOSING DATE:	17 January 2025
CLOSING TIME:	23H55 (Midnight)
PERIOD FOR WHICH BIDS ARE REQUIRED TO REMAIN OPEN FOR ACCEPTANCE:	120 days
DESCRIPTION OF BID:	RECRUITMENT OF A TRANSACTION ADVISOR TO REVIEW AND UPDATE THE NON-REVENUE WATER PERFORMANCE BASED CONTRACT (NRW-PBC) FEASIBILITY STUDY FOR THE ETHEKWINI PHOENIX, INDANDA, NTUZUMA AND KWAMASHU (“PINK”) AREA.
BID DOCUMENTS ELECTRONIC SUBMISSION:	<p>ELECTRONIC SUBMISSIONS</p> <p><u>INSTRUCTIONS:</u></p> <ul style="list-style-type: none"> ➤ Bidders are required to submit written requests for clarification via e-mail to lihlescm@dbsa.org ONLY, quoting the RFP Number on the subject of the e-mail. This must be done three (3) working days submission day. ➤ Bidders will thereafter receive a OneDrive Link to upload their submission documents electronically. ➤ Written requests for clarification will be considered up to and including 14 January 2025 16:30 Johannesburg time. Requests received after this date may not be attended to. ➤ Any requests after the stipulated date and time may be disregarded. <p>NB: Electronic submission is encouraged for all bidders interested in this tender.</p> <p>Closing date of this RFP062/2024 is 17 January 2024 before 23:55PM.</p> <p>No physical bids will be received or accepted at the DBSA offices</p>
NAME OF BIDDER:	
CONTACT PERSON:	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	
BIDDER'S STAMP OR SIGNATURE	



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption. Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
 Email : dbsa@whistleblowing.co.za
 Free Post : Free Post KZN 665 | Musgrave | 4062
 SMS : 33490

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**PART A
INVITATION TO BID**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF DEVELOPMENT BANK OF SOUTHERN AFRICA LIMITED (“DBSA”)

BID NUMBER: RFP062/2024

DESCRIPTION: RECRUITMENT OF A TRANSACTION ADVISOR TO REVIEW AND UPDATE THE NON-REVENUE WATER PERFORMANCE BASED CONTRACT (NRW-PBC) FEASIBILITY STUDY FOR THE ETHEKWINI PHOENIX, INDANDA, NTUZUMA AND KWAMASHU (“PINK”) AREA.

NON - COMPULSORY BRIEFING: 02 December 2024.

Microsoft Teams Link: [Join the meeting now](#)


TIME: 10H00 AM Johannesburg time

Closing time for the OneDrive Link submission request - **16h30 on 14 January 2025 (Telkom Time)**


CLOSING DATE: 17 January 2025

CLOSING TIME: 23H55PM

Name

 Bidder Name

Name

 Folder 1_Financial Proposal

 Folder 2_Technical Proposal

- a) It remains the bidder's responsibility to ensure that the bid submission is uploaded using the correct bidder document and tender link.
- b) Should a bidder encounter an issue with the system, the bidder must provide sufficient evidence as proof of attempting to upload their submission before the cut-off time and the error received.
- c) Faxed, emailed bids will not be accepted, only an electronic submission received via the link will be accepted.
- d) It is therefore the responsibility of the bidder to request for a link to participate.
- e) The DBSA assumes no responsibility if a Bidder's designated email address is not correct, or if there are technical challenges, including those with the Bidders computer, network, or internet

service provider (ISP).

BID SUBMISSION LINK REQUESTS:

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, WHICH ARE SET OUT IN PART C OF THIS DOCUMENT.

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

BIDDERS THAT ARE UNINCORPORATED CONSORTIA CONSISTING OF MORE THAN ONE LEGAL ENTITY MUST SELECT A LEAD ENTITY AND FURNISH THE DETAILS OF THE LEAD ENTITY, UNLESS OTHERWISE SPECIFIED.

NAME OF BIDDER AND EACH ENTITY IN CONSORTIUM:	
POSTAL ADDRESS:	
STREET ADDRESS:	
CONTACT PERSON (FULL NAME):	
EMAIL ADDRESS:	
TELEPHONE NUMBER:	
FAX NUMBER:	
BIDDER REGISTRATION NUMBER OR REGISTRATION NUMBER OF EACH ENTITY IN CONSORTIUM	
BIDDER VAT REGISTRATION NUMBER OR VAT REGISTRATION	

1..1.1	ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES/WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]		
1..1.2	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES/WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ANSWER PART B:3 BELOW]		
1..1.3	SIGNATURE OF BIDDER			
1..1.4	DATE			
1..1.5	FULL NAME OF AUTHORISED REPRESENTATIVE			
1..1.6	CAPACITY UNDER WHICH THIS BID IS SIGNED (Attach proof of authority to sign this bid; e.g. resolution of directors, etc.)			
NUMBER OF EACH ENTITY IN CONSORTIUM				
BBBEE STATUS LEVEL VERIFICATION CERTIFICATE /BBBEE STATUS LEVEL SWORN AFFIDAVIT SUBMITTED? [TICK APPLICABLE BOX]	YES		NO	
IF YES, WHO ISSUED THE CERTIFICATE?				
REGISTERED WITH THE NATIONAL TREASURY CSD [TICK APPLICABLE BOX]	YES		NO	
CSD REGISTRATION NUMBER				
TAX COMPLIANCE STATUS PIN (TCS) NUMBER ISSUED BY SARS				

PART B
TERMS AND CONDITIONS FOR BIDDING

1. BID SUBMISSION:
1.1. BIDS MUST BE SUBMITTED ELECTRONICALLY BY THE STIPULATED TIME TO THE LINK PROVIDED. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
1.2. ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED – (NOT TO BE RE-TYPED)
1.3. SOUTH AFRICAN BIDDERS MUST REGISTER ON THE CENTRAL SUPPLIER DATABASE (CSD) TO UPLOAD MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS; AND BANKING INFORMATION FOR VERIFICATION PURPOSES). B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED BY BIDDING INSTITUTION.
1.4. WHERE A BIDDER IS NOT REGISTERED ON THE CSD, MANDATORY INFORMATION NAMELY: (BUSINESS REGISTRATION/ DIRECTORSHIP/ MEMBERSHIP/IDENTITY NUMBERS; TAX COMPLIANCE STATUS MUST BE SUBMITTED WITH THE BID DOCUMENTATION. B-BBEE CERTIFICATE OR SWORN AFFIDAVIT FOR B-BBEE MUST BE SUBMITTED TO BIDDING INSTITUTION.
2. TAX COMPLIANCE REQUIREMENTS
2.1 ALL BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS IN THEIR COUNTRY OF RESIDENCE.
2.2 SOUTH AFRICAN BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VIEW THE TAXPAYER’S PROFILE AND TAX STATUS.
2.3 SOUTH AFRICAN BIDDERS CAN APPLY FOR TAX COMPLIANCE STATUS (TCS) OR PIN MAY ALSO BE MADE VIA E-FILING. IN ORDER TO USE THIS PROVISION, TAXPAYERS WILL NEED TO REGISTER WITH SARS AS E-FILERS THROUGH THE WEBSITE WWW.SARS.GOV.ZA.
2.4 SA BIDDERS’ MAY ALSO SUBMIT A PRINTED TCS TOGETHER WITH THE BID.
2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED; EACH PARTY MUST SUBMIT A SEPARATE PROOF OF TCS / PIN / CSD NUMBER (TAX COMPLIANCE) IN ACCORDANCE WITH APPLICABLE LEGISLATION IN THEIR COUNTRY OF RESIDENCE.
2.6 WHERE SA BIDDERS HAVE NO TCS AVAILABLE BUT ARE REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.
3. QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS
3.1. IS THE BIDDER A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.2. DOES THE BIDDER HAVE A BRANCH IN THE RSA? <input type="checkbox"/> YES <input type="checkbox"/> NO
3.3. DOES THE BIDDER HAVE A PERMANENT ESTABLISHMENT IN THE RSA?

YES NO

3.4. DOES THE BIDDER HAVE ANY SOURCE OF INCOME IN THE RSA?

YES NO

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN, IT IS NOT A REQUIREMENT TO OBTAIN A TAX COMPLIANCE STATUS / TAX COMPLIANCE SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 ABOVE.

NB: FAILURE TO PROVIDE ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

PART C

CHECKLIST OF COMPULSORY RETURNABLE SCHEDULES AND DOCUMENTS

Please adhere to the following instructions:

- Tick in the relevant block below;
- Ensure that the following documents are completed and signed where applicable; and
- Use the prescribed sequence in attaching the annexes that complete the Bid Document

NB: Should all these documents not be included, the Bidder may be disqualified on the basis of non-compliance

YES **NO**

<input type="checkbox"/>	<input type="checkbox"/>	One original Bid document in separate folders; Folder 1 - for Pre-Qualifying Criteria and Functional Evaluation and Folder 2 - Price / Financial Proposal – Electronic submission
<input type="checkbox"/>	<input type="checkbox"/>	Part A: Invitation to Bid
<input type="checkbox"/>	<input type="checkbox"/>	Part B: Terms and Conditions of Bidding
<input type="checkbox"/>	<input type="checkbox"/>	Part C: Checklist of Compulsory Returnable Schedules and Documents
<input type="checkbox"/>	<input type="checkbox"/>	Part D: Conditions of Tendering and Undertakings by Bidders
<input type="checkbox"/>	<input type="checkbox"/>	Part E: Specifications/Terms of Reference and Project Brief
<input type="checkbox"/>	<input type="checkbox"/>	Annexure A: Price Proposal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	Annexure B: SBD4 Declaration of Interest
<input type="checkbox"/>	<input type="checkbox"/>	Annexure C: SBD6.1 and B-BBEE status level certificate
<input type="checkbox"/>	<input type="checkbox"/>	Annexure F: Certified copies of your CIPC company registration documents listing all members with percentages, in case of a lose corporation
<input type="checkbox"/>	<input type="checkbox"/>	Annexure G: Certified copies of latest share certificates, in case of a company.

- Annexure H: (if applicable):** A breakdown of how fees and work will be spread between members of the bidding consortium.
- Annexure I:** Supporting documents to responses to Pre-Qualifying Criteria and Functional Evaluation Criteria.
- Annexure J:** General Condition of Contract
- Annexure K:** CSD Tax Compliance Status and Registration Requirements Report

PART D

CONDITIONS OF TENDERING AND UNDERTAKINGS BY BIDDER

1. DEFINITIONS

In this Request for Proposals, unless a contrary intention is apparent:

- 1.1 **B-BBEE** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act, 2003;
- 1.2 **B-BBEE Act** means the Broad-Based Black Economic Empowerment Act, 2003;
- 1.3 **B-BBEE status level of contributor** means the B-BBEE status received by a measured entity based on its overall performance used to claim points in terms of regulation 6 and 7 of the Preferential Procurement Regulations, 2022.
- 1.4 **Business Day** means a day which is not a Saturday, Sunday or public holiday in South Africa.
- 1.5 **Bid** means a written offer in the prescribed or stipulated form lodged by a Bidder in response to an invitation in this Request for Proposal, containing an offer to provide goods, works or services in accordance with the Specification as provided in this RFP.
- 1.6 **Bidder** means a person or legal entity, or an unincorporated group of persons or legal entities that submit a Bid.
- 1.7 **Companies Act** means the Companies Act, 2008.
- 1.8 **Compulsory Documents** means the list of compulsory schedules and documents set out in Part B.
- 1.9 **Closing Time** for the OneDrive Link submissions - 23h55 on the **17 January 2025 @ 23:55** (Telkom Time)
- 1.10 **DBSA** means the Development Bank of Southern Africa Limited.
- 1.11 **DFI** means Development Finance Institution.
- 1.12 **Evaluation Criteria** means the criteria set out under the clause 26 (Evaluation Process) of this Part C, which includes the Qualifying Criteria, Functional Criteria and Price and Preferential Points Assessment (where applicable).
- 1.13 **Functional Criteria** means the criteria set out in clause 27 of this Part C.
- 1.14 **Intellectual Property Rights** includes copyright and neighbouring rights, and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets

- and know how) and circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.
- 1.15 **PFMA** means the Public Finance Management Act, 1999.
- 1.16 **PPPFA** means the Preferential Procurement Policy Framework Act, 2000.
- 1.17 **PPPFA Regulations** means the Preferential Procurement Regulations, 2022 published in terms of the PPPFA.
- 1.18 **Pre-Qualifying Criteria** means the criteria set out in clause **Error! Reference source not found.** of this Part C.
- 1.19 **Price and Preferential Points Assessment** means the process described in clause **Error! Reference source not found.** of this Part C, as prescribed by the PPPFA.
- 1.20 **Proposed Contract** means the agreement including any other terms and conditions contained in or referred to in this RFP that may be executed between the DBSA and the successful Bidder.
- 1.21 **Request for Proposal** or **RFP** means this document (comprising each of the parts identified under Part A, Part B, Part C and Part D) including all annexures and any other documents so designated by the DBSA.
- 1.22 **SARS** means the South African Revenue Service.
- 1.23 **Services** means the services required by the DBSA, as specified in this RFP Part D.
- 1.24 **SLA** means Service Level Agreement.
- 1.25 **SOE** means State Owned Enterprise, as defined by the Companies' Act.
- 1.26 **Specification** means the conditions of tender set and any specification or description of the DBSA's requirements contained in this RFP.
- 1.27 **State** means the Republic of South Africa.
- 1.28 **Statement of Compliance** means the statement forming part of a Tender indicating the Bidders compliance with the Specification.
- 1.29 **Tendering Process** means the process commenced by the issuing of this Request for Proposals and concluding upon formal announcement by the DBSA of the selection of a successful Bidder(s) or upon the earlier termination of the process.
- 1.30 **Website** means a website administered by DBSA under its name with web address www.dbsa.org

2. INTERPRETATIONS

In this RFP, unless expressly provided otherwise a reference to:

- 2.1 “includes” or “including” means includes or including without limitation; and
- 2.2 “R” or “Rand” is a reference to the lawful currency of the Republic of South Africa.

3. TENDER TECHNICAL AND GENERAL QUERIES

Queries pertaining to this tender must be directed to:-

DBSA Supply Chain Management Unit

Email: lihlescm@dbsa.org

No questions will be answered telephonically.

4. SUBMISSION OF TENDERS

NON - COMPULSORY BRIEFING: 02 December 2024

MS Teams Link: [Join the meeting now](#)

Time: 10H00 AM Johannesburg time

CLOSING DATE: 17 January 2024

CLOSING TIME: 23H55PM

5. RULES GOVERNING THIS RFP AND THE TENDERING PROCESS

- 5.1 Participation in the tender process is subject to compliance with the rules contained in this RFP Part C.
- 5.2 All persons (whether a participant in this tender process or not) having obtained or received this RFP may only use it, and the information contained herein, in compliance with the rules contained in this RFP.
- 5.3 All Bidders are deemed to accept the rules contained in this RFP Part C.
- 5.4 The rules contained in this RFP Part C apply to:
 - 5.4.1 The RFP and any other information given, received or made available in connection with this RFP, and any revisions or annexure.
 - 5.4.2 the Tendering Process; and
 - 5.4.3 any communications (including any briefings, presentations, meetings and negotiations) relating to the RFP or the Tendering Process.

6. STATUS OF REQUEST FOR PROPOSAL

- 6.1 This RFP is an invitation for person(s) to submit a proposal(s) for the provision of the services as set out in the Specification contained in this RFP. Accordingly, this RFP must not be construed, interpreted, or relied upon, whether expressly or implicitly, as an offer capable of acceptance by any person(s), or as creating any form of contractual, promissory or other rights. No binding contract or other understanding for the supply of services will exist between the DBSA and any Bidder unless and until the DBSA has executed a formal written contract with the successful Bidder.

7. ACCURACY OF REQUEST FOR PROPOSAL

- 7.1 Whilst all due care has been taken in connection with the preparation of this RFP, the DBSA makes no representations or warranties that the content in this RFP or any information communicated to or provided to Bidders during the Tendering Process is, or will be, accurate, current or complete. The DBSA, and its officers, employees and advisors will not be liable with respect to any information communicated which is not accurate, current or complete.
- 7.2 If a Bidder finds or reasonably believes it has found any discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the DBSA (other than minor clerical matters), the Bidder must promptly notify the DBSA in writing of such discrepancy, ambiguity, error or inconsistency in order to afford the DBSA an opportunity to consider what corrective action is necessary (if any).
- 7.3 Any actual discrepancy, ambiguity, error or inconsistency in this RFP or any other information provided by the DBSA will, if possible, be corrected and provided to all Bidders without attribution to the Bidder who provided the written notice.

8. ADDITIONS AND AMENDMENTS TO THE RFP

- 8.1 The DBSA reserves the right to change any information in, or to issue any addendum to this RFP before the Closing Time. The DBSA and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right.
- 8.2 If the DBSA exercises its right to change information in terms of clause 8.1, it may seek amended Tenders from all Bidders.

9. REPRESENTATIONS

No representations made by or on behalf of the DBSA in relation to this RFP will be binding on the DBSA unless that representation is expressly incorporated into the contract ultimately entered between the DBSA and the successful Bidder.

10. CONFIDENTIALITY

- 10.1 All persons (including all Bidders) obtaining or receiving this RFP and any other information in connection with this RFP or the Tendering Process must keep the contents of the RFP and other such information confidential, and not disclose or use the information except as required for the purpose of developing a proposal in response to this RFP.

11. REQUESTS FOR CLARIFICATION OR FURTHER INFORMATION

- 11.1 All communications relating to this RFP and the Tendering Process must be directed to the Tender Officer.
- 11.2 All questions or requests for further information or clarification of this RFP or any other document issued in connection with the Tendering Process must be submitted to the Tender Officer in writing, and most preferably by e-mail to lihlescm@dbsa.org
- 11.3 Any communication by a Bidder to the DBSA will be effective upon receipt by the Tender Officer (provided such communication is in the required format).
- 11.4 The DBSA has restricted the period during which it will accept questions or requests for further information or clarification and reserves the right not to respond to any enquiry or request, irrespective of when such enquiry or request is received.
- 11.5 Except where the DBSA is of the opinion that issues raised apply only to an individual Bidder, questions submitted and answers provided will be made available to all Bidders by e-mail, as well as on the DBSA's website without identifying the person or organisation which submitted the question.
- 11.6 In all other instances, the DBSA may directly provide any written notification or response to a Bidder by email to the address of the Bidder (as notified by the Bidder to the Tender Manager).
- 11.7 A Bidder may, by notifying the Tender Officer in writing, withdraw a question submitted in accordance with clause 12, in circumstances where the Bidder does not wish the DBSA to publish its response to the question to all Bidders.

12. UNAUTHORISED COMMUNICATIONS

- 12.1 Communications (including promotional or advertising activities) with staff of the DBSA or their advisors assisting with the Tendering Process are not permitted during the Tendering Process, or otherwise with the prior consent of the Tender Officer. Nothing in this clause 12 is intended to prevent communications with staff of, or advisors to, the DBSA to the extent that such communications do not relate to this RFP or the Tendering Process.
- 12.2 Bidders must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the Tendering Process in any way.

13. IMPROPER ASSISTANCE, FRAUD AND CORRUPTION

- 13.1 Bidders may not seek or obtain the assistance of employees of the DBSA in the preparation of their tender responses.
- 13.2 The DBSA may in its absolute discretion, immediately disqualify a Bidder that it believes has sought or obtained such improper assistance.
- 13.3 Bidders are to be familiar with the implications of contravening the Prevention and Combating of Corrupt Activities Act, 2004 and any other relevant legislation.

14. ANTI-COMPETITIVE CONDUCT

- 14.1 Bidders and their respective officers, employees, agents and advisors must not engage in any collusion, anti-competitive conduct or any other similar conduct in respect of this Tendering Process with any other Bidder or any other person(s) in relation to:
 - 14.1.1 the preparation or lodgement of their Bid
 - 14.1.2 the evaluation and clarification of their Bid; and
 - 14.1.3 the conduct of negotiations with the DBSA.
- 14.2 For the purposes of this clause 14, collusion, anti-competitive conduct or any other similar conduct may include disclosure, exchange and clarification of information whether or not such information is confidential to the DBSA or any other Bidder or any other person or organisation.
- 14.3 In addition to any other remedies available to it under law or contract, the DBSA may, in its absolute discretion, immediately disqualify a Bidder that it believes has engaged in any collusive, anti-competitive conduct or any other similar conduct during or before the Tendering Process.

15. COMPLAINTS ABOUT THE TENDERING PROCESS

- 15.1 Any complaint about the RFP or the Tendering Process must be submitted to the Supply Chain Management Unit in writing, by email, immediately upon the cause of the complaint arising or becoming known to the Bidder, (tenders@dbsa.org)
- 15.2 The written complaint must set out:
 - 15.2.1 the basis for the complaint, specifying the issues involved;
 - 15.2.2 how the subject of the complaint affects the organisation or person making the complaint;
 - 15.2.3 any relevant background information; and
 - 15.2.4 the outcome desired by the person or organisation making the complaint.
- 15.3 If the matter relates to the conduct of an employee of the DBSA, the complaint should be addressed in writing marked for the attention of the Chief Executive Officer of the DBSA, and delivered to the physical address of the DBSA, as notified.

16. CONFLICT OF INTEREST

- 16.1 A Bidder must not, and must ensure that its officers, employees, agents and advisors do not place themselves in a position that may give rise to actual, potential or perceived conflict of interest between the interests of the DBSA and the Bidder's interests during the Tender Process.
- 16.2 The Bidder is required to provide details of any interests, relationships or clients which may or do give rise to a conflict of interest in relation to the supply of the services under any contract that may result from this RFP. If the Bidder submits its Bid and a subsequent conflict of interest arises, or is likely to arise, which was not disclosed in the Bid, the Bidder must notify the DBSA immediately in writing of that conflict.
- 16.3 The DBSA may immediately disqualify a Bidder from the Tendering Process if the Bidder fails to notify the DBSA of the conflict as required.

17. LATE BIDS

- 17.1 Bids must be delivered by the Closing Time. The Closing Time may be extended by the DBSA in its absolute discretion by providing written notice to Bidders.
- 17.2 Bids delivered after the Closing Time or lodged at a location or in a manner that is contrary to that specified in this RFP will be disqualified from the Tendering Process and will be ineligible for consideration. However, a late Bid may be accepted where the Bidder can clearly demonstrate (to the satisfaction of the DBSA, in its sole discretion) that late lodgement of the Bid was caused by the DBSA; that access was denied or hindered in relation to the physical tender box; or that a major/critical incident hindered the delivery of the Bid and, in all cases, that the integrity of the Tendering Process will not be compromised by accepting a Bid after the Closing Time.
- 17.3 The determination of the DBSA as to the actual time that a Bid is lodged is final. Subject to clause 17.2, all Bids lodged after the Closing Time will be recorded by the DBSA and will only be opened for the purposes of identifying a business name and address of the Bidder. The DBSA will inform a Bidder whose Bid was lodged after the Closing Time of its ineligibility for consideration. The general operating practice is for the late Bid to be returned within 5 (five) working days of receipt or within 5 (five) working days after determination not to accept a late Bid.

18. BIDDER'S RESPONSIBILITIES

- 18.1 Bidders are responsible for:
 - 18.1.1 examining this RFP and any documents referenced or attached to this RFP and any other information made or to be made available by the DBSA to Bidders in connection with this RFP;
 - 18.1.2 fully informing themselves in relation to all matters arising from this RFP, including all matters regarding the DBSA's requirements for the provision of the Services;
 - 18.1.3 ensuring that their Bids are accurate and complete;

- 18.1.4 making their own enquiries and assessing all risks regarding this RFP, and fully considering and incorporating the impact of any known and unknown risks into their Bid;
 - 18.1.5 ensuring that they comply with all applicable laws in regard to the Tendering Process particularly as specified by National Treasury Regulations, Guidelines, Instruction Notes and Practice Notes and other relevant legislation as published from time to time in the Government Gazette; and
 - 18.1.6 submitting all Compulsory Documents.
- 18.2 South African bidders with annual total revenue of ZAR10 million or less qualify as Exempted Micro Enterprises (EMEs) in terms of the B-BBEE Act must submit a certificate issued by a registered, independent auditor (who or which is not the Bidder or a part of the Bidder) or an accredited verification agency.
- 18.3 South African bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy, or a sworn affidavit thereof, substantiating their B-BBEE status. The submission of such certificates must comply with the requirements of instructions and guidelines issued by National Treasury and be in accordance with the applicable notices published by the Department of Trade and Industry in the Government Gazette.
- 18.4 The DBSA 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 DBSA.
- 18.5 Failure to provide the required information may result in disqualification of the Bidder.

19. PREPARATION OF BIDS

- 19.1 Bidders must ensure that:
- 19.1.1 their Bid is submitted in the required format as stipulated in this RFP; and
 - 19.1.2 all the required information fields in the Bid are completed in full and contain the information requested by the DBSA.
- 19.2 The DBSA may in its absolute discretion reject a Bid that does not include the information requested or is not in the format required.

- 19.3 Unnecessarily elaborate responses or other representations beyond that which is sufficient to present a complete and effective tender proposal are not desired or required. Elaborate and expensive visual and other presentation aids are not necessary.
- 19.4 Where the Bidder is unwilling to accept a specified condition, the non-acceptance must be clearly and expressly stated. Prominence must be given to the statement detailing the non-acceptance. It is not sufficient that the statement appears only as part of an attachment to the Bid or be included in a general statement of the Bidders usual operating conditions.
- 19.5 An incomplete Bid may be disqualified or assessed solely on the information completed or received with the Bid.

20. ILLEGIBLE CONTENT, ALTERATION AND ERASURES

- 20.1 Incomplete Bids may be disqualified or evaluated solely on information contained in the Bid.
- 20.2 The DBSA may disregard any content in a Tender that is illegible and will be under no obligation whatsoever to seek clarification from the Bidder.
- 20.3 The DBSA may permit a Bidder to correct an unintentional error in its Bid where that error becomes known or apparent after the Closing Time, but in no event will any correction be permitted if the DBSA reasonably considers that the correction would materially alter the substance of the Bid or effect the fairness of the Tendering Process.

21. OBLIGATION TO NOTIFY ERRORS

If, after a Bidder's Response has been submitted, the Bidder becomes aware of an error in the Bidders Response (including an error in pricing but excluding clerical errors which would have no bearing on the evaluation of the Bid), the Bidder must promptly notify the DBSA of such error.

22. RESPONSIBILITY FOR BIDDING COSTS

- 22.1 The Bidders participation or involvement in any stage of the Tendering Process is at the Bidders sole risk, cost and expense. The DBSA will not be held responsible for, or pay for, any expense or loss that may be incurred by Bidders in relation to the preparation or lodgement of their Bid.
- 22.2 The DBSA is not liable to the Bidder for any costs on the basis of any contractual, promissory or restitutionary grounds whatsoever as a consequence of any matter relating to the Bidders participation in the Tendering Process, including without limitation, instances where:

- 22.2.1 the Bidder is not engaged to perform under any contract; or
- 22.2.2 the DBSA exercises any right under this RFP or at law.

23. DISCLOSURE OF BID CONTENTS AND BID INFORMATION

- 23.1 All Bids received by the DBSA will be treated as confidential. The DBSA will not disclose contents of any Bid and Bid information, except:
 - 23.1.1 as required by law;
 - 23.1.2 for the purpose of investigations by other government authorities having relevant jurisdiction;
 - 23.1.3 to external consultants and advisors of the DBSA engaged to assist with the Tendering Process; or for the general information of Bidders required to be disclosed as per National Treasury Regulations, Guidelines, Instruction Notes or Practice Notes.

24. USE OF BIDS

- 24.1 Upon submission in accordance with the requirements relating to the submission of Bids, all Bids submitted become the property of the DBSA. Bidders will retain all ownership rights in any intellectual property contained in the Bids.
- 24.2 Each Bidder, by submission of their Bid, is deemed to have licensed the DBSA to reproduce the whole, or any portion, of their Bid for the sole purposes of enabling the DBSA to evaluate the Bid.

25. BID ACCEPTANCE

All Bids received must remain open for acceptance for a minimum period of 120 (one-hundred and twenty) days from the Closing Time. This period may be extended by written mutual agreement between the DBSA and the Bidder.

26. EVALUATION PROCESS

- 26.1 The Bids will be evaluated and adjudicated as follows:
 - 26.1.1 **First Stage – Test for administrative Responsiveness**

The test for administrative responsiveness will include the following:

Stage 1: Responsiveness

The Tenderer should be able to provide all the relevant information required in the Supplier Information Form (SIF) which will include but not limited to;

A. Tenderers who do not adhere to those criteria listed a PRE-QUALIFIER, will be disqualified immediately.

Responsiveness Criteria		Prequalifying Criteria	Applicable to this Tender (Y/N)
1	Adherence to submitting Tender as a two-folder tender. Folder 1: Functionality and returnable submission separate from Folder 2: Pricing proposal submission	Pre-Qualifier	Y
2	Attendance Register of the Compulsory Briefing Session attended by the Tenderer.	Pre-Qualifier	N

B. Tenderers who do not adhere to the indicated response time for clarifications requested by the Employer will be deemed to be non-responsive and their submissions will not be evaluated further.

Responsiveness Criteria		Clarification Time	Applicable to this Tender (Y/N)
1	Standard conditions of tender as required.	48 hours	Y
2	Returnable documents completed and signed.	48 hours	Y
3	Submission of Proof of Registration with National Treasury Central Supplier Database (CSD) Summary Report or A Valid and Active Tax Compliance Status Pin issued by SARS for Tax Compliance Status Verification: N.B - Bidder must be fully registered & tax compliant in order to do business with the DBSA.	7 Working days	Y
4	Provide a valid Tax Compliance Status Pin issued by SARS	48 hours	Y

Only those Bidders which satisfy all the Pre-Qualifying Criteria of the First Stage will be eligible to participate in the Tendering Process further. Bids which do not satisfy all the Pre-Qualifying Criteria of the First Stage will not be evaluated further.

26.1.2 Second Stage – Functional Criteria

26.1.1 The technical proposal will be evaluated according to the following criteria and scoring system. The technical score will be calculated out of 100 points, and only those bids that achieve a threshold of **75 points** for the technical proposal will move to the next level of evaluation where a score for price and BBBEE.

No	Criteria	Scoring Guide	Weight	
Qualifications, Skills and Experience Total weight = 50,				
1.1	Key Expert 1: Project Lead / Manager	Skills and Experience		
		<p>Experience in leading feasibility study development and/or in implementation of large water infrastructure (R100 million or more)</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points > 15 years' experience in leading feasibility study development and/or in implementation of large water infrastructure projects</p> <p>4 points = 7 – 15 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p> <p>3 points= 3 - 6 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p> <p>0 points = 1-2 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p>	5
1.2	Project Lead / Manager	No of Projects		
		<p>Knowledge and evidence of at least 5 projects executed by the Project Lead/ Manager in feasibility study development and/or in implementation of large non-revenue water / PBC infrastructure projects (R100 million or more)</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points:</p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects =<u>3 Points</u></p> <p>x < 5 projects =<u>0 Point</u></p>	5

2.1	Key Expert 2:	Skills and Experience	
	Civil Engineer (Water Supply Infrastructure)	<p>Experience in the water network analysis, planning, design, financing and implementation of large non-revenue water infrastructure projects (R100 million or more)</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points = 7 – 15 years’ experience in water network analysis & modelling, planning, design, financing and implementation of large non-revenue water infrastructure projects</p> <p>3 = 3 - 6 years’ experience in water network analysis & modelling, planning, design, financing and implementation of large non-revenue water infrastructure projects</p> <p>0 = 1-2 years’ experience in water network analysis, planning, design, financing and implementation of large non-revenue water infrastructure projects</p>
2.2		Projects	
		<p>Knowledge and evidence of at least 5 projects executed by the Civil Engineer (water supply infrastructure) in NRW including experience and conducting feasibility studies and design of PBC projects of R100 million or more</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points:</p> <p>(where x is number of projects)</p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects = <u>3 Points</u></p> <p>x < 5 projects = <u>0 Point</u></p>
3.	Key Expert 3:	Skills and Experience	
3.1	Legal – and Regulatory Expert	<p>Experience in legal and regulatory, licensing procurement of public sector projects, advising and drafting of complex commercial contracts and labour law.</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points = > 15 years’ experience in legal & regulatory, water licensing processes, drafting of commercial contracts, labour law, public sector procurement, PPP)</p> <p>4 points = 7 – 15 years’ Legal & regulatory, water licensing processes, drafting of commercial contracts, labour law, public sector procurement, PPP</p> <p>3 points = 3- 6 years’ experience in legal & regulatory, water licensing processes, drafting of commercial</p>

			contracts, labour law, public sector procurement, PPP 0 points = 1-2 years' experience in legal & regulatory, drafting of commercial contracts, labour law, public sector procurement, PPP	
3.2		Projects		
		Knowledge and evidence of at least 5 projects executed by the legal and regulatory expert in water sector where the expert demonstrated experience in, licensing procurement of public sector projects, PPP procurement, advising and drafting of complex commercial contracts and labour law. NB: Only a list of water projects with a project value of over R 100 million will be considered. (Please refer to projects template in Annexure A)	Points <i>(where x is number of projects)</i> X = > 5 projects = <u>5 Points</u> x= 5 projects = <u>3 Points</u> x < 5 projects = <u>0 Points</u>	5
3.3	Support to Key Expert 3: Institutional Stakeholder Management Expert &	Academic Qualifications Bachelor's degree in Finance, law or marketing & communication.	1 = postgraduate degree 0 = degree or diploma or less	1
3.4		Skills and Experience		
		Relevant experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience. Refer to CV Template in Annexure A	Points: 2 points = > 10 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring 1 point = 6 – 10 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring 0 points = 1-5 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder	2

			management, business turnaround strategy and restructuring	
3.5		Projects		
		<p>Knowledge and evidence of projects executed in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Appendix A)</p>	<p>Points</p> <p><i>(where x is number of projects)</i></p> <p>x = > 5 projects = <u>2 Points</u></p> <p>3-5 = 5 projects = <u>1 Points</u></p> <p>x < 3 projects = <u>0 Point</u></p>	2
4	Key Expert 4:	Skills and Experience		
4.1	Financial Modeller	<p>Experience in financial modelling of infrastructure projects including public sector comparator calculations and PPP structures.</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points</p> <p>5 points = > 10 years' experience in financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>4 points= 7 – 10 years' with financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>3 points= 4-6 years' experience in financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>0 points = 1-3 years' experience in financial modelling for infrastructure projects</p>	5
4.2		Projects		
		<p>Knowledge and evidence of at least 5 projects executed in financial modelling and structuring of PPP infrastructure projects</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points</p> <p><i>(where x is number of projects)</i></p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects = <u>3 Points</u></p>	5

			$x < 5$ projects = <u>0 Point</u>	
6.1	Expert 5 Environmental Analysis: Expert – Environmental Analyst	Academic Qualifications BSc in Environmental Studies or equivalent qualification.	Points 1 = Postgraduate degree 0 = degree or less	1
		Skills and Experience		
6.2		Experience in environmental aspects applicable to the water sector, compliance framework & processes, conducting EIA's, environmental adaptation & mitigation	Points 2 points > 7 years water sector environmental impacts, EIA's, environmental adaptation & mitigation). 1 point= 4-7 years (water sector environmental impacts, EIA's, environmental adaptation & mitigation). 0 points= – less than 4 years (water sector environmental impacts, EIA's, environmental adaptation & mitigation).	2
6.3		Projects		
		Knowledge and evidence of projects executed by the environmental analyst in environmental aspects applicable to the water sector, compliance framework & processes, conducting EIA's, environmental adaptation & mitigation NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)	Points (where x is number of projects) $x > 5$ projects = <u>2 Points</u> 3 - 5 projects = <u>1 Point</u> $x < 3$ projects = <u>0 Point</u>	2
	Methodology Total Weight = 30,			
7		Methodology • Demonstrate a thorough understanding of the Terms of Reference, NRW Projects and demonstrate experience of the undertaking feasibility studies and	Points Excellent – 30 Good – 20	30

	<p>design of NRW PBC projects (10 points).</p> <ul style="list-style-type: none"> Innovative design of the approach to the feasibility study (5 points) International experience in PBC (2 points) <p>The bidder must submit the methodology and approach that will be followed to achieve the project's objectives. This must include but not limited to:</p> <ul style="list-style-type: none"> a detailed work plan with timeframes of conducting the required work; (5 points) An organogram that shows all the lead experts, namely, the Project lead, financial modeller and water engineer, environmentalist and legal & regulatory. (4 points) <p>The lead experts must be supported by the team with experience in water network analysis & design, GIS Mapping of infrastructure, implementation of water Infrastructure including NRW, Costing of water infrastructure projects, technical Risk Analysis, Knowledge of PBC, developing NRW baselines and have knowledge on both apparent (commercial) and technical (physical) losses, including in developing countries as well as experience dealing with NRW under conditions of intermittent supply, change management, business turnaround strategy, marketing and communications, (4 points)</p>	<p>Average – 10</p> <p>Poor – 5</p> <p>Non-responsive - 0</p>	
	<p>Previous company project experience</p> <p>Total = 20,</p>		
8	<p>Previous work experience</p> <ul style="list-style-type: none"> The Company must provide at least 5 projects where work of a similar nature (preparation, design and structuring of NRW and/or PBC projects) has been completed (include the name of the client, project duration, value of project). 	<p>Points</p> <p>5 projects including 4 NRW/PBC projects – 20</p> <p>5 projects including 3 NRW/ PBC projects – 15</p> <p>5 projects including 2 NRW /PBC projects – 10</p>	20

		The projects provided by at least be R100million or above	5 projects including 1 NRW /PBC projects – 5 No NRW/PBC projects - 0	
Threshold Points				100
Minimum Functionality Threshold				75

26.1.2 A minimum of **75 points out of a 100** for the functional evaluation will qualify the Bid to move on to the Third Stage of evaluation, which is price and preferential point's evaluation. Bidders that do not score 70 points or higher at this stage of the evaluation will not be evaluated during the Third Stage of the evaluation.

26.1.3 **Third Stage – price**

26.1.3.1 Those Bidders which have passed the First Stage (Responsiveness Test) and Second Stage (Functional criteria) of the tender process will be eligible to be evaluated on the Third Stage, based on price, in accordance with the PPPFA regulations.

26.1.3.2 The recommended preferred Bidder will be the Bidder with the lowest overall price in the Third Stage of the Bid evaluation, unless the DBSA exercises its right to cancel the RFP, in line with the PPPFA Regulations.

26.2 **NB: Bidders are required to submit, as Annexure J to their Bids, any documentation which supports the responses provided in respect of the Eligibility Criteria below.**

27. Risk Analysis and Objective Criteria

Risk Analysis and Objective Criteria *(This must only be included in the tender document if it is applicable, ensure that the list is specific as to what your objective criteria are)*

The DBSA reserves the right to award the tender to the tenderer who scores the highest number of points overall in line with Section (2) (1) (f) of the PPPFA, unless there are objective criteria which will justify the award of the tender to another tenderer. The objective criteria that the DBSA may apply in this bid process includes:

- i. Any bidder that has a cumulative order book totaling 3 Awards with outstanding value, **may be excluded from further evaluation.**

- ii. Where a bidder has 3 active Awards with an outstanding value and the outstanding value is 10% or less, indicating the project is nearing completion, the bidder may be included **for further evaluation and/or recommendation for award**.
- iii. Where a bidder has 3 active Awards with an outstanding value and at least one of the projects has stalled for a period of 6 months or more, or the client has placed the project on hold indefinitely, the bidder may be included **for further evaluation and/or recommendation for award**.
- iv. The DBSA has the discretion to apply an objective criterion.

28. Due Diligence

DBSA shall perform a due diligence exercise on the preferred bidder to determine its risk profile. The due diligence exercise may take the following factors into account inter alia.

a. Judgements and criminal convictions

DBSA may consider previous civil judgements against the preferred bidder as part of its risk assessment. DBSA may also consider whether the preferred bidder or any of its directors have been convicted of a serious offence.

b. Pending litigation/liquidation/business rescue (distinct from Working Capital)

DBSA may consider any pending litigation in a court of law or administrative tribunal as part of its risk assessment.

c. Performance

DBSA will not consider the Service provider having a history of poor performance on any task orders/purchase orders or contracts, including poor performance in respect of compliance with policies or procedures regarding safety, health, quality control or environment, or having committed a serious and gross breach of contract.

d. Reputational harm

If DBSA is likely to suffer substantial reputational harm because of doing business with the preferred service provider, it may take this into account as part of its risk assessment.

e. Restricted/Blacklisted

Is not under restrictions, or has principals who are under restrictions, preventing participating in the employer's procurement.

f. Vetting

The DBSA reserves the right to conduct vetting on the tenderer or any of its directors.

g. PEP Checks for both Companies and Individual directors, as well as Procure Check and or any other systems that the DBSA may choose to utilize (which may be conducted by an authorized third party) that would be done to assess all risks, including but not limited to

- a. Financial stability of the bidder based on key ratio analysis ;
- b. Efficiency ;
- c. Profitability ;
- d. Financial Risk;
- e. Liquidity ;
- f. Acid Test ;
- g. Solvency; and
- h. Commercial relationship with a politically exposed and brand risk

- i. The DBSA reserves the right to award the scope in full or part thereof, subject to budget availability.
- ii. The DBSA reserves the right to negotiate to ensure the value for money principle is not compromised.

29. Generally, suppliers have their own business standards and regulations. Although DBSA cannot control the actions of our suppliers, we will not tolerate any Illegal activities. These include, but are not limited to:

- Misrepresentation of any kind (e.g. origin of manufacture, specifications, intellectual property rights, etc.);
- Collusion;
- Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, BBBEE status, etc.);
- Corrupt activities listed above; and
- Harassment, intimidation or other aggressive actions towards DBSA's employees.

30. STATUS OF BID

- 30.1 Each Bid constitutes an irrevocable offer by the Bidder to the DBSA to provide the Services required and otherwise to satisfy the requirements of the Specification as set out in this RFP.
- 30.2 A Bid must not be conditional on:
- 30.2.1 the Board approval of the Bidder or any related governing body of the Bidder being obtained.
 - 30.2.2 the Bidder conducting due diligence or any other form of enquiry or investigation.
 - 30.2.3 the Bidder (or any other party) obtaining any regulatory approval or consent.
 - 30.2.4 the Bidder obtaining the consent or approval of any third party; or
 - 30.2.5 the Bidder stating that it wishes to discuss or negotiate any commercial terms of the contract.
- 30.3 The DBSA may, in its absolute discretion, disregard any Bid that is, or is stated to be, subject to any one or more of the conditions detailed above (or any other relevant conditions).
- 30.4 The DBSA reserves the right to accept a Bid in part or in whole or to negotiate with a Bidder in accordance with the provisions of this RFP and the applicable laws and regulations.

31. CLARIFICATION OF BIDS

- 31.1 The DBSA may seek clarification from and enter into discussions with any or all of the Bidders in relation to their Bid. The DBSA may use the information obtained when clarification is sought or discussions are held in interpreting the Bid and evaluating the cost and risk of accepting the Bid. Failure to supply clarification to the satisfaction of the DBSA may render the Bid liable to disqualification.
- 31.2 The DBSA is under no obligation to seek clarification of anything in a Bid and reserves the right to disregard any clarification that the DBSA considers to be unsolicited or otherwise impermissible or irrelevant in accordance with the rules set out in this RFP.

32. DISCUSSION WITH BIDDERS

- 32.1 The DBSA may elect to engage in detailed discussions with any one or more Bidder(s), with a view to maximising the benefits of this RFP as measured against the evaluation criteria and in fully understanding a Bidder's offer.
- 32.2 Where applicable, the DBSA will invite Bidders to give a presentation to the DBSA in relation to their submissions.
- 32.3 The DBSA is under no obligation to undertake discussions with, and Bidders.
- 32.4 In addition to presentations and discussions, the DBSA may request some or all Bidders to:
- 32.4.1 conduct a site visit, if applicable.
 - 32.4.2 provide references or additional information; and/or
 - 32.4.3 make themselves available for panel interviews.

33. SUCCESSFUL BIDS

- 33.1 Selection as a successful Bidder does not give rise to a contract (express or implied) between the successful Bidder and the DBSA for the supply of the Services. No legal relationship will exist between the DBSA and a successful Bidder for the supply of the Services until such time as a binding contract is executed by them.
- 33.2 The DBSA may, in its absolute discretion, decide not to enter into pre-contractual negotiations with a successful Bidder.
- 33.3 A Bidder is bound by its Bid and all other documents forming part of the Bidder's Response and, if selected as a successful Bidder, must enter into a contract on the basis of the Bid with or without further negotiation.

34. NO OBLIGATION TO ENTER INTO CONTRACT

- 34.1 The DBSA is under no obligation to appoint a successful Bidder or Bidders (as the case may be), or to enter into a contract with a successful Bidder or any other person, if it is unable to identify a Bid that complies in all relevant respects with the requirements of the DBSA, or if due to changed circumstances, there is no longer a need for the Services requested, or if funds are no longer available to cover the total envisaged expenditure. For the avoidance of any doubt, in these circumstances the DBSA will be free to proceed via any alternative process.
- 34.2 The DBSA may conduct a debriefing session for all Bidders (successful and unsuccessful). Attendance at such debriefing session is optional.

35. BIDDER WARRANTIES

- 35.1 By submitting a Bid, a Bidder warrants that:
 - 35.1.1 it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of the DBSA, its officers, employees, or advisers other than any statement, warranty or representation expressly contained in the RFP;
 - 35.1.2 it did not use the improper assistance of DBSA's employees or information unlawfully obtained from them in compiling its Bid;
 - 35.1.3 it is responsible for all costs and expenses related to the preparation and lodgement of its Bid, any subsequent negotiation, and any future process connected with or relating to the Tendering Process;
 - 35.1.4 it accepts and will comply with the terms set out in this RFP; and
 - 35.1.5 it will provide additional information in a timely manner as requested by the DBSA to clarify any matters contained in the Bid.

36. DBSA'S RIGHTS

- 36.1 Notwithstanding anything else in this RFP, and without limiting its rights at law or otherwise, the DBSA reserves the right, in its absolute discretion at any time, to:
- 36.1.1 cease to proceed with or suspend the Tendering Process prior to the execution of a formal written contract.
 - 36.1.2 alter the structure and/or the timing of this RFP or the Tendering Process;
 - 36.1.3 vary or extend any time or date specified in this RFP
 - 36.1.4 terminate the participation of any Bidder or any other person in the Tendering Process.
 - 36.1.5 require additional information or clarification from any Bidder or any other person;
 - 36.1.6 provide additional information or clarification.
 - 36.1.7 negotiate with any one or more Bidder;
 - 36.1.8 call for new Bid.
 - 36.1.9 reject any Bid received after the Closing Time; or
 - 36.1.10 reject any Bid that does not comply with the requirements of this RFP.

37. GOVERNING LAWS

- 37.1 This RFP and the Tendering Process are governed by the laws of the Republic of South Africa.
- 37.2 Each Bidder must comply with all relevant laws in preparing and lodging its Bid and in taking part in the Tendering Process.
- 37.3 All Bids must be completed using the English language and all costing must be in South African Rand (ZAR).

TERMS OF REFERENCE

TRANSACTION ADVISOR SERVICES TO CONDUCT THE REVIEW AND UPDATE OF THE ETHEKWINI NON-REVENUE WATER ASSESSMENT & DESIGN REPORT (FEASIBILITY STUDY) TO A BANKABLE FEASIBILITY STUDY FOR ETHEKWINI METROPOLITAN MUNICIPALITY NON-REVENUE WATER (NRW) PERFORMANCE BASED CONTRACT PILOT PROJECT

1 WATER SECTOR BACKGROUND

South Africa is a semi-arid, water-stressed country (the 20th most water scarce country in the world) which adds to the challenge of providing water and sanitation services. The country's average rainfall is about 450 mm, well below the world average of about 860 mm per year. Average domestic water use is around 237 litres per person per day compared to the world average of 173 litres per person per day.

The World Economic Forum Global Risk Reports have placed "water crises" on the top three of risks with highest impact since 2012. The "extreme weather events" is the top risk of the Global Risk Report for 2017. Therefore, the extreme weather events have a huge impact on the availability of potable water supply.

The availability and adequacy of potable water supply to residents of eThekweni is a Constitutional mandate bestowed to the City. The City is delivering this mandate through its Water and Sanitation Unit as a designated Water Services Authority and Water Service Provider as Gazetted by the MEC of COTGA in accordance with the Water Services Act. This designation makes it imperative for the EWS to ensure security of water supply to its consumers.

The Northern parts of eThekweni Metropolitan Municipality ("eThekweni" / "City") have recently experienced water supply challenges due to aged infrastructure, water losses and growing demand on the existing water and sewer network. These challenges were exacerbated by the floods which occurred in April 2022 and severely damaged the water and sanitation infrastructure, i.e. bulk water supply, sewer networks and wastewater treatment. As a result, there has been a significant increase in sewer spills, water leaks and unregulated connections which negatively affect the quality and reliability of services and the daily experience of the residents and businesses in eThekweni. Additionally, the City has been experiencing water shortages in recent years due to below normal rainfall and unpredictable weather patterns affecting its hydrological zone and the country as a whole. Consequently, water and sanitation services in eThekweni are becoming increasingly unreliable.

Although there is growing demand and severe constraints on the water infrastructure, the investments in the expansion, rehabilitation, maintenance and repairs of the system to meet the growing demands have been inadequate. Therefore, very large investments are required to restore the infrastructure that will meet the growing in a way that is sustainable and more resilient to future floods.

2 INTRODUCTION

eThekweni Water and Sanitation (EWS) with the Water Partnerships Office (WPO) have partnered with the Infrastructure Fund (IF) to invite bids from a team of professionals for Transaction Advisory Services to conduct the review and update of the eThekweni non-revenue water assessment and design report (feasibility study) to a bankable feasibility study. The objective is to review the current assessment and design study report and update it to a bankable feasibility study to enable the procurement of the Performance Based Contractor (PBC) for the eThekweni Non-Revenue Water Performance Based Contract Pilot Project.

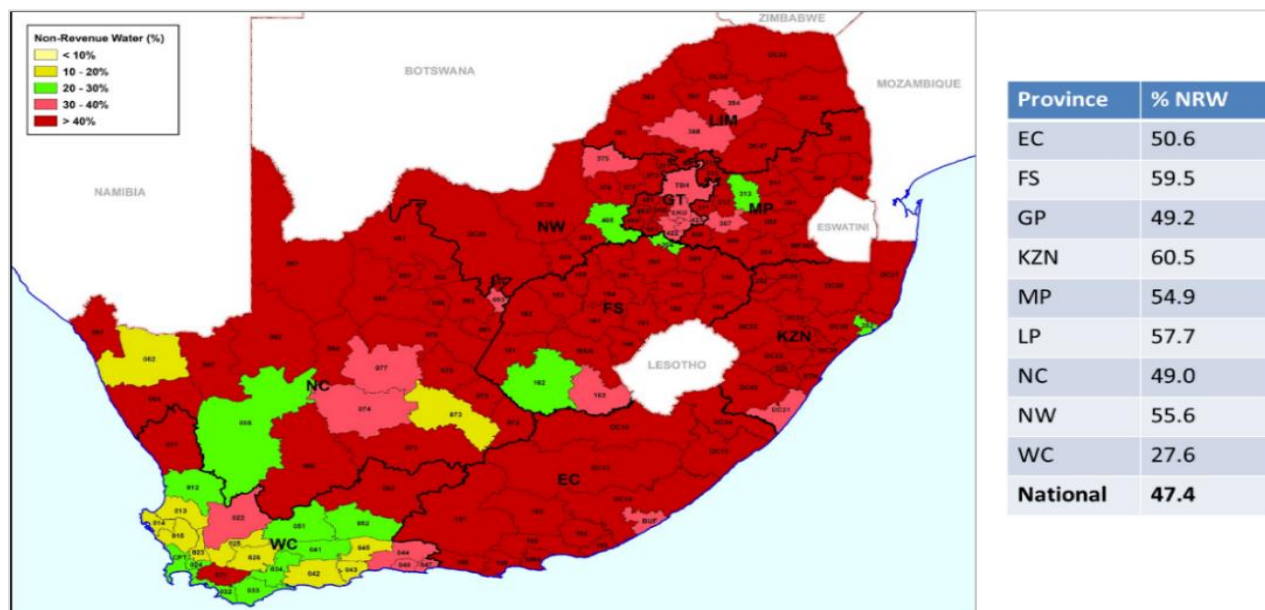
eThekweni as the Water Services Provider is expected to provide measures to promote Water Conservation and Water Demand Management which should be included in their Water Conservation and Water Demand Management (WCWDM) Strategy and Business Plan and Water Services Development Plan (WSDP) in terms of the Water Services Act.

To address the water challenges, the EWS embarked on a range of water demand management initiatives in the past ten (10) years that have yielded insignificant reduction of the Non-Revenue Water. The initiatives were technically appropriate in general terms but insufficient and/or not structured for the specific situation of the eThekweni water supply system, management approach, consumer profile and behaviour. The prioritization, timing and alignment of the interventions did not create adequate critical mass for sustainable reductions in non-revenue water. Consequently, the financial performance of the EWS has deteriorated significantly, and the water and sanitation business are now in financial trouble, resulting in EWS to operate at a significant loss and large negative operating cash flows.

To this effect, the EWS developed a turnaround strategy in May 2023, with the aim of improving the financial performance and sustainability of the water and sanitation business by increasing the level of investments. This starts with effective management making best and efficient use of existing resources, improving maintenance and operations, improving customer responsiveness, improving cash revenues, increasing investment, and improving the quality of the service. This will result in happier customers who are willing to pay for services, thus increasing revenues, enabling further improvements, higher levels of investment and improving quality of service. The eThekweni identified the reduction of Non-Revenue water (“NRW”) as one of the key interventions of the turnaround strategy aimed at improving the finances of the water services to achieve a positive operating cost coverage ratio and positive cash-flows from operations.

Non-revenue water (“NRW”) is water that has been produced and is “lost” through the water supply and distribution system and includes unbilled authorised consumption. Water losses can be real losses (through leaks, sometimes also referred to as physical losses) or apparent losses sometimes also referred to as commercial losses (for example through theft or metering inaccuracies). At a national scale, the NRW is approximately 1,660 million m³ or R9.9 billion per year. Figure 1 below reflects the average national NRW levels of approximately 60.5%. KwaZulu Natal (“KZN”) is above the national average by 13%.

Figure 1: Country-Wide Non-Revenue Water Levels Per Municipality



Source: National Department of Water & Sanitation (DWS)

3 ETHEKWINI WATER AND SANITATION

EWS is a unit of the eThekweni municipality and is responsible for the provision of water and sanitation services. EWS is the Water Services Authority and Water Service Provider in accordance with the Water Services Act. EWS is responsible for managing water and sanitation services within the eThekweni Municipality.

4 WATER PARTNERSHIP OFFICE

The WPO is a ring-fenced office within the DBSA, and it is established to provide a platform where the National Water Partnerships Programme (NWPP) and the National Water and Sanitation Master Plan can be implemented by amongst others the preparation of projects, the standardization and optimization of policies and procedures, where procurement can be undertaken, partnerships forged with the private sector, blended finance solutions developed and implemented and to drive public awareness and education campaigns on both national and project level.

5 INFRASTRUCTURE FUND

The IF is a ring-fenced unit housed within the DBSA and established pursuant to a memorandum of agreement dated 17 August 2020 entered into between the DBSA, National Treasury and Infrastructure South Africa. The role of the IF is to assist with securing viability gap funding for the Project.

6 PROJECT BACKGROUND

High levels of NRW are detrimental to the financial viability of water utilities. NRW is typically measured as the volume of water “lost” as a share of net water produced. Sometimes also expressed as the volume of water “lost” per km of water distribution network per day. Therefore, Water Conservation and Water Demand Management (“WCWDM”) plays an important role in ensuring efficient utilization of the available water resources. Additionally, the National Development Plan (“NDP”) advocates for efficient water resource utilisation and reduction of water losses. This will ensure water business financial viability, environmental sustainability, community social equity and economic development.

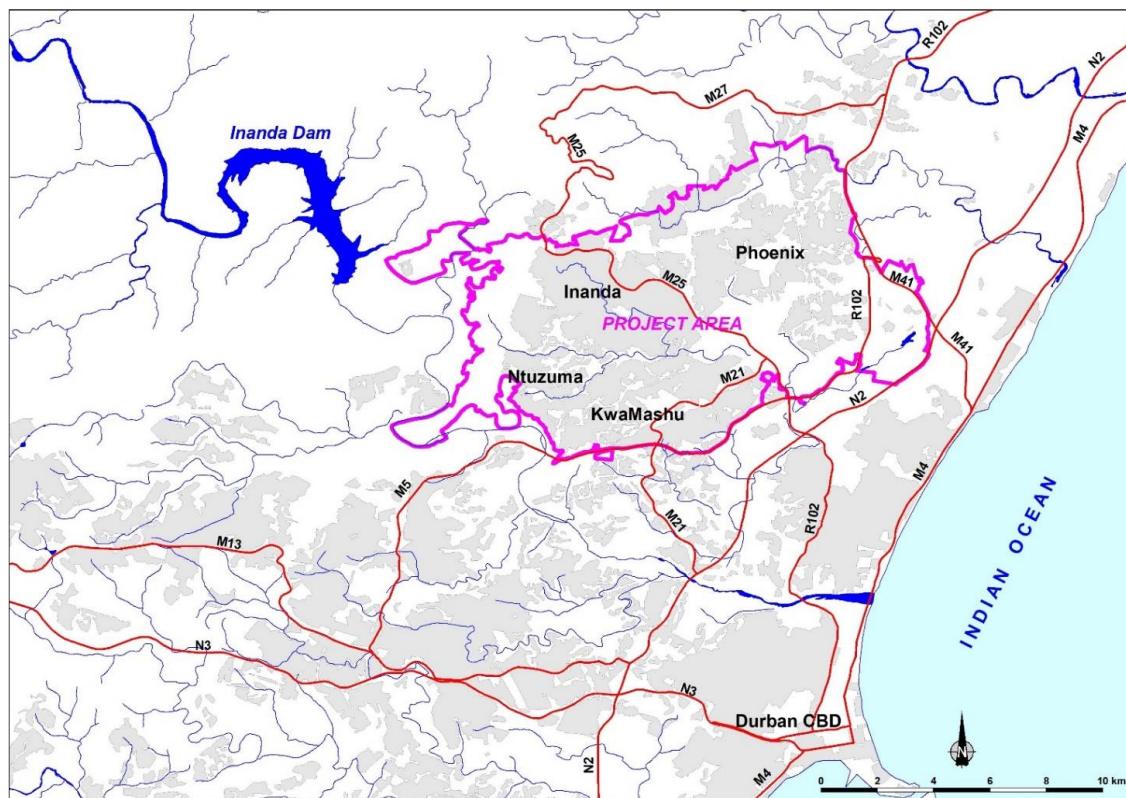
Across the country and in eThekweni, despite many interventions to reduce NRW levels, they remain stubbornly high. Constrained water resources, climate variability, illegal connections and wastage, ageing infrastructure, limited financial resources, continual increase in population and industrial growth and poor management of infrastructure exacerbates the situation. Effective management of NRW amidst these factors is a low-hanging fruit that can be implemented at a low cost compared to new infrastructure development.

The eThekweni’s NRW was recorded as 40.7%, which means that 40.7% of the water purchased from Umgeni Water Board is not billed (*source: eThekweni WCWDM 2017*). This is due to:

- i. 30.52% of real water losses (leaks, bursts, reservoirs overflows);
- ii. 9.1% of commercial losses (illegal connections, meter reading inaccuracies); and
- iii. 1.05% of unbilled authorized consumption (unmetered rural, hostels, firefighting, tanker services, RDP and informal settlement connections).

It is therefore imperative to establish the primary causes for this situation and to develop and implement appropriate interventions. It is against this backdrop that the eThekweni has embarked on the NRW Pilot Project for the Phoenix, Inanda, Ntuzuma and KwaMashu (“PINK”) Area (shown Figure 2 below) which will be procured through a Performance Based Contract (“PBC”).

Figure 2: Project Area



Source: eThekweni NRW Pilot field assessment and design - Final Report

7 SCOPE OF WORKS

The current implementation model for NRW interventions is reliant on the Medium-Term Expenditure Framework (MTEF) allocation from the National Treasury to eThekweni. This model presents challenges in terms of funding, efficiencies, capacity to rollout and sustainability amongst other things.

Therefore in 2021, the eThekweni appointed the International Finance Corporation (“IFC”) a subsidiary of World Bank to conduct the Non-revenue Water (NRW) Pilot Field Assessment and Design for a Pilot Project comprising Phoenix, Inanda, Ntuzuma and KwaMashu (“PINK”) (“Study”) to be procured through the Performance Based Contract (“PBC”). The Study was commissioned during COVID-19, therefore eThekweni wishes to update the IFC Study to a Bankable Feasibility Study (“BFS”) stage. eThekweni is committed to addressing the NRW, as a result, the eThekweni Council approved the turnaround strategy in 2023.

The eThekweni in collaboration with the Water Partnerships Office (“WPO”) requires the services of a Transaction Advisor (“TA”) to review and update the IFC Study to a BFS stage for the preparation and detailed design of a NRW PBC for the PINK area, including the preparation of tender and contract documents for the procurement of a PBC contractor for the implementation of the project. Other elements will include PBC option analysis, technical option analysis, governance structure, value for money assessment and an implementation plan for the successful implementation of the project.

The preferred TA will be expected to incorporate the results of the Cost Benefit Analysis (“CBA”) that has recently been conducted for the Project.

The TA will need to submit a single bid in the format prescribed in the scope. The updated BFS should include the following, but not limited to:

- A comprehensive technical and procurement options analysis of NRW projects benchmarking with international best practices;
- An institutional framework including governance arrangements to execute the Pilot Project and at scale implementation for the City (the proposal must consider best practices);

- Investigation of funding and financing models i.e. blended financing options, value for money and revenue sharing model
- A lenders case financial model that provides a detailed analysis of potential revenue streams and costs. The financial analysis must indicate when and how much funding would be required from the fiscus and PBC;
- A comprehensive risk analysis and mitigation for the implementation of the Project including regulatory framework / policies, financial, technical, and environment risks.

The TA must ensure that all options analysis considered for the rollout of the Project are undertaken in an integrated manner to address the legal, socio-economic, technical and financial implications including the procurement strategy, risk register and the implementation plan including timeframes. In order to ensure that a comprehensive study is undertaken, the BFS must be conducted in conjunction with Budget Facility for Infrastructure (“BFI”) guidelines obtainable from www.nationaltreasury.gov.za.

7.1 Legal, Regulatory, Governance, Institutional and Stakeholder Analysis

The TA must conduct a comprehensive analysis of all current and applicable legislation, regulatory frameworks and policies which may have a bearing on NRW Project, both directly and indirectly. The TA’s analysis needs to be conducted in close collaboration with the other areas of the scope. This review should involve, but is not limited to the following:

7.1.1 Legal & Regulatory

- Review and analyse all legislative municipal frameworks applicable to the NRW, including national legislation, to the extent applicable for examples policies/acts; Municipal Finance Management Act, Municipal Systems Act, Municipal Infrastructure Act, Integrated Development Plan (IDP), Strategic Development Framework (SDF), credit control, indigent, credit procedures, by-laws, revenue, budgets & tariffs etc.
- Conduct a Gap Analysis of all existing NRW strategies / policies (including DWS, to the extent applicable). The Legal and Regulatory Gap Analysis should consider existing institutions involved in the NRW Project and Water Board/s, as well as areas where there is a need to bring in different institutions with appropriate mandates.
- Conduct a PBC legal and regulatory due diligence.
- Recommend on the appropriate legal contracts / agreements structure to be entered into between the PBC and eThekwini.
- Identify the risks and implications of the proposed legal contracts / agreements and provide mitigations.

7.1.2 Stakeholder Analysis and Engagement

- Develop a comprehensive stakeholder engagement and relationship management plan and develop a strategy to support EWS to conduct necessary outreach and reviews with local businesses in order to help the project include opportunities in compliance with the Preferential Procurement Policy Framework Act (PPPFA) requirements;
- The stakeholders include but not limited to eThekwini officials (EWS, Finance, City Planning & GIS, CFO,) including executive committee members & Council, National Treasury (Public Finance, BFI), DWS, SALGA, Provincial Department of Cooperative Governance (COGTA / DCoG), DBSA, uMngeni-uThukela Water, Ingonyama Trust Board (ITB), Ward Councillors etc. Although not part of the intergovernmental framework, the Business Forums participation or consultation must also be considered;
- Conduct the stakeholder engagements and provide a summarized report on the stakeholder engagement processes undertaken during the implementation of the Project, the details of key

stakeholders consulted and collaborated with, the challenges encountered and how they were overcome, and the critical future stakeholder engagement processes that are expected to be conducted by the TA as the Project progresses until the BFS is completed.

- Develop and support the implementation of a communication and marketing strategy for the Project. This shall include but not limited to: consultations, public education and market sounding to determine the project market appetite; gauge investor interest (both local and international) as well as ensure overall public buy-in for the project.

Stakeholder engagement by the appointed TA includes process planning for the development of the BFS. This entails the TA planning the development of the BFS in consultation with the City / Metro, and with relevant key stakeholders in terms of:

- Alignment with the City / Metro's portfolio of projects and related initiatives, community engagement processes, etc.
- Alignment with DWS Regional initiatives.
- Alignment with National Treasury's and COGTA's municipal financial turnaround initiatives.
- Integrating the BFS with other initiatives that impact upon water resources and water use efficiency.
- Co-ordination and Facilitation of the development of the BFS at City / Metro level.

-

7.1.3 Governance and institutional Analysis

- Conduct a review of IFC Study and analysis of the existing EWS structure including but not limited to the following:
 - Human resources, organization, salary policy, employee benefit, training;
 - Overall organization and management procedures, processes, controls and reporting of EWS.
- Establish an intergovernmental governance framework for the Project Implementation including the identification and analysis of stakeholders.
- Provide a detailed evaluation of options for the proposed institutional arrangements for the implementation of the Project;
- Review and explore the legal implications and risks of the proposed implementation structure;
- Identify, analyse and provide mitigation of all institutional and implementation risks
-

7.2 Technical Feasibility and Options Analysis

The eThekweni NRW Project focuses on reducing: (i) water losses, (ii) revenue loss and, (iii) increase the water revenue (cash collection). The Project is likely to provide water services through a combination of new and existing infrastructure and technologies in line with the eThekweni Turnaround Strategy and the Water Conservation and Water Demand Management Plan ("WCWDMP").

The TA will work with eThekweni and WPO to update the International Water Association (IWA) water balance, detailing physical and commercial losses volumes baseline, and define the technical requirements of the PBC project, its objectives, potential performance targets and estimated costs. EWS will make available data and cooperate with the TA to ensure that the best possible information is provided, and the correct analysis can be made. The TA will update all water balances and key performance indicators using the IFC calculations and methodologies as a basis.

The TA must conduct a detailed evaluation and specification of the technical feasibility and provide options informed by the following deliverables:

- Evaluation and analysis of the visions, sector strategies, sector plans and targets outlined in various source documents (i.e. municipality plans, National Development Planes (NDP), etc.)
- Identification of the sector plans, programmes, projects and initiatives in all spheres of government that will affect the development and viability of the eThekweni NRW reduction project. These will include national and provincial imperatives and prioritized plans;
- Conduct a comprehensive review and analysis of the eThekweni water network coverage (i.e. reservoirs supplying the PINK area, bulk water supply etc.);
- Review previous preliminary design for ring-fencing and establishing additional District Metering Areas (DMAs) for the PINK area.
- Propose and design the DMAs to meet the international best practices, particularly with respect to DMA characteristics (i.e. looking at number of connections and length of mains, the location of valves, meters, and all needed infrastructure to physically isolate the DMAs and other relevant DMAs features)
- Assess the quality and functionality of existing bulk meters and customer meters;
- Conduct a detailed analysis of NRW in the PINK area, using the IFC Study as the basis
 - Collect and analyse the water data needed which include information on:
 - Water supply volumes and demand analysis;
 - Provide an analysis of the end user service requirements,
 - Infrastructure condition and replacement strategy;
 - Coverage of service, continuity, pressures, water quality;
 - Customer information database, IT infrastructure, SCADA, GIS;
 - Consumption, including billed and unbilled authorized consumption, reading cycles, metering park;
 - Operations and Maintenance strategy;
 - Service quality, consumer attention, repair period;
 - Commercial and leakage control practices;
 - Review of the GIS and data including assessing gaps in infrastructure and customer information;
 - Assess adequacy of the EWS GIS database, including the accuracy and backlog of geo-referenced customers;
 - Assess the EWS “faultman” repair information system, including quality and system gaps;
 - Assess customer meter age and metering accuracy levels using available data;
 - Establish an accurate IWA water balance with associated confidence indices, per reservoir supply area and for the complete PINK area, including a comprehensive analysis of all NRW components. All calculations and assumptions are to be shown,
 - Conduct field surveys to identify illegal connections and unmetered connections levels in the PINK area.
 - Fully understand current service continuity levels revising rationing regimes, pressure levels, night flow (if information is available) and other leakage parameters, for use in conjunction with the Real Loss Component analysis Tool. Such data could be compiled using temporary DMAs if network configuration allows zone isolation;

- Perform a billed authorized consumption analysis. The TA will use the latest available billed consumption data, as well as the last three (3) years of consumption data to perform billing analysis, which should include: data validation analysis, consumption trends, meter readings frequency, information gaps, “zero”, “ones” and negative consumption statistics, top consumers identification and consumption volumes;
- Conduct an extensive infrastructure gap analysis using the policy targets considering the existing infrastructure and services;
 - Provide a comparative analysis map of the existing water infrastructure.
 - Update/verify network diagrams, specifications and condition data;
- Categorise the areas for technical options, infrastructure and service options; economic viability and time to implementation,
 - Prioritise the sites based on the identified categories and provide multiple rationales for prioritisation as follows,
 - Areas with greatest NRW,
 - Unmetered consumption
 - Areas with low revenue and/or
 - Technical options
 - Economic viability
 - Implementation timeframes
- Design and assessment of materials and resources required, including a bill of quantities to implement the isolation, flow measurements and pressure control of the DMAs i.e. provide detailed costing of the implementation for the areas / sites;
- Assess the need for upgrading/installing automated operational data systems (bulk metering, reservoir levels, distributed flow, and pressure measurement with telemetry connection to a control centre)
- Explore the private and public sector implementation options based on the determination of the various market access gaps
- Plan and design the implementation strategy;
 - Provide a detailed operation and maintenance strategy for the proposed implementation to ensure sustainability of the Project;
 - Provide a detailed implementation plan (with timeframes and resources) for each category / areas proposed;
- Identify, analyse and mitigate associated implementation risks; and
- Provide detailed recommendations and strategic options for implementation.

EWS will provide multiple years of data including the past five (5) years at an absolute minimum, preferably seven (7) years. If the data is not available, the TA must identify the gaps and ways that the TA can work with EWS to fill these gaps.

EWS will provide updated system input volumes and system pressure data. Ideally, flow and pressure logging should be performed simultaneously and for a minimum period of five (5) uninterrupted days per reservoir area of supply. If EWS is not able to perform a flow and pressure data logging campaign, at least bulk meter readings and spot pressure information should be provided.

7.3 Environmental Analysis

The Environmental Impact Assessment regulations (EIA) provide guidelines to determine, assess and evaluate the consequences of a proposed development, activity or project on the environment. As such, the TA must consider, amongst others, impact and risk analysis tools to determine the following deliverables:

- undertake an assessment of environmental and social impacts of the project including the identification of mitigation measures as required. This assessment is to be undertaken in alignment with the requirements of DBSA's Performance Standards and national legislation;
- Conduct a detail review of all EIA regulations, to the extent applicable;
- Outline any environmental risks that may arise from the Project Implementation;
- Identify possible mitigations to address environmental risks,
- Identify any environmental benefits that may accrue through Programme implementation;
- Identify climate change considerations associated with the Programme roll out;

- As part of the Environmental Analysis, the TA is expected to prepare an Environmental Management Plan wherein an identification and description are to be made in respect of:
 - Measures to address protection of biodiversity of the PINK area;
 - Methods to address climate change, carbon and water footprint and monitoring;
 - Compliance with relevant legislations;
 - Prevention and response plans for environmental events and disasters; and
 - Waste management and recycling policies insofar as they are connected to the NRW reduction interventions.

7.4 Financial Feasibility and Options Analysis

public infrastructure projects can be funded through several schemes, such as the fiscus, non-government entities (such as DFIs), through the private sector, or a combination of these approaches, depending on the commercial viability of the programme.

The successful TA will be required to update the IFC financial models to support the Project implementation as follows:

- Conduct a detailed analysis on the existing operation and maintenance costs of the EWS (consider at least five (5) years data);
- Analysis of the Municipality's Revenue Value Chain which includes but not limited to:
 - Customer Data Quality and Consumer Management.
 - Reconciliation of valuation roll to Deeds Office and Surveyor General listing.
 - Completeness of customer information on billing system.
 - Indigent Management.
 - Billing of indigents.
 - Restrictions of services to indigents.
 - Accurate offsetting of indigents against equitable share.
 - Billing and Revenue Collection.
 - Accuracy of billing.
 - Billed Revenue versus collection revenue.
 - Debt Management.

- review of debtors age analysis.
 - Percentage of debtors outstanding for more than 90 days.
 - Review of credit control measures.
 - Treatment of City / Metro on existing payment arrangements (if any).
-
- Conduct a due diligence on the funding models applicable to NRW;
 - Consider the DMA's and costs of NRW initiatives in each DMA,
 - Explore the public and private sector funding options,
 - Consider the outputs of the environmental assessment to leverage any environmental funding or climate financing that might be of benefit to the Project, to the extent applicable,
- Prescribe the funding and/or financing requirements for each model;
 - Identify and quantify revenue streams, costs and an indication of the sources (and timing) of funding / financing for the implementation and the sustainability of the Project,
- Use the financial model that was developed during the Pilot Assessment as a base to develop an updated financial model with the following key outputs should include key project valuation metrics. The objective of such a financial model will be to:
 - Provide a robust and flexible tool to inform sound decision making.
 - Assess the commercial viability of the project. This will involve examining and modelling all the assumptions behind the revenue sources and growth thereof over time.
 - Quantify the future cashflow requirement of the project to inform the level of borrowing(s) required over the life of the project.
 - Derive model outputs such as NPV, IRR, MIRR, Payback Period, PI Ration, Unitary payment/tariff, debt service cashflows, revenue profile, opex profile, various relevant graphs, i.e., debt curves, etc.
 - Summarise key financial ratios on a dashboard, i.e., gearing ratios, DSCR, LLCR, etc.
 - Establish potential sources of funding and allow for scenario testing in varying combinations.
 - Run sensitivity analysis and establish the impact on main outputs from a change/movement (up and down) in variables such as CPI, interest rate, volume, demand, capex etc.
 - Document the financial modelling process, input assumptions and the use thereof for quality assurance and control measures.
 - Assist with ad-hoc requests requiring financial modelling work and analysis, as well as responding to various stakeholder(s) queries on the model and its outputs during the structuring of the project and various stages of the project agreement negotiations.
- Identify, analyse and mitigate all identified financial and sustainability risks;
- Recommend the most feasible funding and/or financing approach;
 - All assumptions to the funding and/or financial models must be clearly articulated and shown,
 - The funding and/financial models must allow flexibility for changes on DMA, technical options or costing data
- Model the financial performance the NRW project, at the project, utility, private sponsor and city levels and develop an Indicative Financing Strategy.
- Provide funding recommendations and strategic options.

The premise for the development of the financial model and financial strategy for this project should be to minimize the eThekweni's capital and operational requirements and maximise investment from the PBC.

The financial assessment will be supported by an economic analysis and Economic Internal Rate of Return (EIRR), which considers the full impact of project costs and benefits, including, amongst other items:

- financial savings as a result of a reduction in commercial and physical losses;
- improved water quality and continuity due to corrections of pressure and;
- optimized city-level planning and management as a result of a better understanding of network flows and consumption patterns. This should also consider long run marginal costs of water and possible environmental and social costs.

The TA will work in consultation with WPO and eThekweni to validate the Base Case assumptions and establish reasonable sensitivity test ranges for the technical inputs.

7.5 Procurement Options Analysis

The TA will revise and confirm (or redefine) the functional scope of works for which the eventual private sector contractor (even for the subsequent phase/s) will be given responsibility, i.e. a matrix of responsibilities for different tasks and phases, including the maintenance phase after target gains have been made, which can be adjusted to address the priorities of the pilot project.

Prepare and operations specification for operating the proposed NRW Interventions, accompanied (as needed) with Scope of Work/Terms of Reference for PBC including the following:

- Definition of the objectives, scope (baseline water calculations, output/performance, PBC payment calculation and payment mechanism, payment cap), responsibility and risk allocation for the PBC;
- Develop the transaction structure and term sheet for a suitable PBC for NRW reduction based on the work already undertaken. In developing the contract design, the TA shall carry out the following tasks.
 - Integrate environmental and health and safety requirements into the project and transaction design;
 - Set targets, incentives payments, and determine bid variable or other evaluation criteria;
 - Develop an Indicative Transaction Design;
 - Carry out a market sounding to ensure there is market interest in the proposed contract concept;
 - Produce a Business Case and support EWS with Project Authority;
 - Use the draft tender- and contract documents (to be made available to the successful TA) and finalise such documents that will allow eThekweni Municipality to procure the services of a PBC for the NRW project in the PINK area.
 - Draft the necessary documentation to obtain required approvals. Such documentation must be consistent with the results of the previously completed work and must comply with the requirements of the procurement procedures and regulations;
 - The contract documents for implementation, monitoring and, if required, operations of the solution
 - Provide drafting, bidder communication and administrative necessary support during the entire procurement process which will be conducted in accordance with the relevant laws, regulations and policies, and to the highest standards of efficiency, quality and integrity.

7.6 Project Implementation Management

The TA must provide guidance on the execution of the proposed implementation approach / plan, taking into account time, quality and scope of work. The TA needs to employ Project Management tools to address the following deliverables:

- Design a Project plan for implementation in accordance with the proposed implementation plan;
 - This Project plan must address all funding/financing options required for roll-out,
 - The plan must also include the resource (personnel) requirements for implementation and sustainability of the NRW Project,
- Develop a strategy to manage the risks, quality, time and scope of the Project;
- Design a reporting template on the deliverables, critical milestones and the progress of implementation; and
- Provide recommendations on the Project management and applicable strategies.
- Provide recommendation on the scalability of the NRW initiative to be replicated across eThekweni
- Develop the Request for Information (RfI) and Request for Proposals (RfPs) templates

EWS will provide all available data and existing studies relevant to this Project and cooperate with the TA to ensure that the best possible data is provided and the correct analysis can be made. Documents and data expected to be made available includes all categorisation data of the water service as follows (non-exhaustive):

1. IFC Assessment and design report (2021)
2. EWS Turnaround Strategy
3. Draft PBC tender/contract document
4. Available System Input Volumes, reservoir schematics and supply zones information;
5. Control valves (GIS data) and maintenance schedule;
6. Leaks data, including size of pipe, pipe materials, type of leak and zone; and
7. Available customer, metering and billing database (except personal information).

7.8 Risk Analysis and Risk Management Plan

Risk Analysis: This entails the following:

- Identification and analysis of all risk factors (local, national and global where applicable);
- Risk monitoring and assessment;
- Risk responses (elimination, mitigation, prevention).
- Unforeseen and immediate risks;
- Risk contingency planning; and
- Risk tracking.

Risk Management Plan: This is based on the already identified risk profile and should include a Risk Register and a Risk Matrix with sources, impact, probability and costs of technical, operational and financial risks indicated, and showing remedial (e.g. transfer and mitigation) actions. Risks to be addressed in the risk management plan include:

- Operational;
- Financial;

- Market;
- Environmental and regulatory;
- Utilities, quality, costs and continuity management; and
- Governance and institutional.

7.9 Project Closeout: Support for the adoption of the Bankable Feasibility Study by the City /Metro Executive Committee and City /Metro Council.

It is required of the TA to provide technical support for the adoption of the bankable Feasibility Study (BFS) by the City / Metro Executive Committee and City / Metro Council to the extent possible. The TA is therefore expected to:

- Workshop the draft BFS (which integrates all the sections cited above) with the City / Metro Project Officer, Senior Management Team, Executive Management Team, and other key stakeholders ensuring the integration of local knowledge in the environmental and social elements of the BFS and incorporate their comments.
- Provide information to the City for the incorporation of the priority NRW Reduction Project interventions into the IDP of the City / Metro where applicable.
-
- Submit the Project Close-out Report to the WPO. The WPO may issue suggested guidelines or format of the Project Closeout Report.

8 QUALIFICATION CRITERIA

The criteria that will be used in the adjudication process will be in accordance with the DBSA procurement guidelines,.

9 GOVERNING LAW

This consultancy contract shall be governed by and interpreted in accordance with the substantive laws of the South Africa. The TA should submit the structure of the resources – including subcontractors that will be used in executing this Programme. (An organogram of the entire team) CV's of the resources should also be attached for ease of reference.

10 CONFIDENTIALITY

Any confidential information obtained by either party to this Contract, or arising from the implementation of this Contract, shall be treated as confidential by the Party receiving it and shall not be used, divulged or permitted to be divulged to any person not being a Party to this Contract, without the prior written consent of the other Party.

11 ACCOUNTABILITY

During the execution of this contract, the successful TA will be required to work closely with DBSA, eThekweni, IF and WPO. The successful TA will report to the WPO on all matters necessary for the execution of the Project, in accordance with the intergovernmental governance framework to be agreed upon.

A Project Steering Committee (PSC) will be instituted consisting of DBSA, eThekweni, IF and WPO, and the Successful TA that will provide oversight and coordination of the Project and approval of deliverables. Other Government departments i.e. DWS, National Treasury Department (i.e. BFI and GTAC) will be invited to PSC meetings, as and when necessary.

12 EVALUATION PROCESS

The Evaluation Process for this tender will be as follows:

Phase 1 – Pre-qualification criteria (Mandatory)

Phase 2 - Responsiveness of the tender (Statutory Compliance)

Phase 3 – Functional evaluation criteria

13 RESPONSIVENESS OF THE TENDER (STATUTORY COMPLIANCE)

Bidders who do not adhere to the pre-qualification criteria, will be disqualified immediately.

Table 1: Tender Briefing

Tender Briefing		Clarification Time	Applicable to this Tender (Y/N)
1	Attended the Compulsory Tender Briefing	N/A	N

The following clarification will be verified at award stage and bidders will be required to provide the stipulated information within the required time.

Table 2: Responsiveness Criteria

Responsiveness Criteria		Clarification Time	Applicable to this Tender (Y/N)
1	Standard conditions of tender as required.	48 hours	Y
2	Returnable documents completed and signed.	48 hours	Y
3	Submission of Proof of Registration with National Treasury Central Supplier Database (CSD) Summary Report N.B -	7 working days	Y

Bidders who do not adhere to the response time indicated for clarification enquiries will be deemed non-responsive and not be evaluated further.

To ensure that bidders have the required qualification and experience, an eligibility criteria has been introduced as a pre-qualifier for key resources. Bidders are required to pass all the set eligibility criteria as set below to proceed to functional evaluation.

Table 3: Eligibility Criteria

Expert	Role	Qualification	Yes / No
Expert 1: Lead Project Manger	Project Manager and Team Leader	Degree / Postgraduate Degree in Engineering with registration as a Professional Engineer or as a Professional Engineering Technologist in terms of the Engineering Professions Act, 2000. and/or Project Management Degree with professional registration (PMP) .	
Expert 2: Civil Engineer (Water)	Water Engineer	Bachelor's degree in Civil Engineering with registration as a Professional Engineer or as a Professional Engineering Technologist in terms of the Engineering Professions Act, 2000.	
Expert 3: Legal	Legal and Regulatory Expert	Bachelors' degree in Law (LLB). Must be an admitted attorney by the Law Society of South Africa.	
Expert 4: Finance	Financial Modeller	Bachelor's degree in Commerce or BSc Actuarial Science or Econometrics or Mathematics / statistics or similar quantitative degree	
Company Experience		Capability statement demonstrating capability, experience including track record in NRW	

14 TRANSACTION ADVISOR'S KEY RESOURCES / EXPERTS

The skills and experience required by the service provider (TA) are as follows:

- Key Expert 1: Project Manager and Team Leader - with skills and knowledge of PBC, NRW projects planning, preparation and design, implementation and financing including the risks associated with the implementation;
- Key Expert 2: Civil Engineer (Water Supply Infrastructure) – with the skills and knowledge of multiple technical solutions, NRW designs and implementation including implementation risks;
- Key Expert 3: Legal and Regulatory Expert – with emphasis on a very good understanding of all relevant legislation and regulation including risks for the successful implementation of water supply infrastructure, The expert must have experience in commercial law and developing PBC agreements and/or contracts;

Note: The Legal and Regulatory Expert (Key Expert 3) is to be supported by an Institutional and Stakeholder Management Expert: The Institutional and Stakeholder Management resource with experience in change management, business turnaround strategies, marketing, and communications. Their CVs must form part of the tender submissions by the TA.

- Key Expert 4: Financial Modeller – with financial modelling skills and understanding of: large infrastructure project financing, financing / funding of non-revenue water interventions / water and financial risks;
- Key Expert 5: Environmental Management Expert – with skills and knowledge of addressing the environmental impact of water infrastructure / non-revenue water reduction intervention options and risks associated with each option considered;

CVs of the experts with a clear indication of which specialist role the individual will occupy (see CV template attached-Annexure A). Table 3 below provides the required expertise with minimum qualifications and experience.

Table 3: Required Expertise

RESOURCE ID / Required No.	Envisaged Position	Minimum Qualifications and Category of Professional Registration	Key Service(s) / Discipline
Key Expert 1	Project Manager and Team Leader	<p>Postgraduate Degree in Engineering with registration as a Professional Engineer or as a Professional Engineering Technologist in terms of the Engineering Professions Act, 2000 and/or project management degree with registration (PMP).</p> <p>Must have 15 years' experience and knowledge in the planning, financing and implementation of the water supply infrastructure projects with specific emphasis on NRW.</p>	Project Leadership, Management and Coordination
Key Expert 2	Civil Engineer (Water Supply Infrastructure)	<p>Bachelor's degree in Civil Engineering with registration as a Professional Engineer or as a Professional Engineering Technologist in terms of the Engineering Professions Act, 2000.</p> <p>Must have at least 15 years relevant post-registration experience in planning / design of water supply projects with specific emphasis on NRW, conducting feasibility studies and procurement of public sector projects.</p>	<p>Technical: Civil Engineering</p> <p>Services: Water Supply Infrastructure and Services.</p>
Key Expert 3	Legal and Regulatory Expert	<p>Bachelors' degree in Law (LLB). Must be an admitted attorney by the Law Society of South Africa.</p> <p>Must have at least 15 years' relevant legal and regulatory experience on the water infrastructure projects and procurement of public sector projects including commercial contracts related to infrastructure and must be familiar with the laws of SA, water supply regulation and licensing, contracts, labour law and PBC.</p>	Legal Advisory Services
	Institutional and Stakeholder Management (Support to the Legal / Regulatory Expert)	<p>Bachelor's degree in Commerce or in Law or communications & marketing..</p> <p>Must have at least 10 years post-registration experience in change management, business turnaround strategies, marketing and communications.</p>	Institutional and Stakeholder Management Services

Key Expert 4	Financial Modeller	Bachelor's degree in Commerce or BSc Actuarial Science or Econometrics or Mathematics / statistics or similar quantitative degree. Must have at least 10 years financial modelling experience on large infrastructure projects with experience in the following areas: Project Finance, Investment Analysis, Financial Modelling, Investment Planning, Financial Planning, Financial Analysis, Municipal Financial Management in infrastructure projects including water sector.	Finance Analysis
Key Expert 5	Environmental Management Expert	BSc in Environmental Studies or equivalent qualification. Registration as a Professional Natural Scientist in terms of the National Scientific Professions Act, 2003. Must have at least 7 years' relevant post-registration experience in environmental aspects applicable to the water sector	Environmental Management

Note: Only bids which satisfy the above criteria will be evaluated for Price Evaluations.

15 EVALUATION CRITERIA

Demonstration of Skills and Experience

The bidder must be able to demonstrate a comprehensive understanding of the requirements of the assignment and have proven experience with the subject matter. The lead advisor will manage the team and be responsible for ensuring project deliverables and the professional conduct and integrity of the team. It is required that the team should (at a minimum) consist of the following key personnel:

- **Key Expert 1:** Project Manager and Team Leader - with skills and knowledge of PBC, NRW projects planning, preparation and design, implementation and financing including the risks associated with the implementation;
- **Key Expert 2:** Civil Engineer (Water Supply Infrastructure) – with the skills and knowledge of multiple technical solutions, NRW designs and implementation including implementation risks;
- **Key Expert 3:** Legal and Regulatory Expert – with emphasis on a very good understanding of all relevant legislation and regulation including risks for the successful implementation of water supply infrastructure; This Expert is supported by an Institutional and Stakeholder Management Expert.
- **Key Expert 4:** Financial Modeller – with financial modelling skills and understanding of the financing / funding of non-revenue water interventions / water and financial risks;
- **Key Expert 5:** Environmental Management Expert – with skills and knowledge of addressing the environmental impact of water infrastructure / non-revenue water reduction intervention options and risks associated with each option considered

The experts shall have a minimum of qualifications, professional registrations, and post-registration experience as specified. The CV (use the CV template provided) must clearly state the individual's relevant qualifications and employment history. Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.

For international qualifications, relevant South African Qualification Authority (SAQA) equivalent to be indicated.

It should be noted that the SAQA process may take a relatively long time, but what is important is proof that the SAQA process was initiated. In the meantime, the bidder is to specify the NQF level of their qualifications. Should the bidder be successful, the WPO may liaise with SAQA to verify their NQF qualification level prior to formal appointment.

The Functional Criteria that will be used to test the capability of Bidders is provided in the table below. The technical score will be calculated out of 100 points. Table 4 will be used to evaluate whether bidders who have passed the eligibility criteria are competent and have the required experience before competing on price. Responses will be evaluated according to the extent to which they are able to fulfil the requirements of the DBSA, as stipulated in this RfP document. Evaluation criteria will be weighted with particular emphasis on the following areas:

Table 4: Evaluation criteria

No	Criteria	Scoring Guide	Weight
Qualifications, Skills and Experience			
Total weight = 50,			
1.1	Key Expert 1:	Skills and Experience	
	Project Lead / Manager	<p>Experience in leading feasibility study development and/or in implementation of large water infrastructure (R100 million or more)</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points > 15 years' experience in leading feasibility study development and/or in implementation of large water infrastructure projects</p> <p>4 points = 7 – 15 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p> <p>3 points= 3 - 6 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p> <p>0 points = 1-2 years' experience in feasibility study development and/or in implementation of large water infrastructure projects</p>
1.2	Project Lead / Manager	No of Projects	
		<p>Knowledge and evidence of at least 5 projects executed by the Project Lead/ Manager in feasibility study development and/or in implementation of large non-revenue water / PBC infrastructure projects (R100 million or more)</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points:</p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects = <u>3 Points</u></p> <p>x < 5 projects = <u>0 Point</u></p>
2.1	Key Expert 2:	Skills and Experience	

	Civil Engineer (Water Supply Infrastructure)	<p>Experience in the water network analysis, planning, design, financing and implementation of large non-revenue water infrastructure projects (R100 million or more)</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points = 7 – 15 years’ experience in water network analysis & modelling, planning, design, financing and implementation of large non-revenue water infrastructure projects</p> <p>3 = 3 - 6 years’ experience in water network analysis & modelling, planning, design, financing and implementation of large non-revenue water infrastructure projects</p> <p>0 = 1-2 years’ experience in water network analysis, planning, design, financing and implementation of large non-revenue water infrastructure projects</p>	5
2.2		Projects		
		<p>Knowledge and evidence of at least 5 projects executed by the Civil Engineer (water supply infrastructure) in NRW including experience and conducting feasibility studies and design of PBC projects of R100 million or more</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points:</p> <p>(where x is number of projects)</p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects = <u>3 Points</u></p> <p>x < 5 projects = <u>0 Point</u></p>	5
3.	Key Expert 3:	Skills and Experience		
3.1	Legal – and Regulatory Expert	<p>Experience in legal and regulatory, licensing procurement of public sector projects, advising and drafting of complex commercial contracts and labour law.</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>5 points = > 15 years’ experience in legal & regulatory, water licensing processes, drafting of commercial contracts, labour law, public sector procurement, PPP)</p> <p>4 points = 7 – 15 years’ Legal & regulatory, water licensing processes, drafting of commercial contracts, labour law, public sector procurement, PPP</p> <p>3 points = 3- 6 years’ experience in legal & regulatory, water licensing processes, drafting of commercial contracts, labour law, public sector procurement, PPP</p> <p>0 points = 1-2 years’ experience in legal & regulatory, drafting of commercial contracts, labour law, public sector procurement, PPP</p>	5

3.2		Projects		
		<p>Knowledge and evidence of at least 5 projects executed by the legal and regulatory expert in water sector where the expert demonstrated experience in, licensing procurement of public sector projects, PPP procurement, advising and drafting of complex commercial contracts and labour law.</p> <p>NB: Only a list of water projects with a project value of over R 100 million will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points</p> <p><i>(where x is number of projects)</i></p> <p>X = > 5 projects = <u>5 Points</u></p> <p>x= 5 projects =<u>3 Points</u></p> <p>x < 5 projects =<u>0 Points</u></p>	5
3.3	Support to Key Expert 3: Institutional Stakeholder Management Expert	<p>Academic Qualifications</p> <p>Bachelor's degree in Finance, law or marketing & communication.</p>	<p>1 = postgraduate degree</p> <p>0 = degree or diploma or less</p>	1
3.4		Skills and Experience		
		<p>Relevant experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points:</p> <p>2 points = > 10 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p> <p>1 point = 6 – 10 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p> <p>0 points = 1-5 years' experience in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p>	2
3.5		Projects		
		<p>Knowledge and evidence of projects executed in conducting institutional & governance appraisals of large-scale infrastructure projects including in water sector, stakeholder management, business turnaround strategy and restructuring</p>	<p>Points</p> <p><i>(where x is number of projects)</i></p> <p>x = > 5 projects = <u>2 Points</u></p>	2

		NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Appendix A)	3-5 = 5 projects = <u>1 Points</u> x < 3 projects = <u>0 Point</u>	
4	Key Expert 4:	Skills and Experience		
4.1	Financial Modeller	<p>Experience in financial modelling of infrastructure projects including public sector comparator calculations and PPP structures.</p> <p>Detailed work history which includes the organisation, role, tenor (indicating the dates of commencement and departure), responsibilities and sector should be provided to support the number of years of professional experience.</p> <p>Refer to CV Template in Annexure A</p>	<p>Points</p> <p>5 points = > 10 years' experience in financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>4 points= 7 – 10 years' with financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>3 points= 4-6 years' experience in financial modelling for infrastructure projects, PPP structures, public sector comparator calculations</p> <p>0 points = 1-3 years' experience in financial modelling for infrastructure projects</p>	5
4.2		Projects		
		<p>Knowledge and evidence of at least 5 projects executed in financial modelling and structuring of PPP infrastructure projects</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points</p> <p>(where x is number of projects)</p> <p>x > 5 projects = <u>5 Points</u></p> <p>x = 5 projects = <u>3 Points</u></p> <p>x < 5 projects = <u>0 Point</u></p>	5
6.1	Expert 5	Academic Qualifications	Points	1
	Environmental Analysis: Expert – Environmental Analyst	BSc in Environmental Studies or equivalent qualification.	1 = Postgraduate degree 0 = degree or less	
		Skills and Experience		
6.2		Experience in environmental aspects applicable to the water sector, compliance framework & processes, conducting EIA's, environmental adaptation & mitigation	<p>Points</p> <p>2 points > 7 years water sector environmental impacts, EIA's, environmental adaptation & mitigation).</p> <p>1 point= 4-7 years (water sector environmental impacts, EIA's,</p>	2

			environmental adaptation & mitigation). 0 points= – less than 4 years (water sector environmental impacts, EIA's, environmental adaptation & mitigation).	
6.3		Projects		
		<p>Knowledge and evidence of projects executed by the environmental analyst in environmental aspects applicable to the water sector, compliance framework & processes, conducting EIA's, environmental adaptation & mitigation</p> <p>NB: Only a list of projects with a project value of over R 100 million or above that have reached financial close will be considered. (Please refer to projects template in Annexure A)</p>	<p>Points (where x is number of projects)</p> <p>x = > 5 projects = <u>2 Points</u></p> <p>3 - 5 projects = <u>1 Point</u></p> <p>x < 3 projects = <u>0 Point</u></p>	2
	Methodology Total Weight = 30,			
7		<p>Methodology</p> <ul style="list-style-type: none"> • Demonstrate a thorough understanding of the Terms of Reference, NRW Projects and demonstrate experience of the undertaking feasibility studies and design of NRW PBC projects (10 points). • Innovative design of the approach to the feasibility study (5 points) • International experience in PBC (2 points) <p>The bidder must submit the methodology and approach that will be followed to achieve the project's objectives. This must include but not limited to:</p> <ul style="list-style-type: none"> • a detailed work plan with timeframes of conducting the required work; (5 points) • An organogram that shows all the lead experts, namely, the Project lead, financial modeller and water engineer, environmentalist and legal & regulatory. (4 points) <p>The lead experts must be supported by the team with experience in water network analysis & design, GIS Mapping of infrastructure,</p>	<p>Points</p> <p>Excellent – 30</p> <p>Good – 20</p> <p>Average – 10</p> <p>Poor – 5</p> <p>Non-responsive - 0</p>	30

		implementation of water Infrastructure including NRW, Costing of water infrastructure projects, technical Risk Analysis, Knowledge of PBC, developing NRW baselines and have knowledge on both apparent (commercial) and technical (physical) losses, including in developing countries as well as experience dealing with NRW under conditions of intermittent supply, change management, business turnaround strategy, marketing and communications, (4 points)		
	Previous company project experience Total = 20,			
8		<p>Previous work experience</p> <ul style="list-style-type: none"> The Company must provide at least 5 projects where work of a similar nature (preparation, design and structuring of NRW and/or PBC projects) has been completed (include the name of the client, project duration, value of project). <p>The projects provided by at least be R100million or above</p>	<p>Points</p> <p>5 projects including 4 NRW/PBC projects – 20</p> <p>5 projects including 3 NRW/ PBC projects – 15</p> <p>5 projects including 2 NRW /PBC projects – 10</p> <p>5 projects including 1 NRW /PBC projects – 5</p> <p>No NRW/PBC projects - 0</p>	20
Threshold Points				100
Minimum Functionality Threshold				75

All bidders will be subjected to the same evaluation criteria, only bidders that achieve a minimum score of 75 points will proceed to price evaluation.

Bidder are encouraged to use the standard CV template provided for ease of evaluation.

16 SUBCONTRACTING

The TA may subcontract part of the services as stipulated in the Eligibility Criteria to the extent and with such subcontractor(s) as may be approved in advance by the IF, subject to the following conditions:

- it is the responsibility of the TA to select competent subcontractors that possess the expertise stipulated in these Terms of Reference;
- the TA shall be responsible for all due diligence of the selected subcontractors and will be held liable for any non-performance of the subcontractor;
- no separate contract shall be entered into between the IF and any such subcontractors. Copies of the signed agreements between the relevant parties must be attached to the proposal responses; and

- the TA is required to provide documentation (such as BBBEE Certificate/Sworn Affidavit, Valid or Active Tax Compliance Status Pin Issued by SARS, CSD Summary Report, Valid or Active CIDB Certificate etc.) for the relevant subcontractor as a minimum in support of the subcontracting arrangement (in the case of subcontracting of natural person(s) this requirement shall not apply).

Notwithstanding the above, the TA shall retain full responsibility for providing the services to the IF.

17 SCOPE OF WORK TIMELINES

The transaction advisor is required to present a comprehensive timeline of achieving the deliverables associated with the Services within six (6) months.

In case the core team is composed of international consultants (because of, for instance, lack of capacity and experience with PBCs for NRW reduction in the country), it shall also include local experts with local knowledge to support coordination with the local partners and fieldwork. The Consultant will be responsible for mobilizing other necessary team members as needed to complete the assignment within the timeframe.

Consultancy firms are welcome to enter into partnerships with other firms and submit proposals as a consortium.

18 PRICING ASSUMPTIONS

Pricing Assumptions mean the criteria as set out below, which it will be assumed in the contract that the tenderer has taken into account when developing his prices.

- i. The short descriptions given in the schedules below are brief descriptions used to identify the services and related cost items for which prices are required. Detailed descriptions of the services to be priced are provided in the Scope of Work.
- ii. While it is entirely at the tenderer's discretion as regards pricing the services below, the tenderer may wish to consult the various Guideline to Scope of Services and Tariff of Fees for Persons Registered in terms of the relevant Professions Act (e.g. Engineering) with the associated Board Notices. It is the tenderer's responsibility to price all the services and associated tasks and activities realistically as to be able to achieve all the deliverables listed in the Scope of Work in a cost-effective and time-efficient manner.
- iii. A rate, sum, professional fee and/or price as applicable, is to be entered against each item in the schedules. An item against which no price is entered will be considered to be covered by the other prices or rates in the relevant Table of Quantities.
- iv. The rates, sums, professional fee and prices in the schedules are to be fully inclusive prices for the work described under the several items. Such prices and rates are to cover all costs and expenses that may be required in and for the execution of the work described in accordance with the provisions of the Scope of Work, and shall cover the cost of all general risks, liabilities, and obligations set forth or implied in the Scope of Works, as well as overhead charges and profit.
- v. It is anticipated that the price will comprise professional or technical services fees only (mainly milestone related) and associated operational costs (e.g. travel, printing / copying, etc.).
- vi. The hourly rates in the time-based fees of Experts that are used by the Tenderer to provide the services shall not exceed the hourly rates applicable for professionals in the respective disciplines as stipulated by the relevant Government Gazette in the various Guidelines to Scope of Services and Tariffs of Fees for the various disciplines.
- vii. Transaction Advisor must make provision for an inclusive participation process involving all the parties mentioned under section 7.1.2. The technical process will rely on the participation of relevant eThekweni officials, provincial and national government departments (as when required), and the WPO Project Lead regarding technical inputs and the decision-making processes.
- viii. The proposed consulting fee must include operational costs and technical costs where applicable.

- ix. Non-Technical operational costs refer to those costs incurred for travelling, accommodation, printing, binding, copying, etc., They have been fixed at 5% of the relevant proposed professional fees applicable to the project deliverable.
- x. Technical operational costs: These are expenses for additional technical activities like materials testing, specialized technical studies, metering, flow measurements, etc., that may be required during the implementation of the Project. A motivation of the need for the utilization of the proposed technical costs must be made to the WPO and approval must be received from the WPO before the expense is incurred. A breakdown of all the components of the proposed technical operational costs included in the pricing schedules must be provided in the tender submission.

1.

19 PREAMBLES TO SCHEDULE OF QUANTITIES

- i. **Specialist Duration:** After determining the hourly rate for the specialists, the TA needs to determine the total duration that a specialist(s) will take to execute and complete the work under each Part. It should be noted that no extra hours will be provided to any specialist unless otherwise warranted and agreed upon by PSC and the successful TA.
- ii. **Duration and time frames:** The NRW reduction is of national importance and it is imperative that the TA adopts an approach that ensures timeous completion of the BFS (as soon as possible) without compromising on the scope, the quality or the methodology employed. As such the review of the IFC Study and BFS must be completed within six (6) months; where TA can complete the programme sooner without compromising the quality, they need to indicate this clearly in their methodology.
- iii. **Breakdown of Costs:** The Successful TA must provide, in the financial proposal, a breakdown of costs using the indicative summary of supply zones contained in Table 3 as guide (information from IFC study). To a large extent, the PINK area has already been sectorised (the detailed sectorisation will be given to the preferred bidder). The detailed pricing schedule is contained in **Annexure B**.

Table 3: Indicative Summary on the size of supply zones in the PINK area

Zone Description	Number of Zones
Reservoir supply zones	13
High-level supply zone supplied by PRV	7
High-level supply zone supplied by Tower	2
PRV supply zone inside reservoir zone	161
Non-PRV zone inside reservoir zone	31
Total supply zones	Total: 201
	25 (12% out of 201)
	73 (36%)
	44 (22%)
	28 (14%)
	19 (9%)
None/limited cadastral	9 (4%)
>0 <= 200 stands	2 (1%)
	Total: 201

>200 <= 50'0 stands	
>500 <= 1000 stands	
>1000 <= 2000 stands	
>2000 <= 5000 stands	
>5000 stands	

Source: eThekweni February 2021 GIS dataset

- iv. **Contingencies:** A 10% percentage contingencies has been allowed for in the tender. The spending of the contingencies amount will only be used for circumstances that could not be foreseen during tendering stage. In such a case, the Service Provider will provide a detailed report to DBSA motivating for the utilisation of the contingencies amount and DBSA will evaluate the report and either accept or reject the utilisation of such amount.
- v. **Professional Indemnity Insurance (PI):** The Preferred Bidder will be required to provide a proof of Professional Indemnity Insurance in the amount **of not less than R15 million in respect of a claim without limit to the number of claims**, which will be a condition to the Service Level Agreement (SLA).
- vi. **Payments:** Payments for services rendered under this RFP will be made on the following terms:
The TA's fees must be based on the required deliverables and take into account operational costs and disbursements. All payments will need to be assessed and approved by DBSA before payment shall be made.
- vii. **Ownership of Work Produced:** Upon receipt of payment from the DBSA (WPO) all the work produced by the TA under this RfP will become the exclusive property of the DBSA and eThekweni ("Parties") and the Parties may use, distribute and copy the information and all the material produced by the TA as it pleases by the DBSA.

Table 6: Submission of reports to the PSC

Item	Activity	Means of verification
1.	Develop a Project Implementation Plan (PIP) including inter alia comprehensive stakeholder engagement and relationship management plan, and a communication and marketing strategy and plan	Approved Project Implementation Plan (PIP).
2.	Develop a Project Inception Report (PIR)	Approved Project Inception Report (PIR).

¹ There is no GIS data available on bulk meters. Other than the bulk meters that were inspected during the initial field inspections it is not known where bulk meters exist, and this will need to be verified by the Contractor.

Item	Activity	Means of verification
3.	Legal, Regulatory, Governance, Institutional and Stakeholder Analysis - including a gap analysis based on all existing studies including IFC report, legislation, eThekweni turnaround strategy, eThekweni data, institutional arrangements, operations & maintenance, existing financial position etc.	Approved Legal, Regulatory, Governance, Institutional and Stakeholder Analysis (including gap analysis) report.
4.	Technical Feasibility and Options Analysis – including mapping of existing infrastructure on GIS, identifying technical option analysis, recommendations including risks & mitigations.	Approved Technical Feasibility and Options report.
5.	Environmental Analysis	Approved Environmental Analysis Report
6.	Financial Feasibility and Options Analysis, modelling, financing options and including risk & mitigation	Approved Financial Feasibility and Options Analysis report.
7.	Procurement Options Analysis	Approved Procurement Options Analysis report.
8.	Project Implementation Management	Approved Project Implementation Management report.
9.	Risk Analysis and Risk Management Plan	Approved Risk Analysis and Risk Management Plan
10.	Support for adoption of integrated Bankable Feasibility Study (BFS) for PINK Area by City/Metro Exec Committee and City/Metro Council.	Approved Bankable Feasibility Study (BFS) for PINK Area
11.	Project Closeout Report	Approved Project Closeout report

21 CONDITIONS OF AWARD

The following award conditions are applicable:

- The successful bidder will be required to enter into a services agreement with the IF on such terms as will be specified at the contracting stage, which will include the IF's standard terms for similar agreements.
- The Transaction Advisor will report to the Head: WPO and may, from time to time, be required to present and submit progress reports within stipulated timeframes. The Transaction Advisor will be expected to confirm professional indemnity cover for the active duration of the assignment.
- The services agreement will provide for the process to be followed for the approval and payment of invoices, and the approval or adoption of deliverables, which will be based on the IF's management of payment and approval processes for similar services.
- The professionals allocated by the Transaction Advisor to the assignment shall remain on the assignment unless permission is granted in writing by the Infrastructure Fund to change dedicated professionals. Such permission will only be granted in exceptional circumstances.
- Intellectual property developed as a consequence of the Transaction Advisor's work on the assignment will vest in the WPO.
- The services agreement will provide for the protection of confidential information, which will be based on the IF's standard terms and conditions for similar agreements.
- The costs of preparing proposals and negotiating the contract are not reimbursable;
- The IF is not obligated to accept any of the proposals submitted and reserves the right to negotiate the price with the preferred bidder;
- The Transaction Advisor shall be precluded from undertaking any work or providing any services to any bidding consortium or members of such a consortium and/or the private party or to any eventual project that may result, directly or indirectly from these Services;
- The DBSA will not accept any late bid submissions. Bidders may not contact the DBSA or Infrastructure Fund or any participant on any matter pertaining to their bid from the time when bids are submitted to the time the contract is awarded. Any efforts by a bidder to influence bid evaluation, bid comparisons or bid award decisions in any manner, will result in rejection of the bid.
- It is the responsibility of the bidder to ensure that soft copies of documents are provided in formats that are supported by Adobe Acrobat®. All bids, or parts thereof, which cannot be opened will not be evaluated.
- The DBSA reserves the right to change any information in, or to issue an addendum to this document before the closing time. The DBSA and its officers, employees and advisors will not be liable in connection with either the exercise of, or failure to exercise this right. Should the DBSA exercise its right to change information, it may seek amended responses from all bidders.
- The successful bidder will enter into a Service Level Agreement with the IF and WPO with the Services to be provided exclusively to the IF and duty of care owed solely to the IF.
- We expressly reserve the unconditional right to reject any proposal and/or accept any proposal in part or in whole.
- The foregoing information is highly confidential and should not be disclosed to anyone.
- The contract is a fixed-price contract, and the total price accepted by the Employer will not be subject to any upward increases or adjustment throughout the duration of the project.

APPENDIX A: STANDARD CV TEMPLATE

CV Template		
Proposed resource Information		
Proposed Position as per the TOR		
Name of the Firm		
Date of Employment		
Name of the staff member		
Date of birth		
Nationality		
Education		
Date Obtained	Institution	Degrees (s) Obtained and National Qualification Level

Experience				
Employment History Date i.e. (2000 – 2012)	Position Held	Company Name	Detail description in line with the criteria	Sector Experience

Key Projects Undertaken 1	
Name of the Assignment / Project	
Period	
Location	
Client	
Sector	
Main Project features	
Positions Held	
Project Value in ZAR	
Has the project reached Financial close (Yes / No)	
Date of Financial close	
Activities Performed	
Key Projects Undertaken 2	
Name of the Assignment / Project	
Period	
Location	
Client	
Sector	
Main Project features	

Positions Held	
Project Value in ZAR	
Has the project reached Financial close (Yes / No)	
Date of Financial close	
Activities Performed	
Key Projects Undertaken 3	
Name of the Assignment / Project	
Period	
Location	
Client	
Sector	
Main Project features	
Positions Held	
Project Value in ZAR	
Has the project reached Financial close (Yes / No)	
Date of Financial close	
Activities Performed	
Key Projects Undertaken 4	
Name of the Assignment / Project	
Period	
Location	
Client	
Sector	
Main Project features	
Positions Held	
Project Value in ZAR	
Has the project reached Financial close (Yes / No)	
Date of Financial close	
Activities Performed	
Key Projects Undertaken 5	
Name of the Assignment / Project	
Period	
Location	
Client	
Sector	

Main Project features	
Positions Held	
Project Value in ZAR	
Has the project reached Financial close (Yes / No)	
Date of Financial close	
Activities Performed	

ANNEXURE A

Price proposal

(Note: This page must be separated from the pre-qualifying and functional proposal. Failure to separate this, will lead to disqualification of the bid)

This template must be completed in full and included as Annexure A to Pricing Proposal submitted. Professional fees must be kept separate from other fees e.g. disbursements.

Failure to complete this form (in respect of items 1 to 4 below) in full may result in the disqualification of the Bid.

Professional fees

1. Pricing Schedule
2. Specify role/s on assignment
3. Specify the name and experience of the person to be assigned to each role
4. Provide the charge out rate for each person
5. Provide an estimate of hours per role to deliver the scope of work (the information provided in this RFP)

Other Fees

Any other fees must be disclosed in sufficient detail

Indication of Hourly Rates of Key Experts:

ID	KEY RESOURCE / EXPERT	No.	HOURLY RATE FOR SERVICES (Excl. VAT) (RAND/HR)	DISCOUNT TO HOURLY RATE (%)	NET HOURLY RATE OF KEY RESOURCE / EXPERT (Excl. VAT) (RAND/HR)
1.	Key Expert 1: Project Manager and Team Leader.				
2.	Key Expert 2: Civil Engineer (Water Supply Infrastructure).				
3.	Key Expert 3: Legal and Regulatory Expert				
4.	Support to Key Expert 3: Institutional & Stakeholder Management Expert.				
5.	Expert 4: Financial Analyst / Infrastructure Investment Analyst.				
6.	Key Expert 5: Environmental Management Expert				

1. PRICING SCHEDULE

Item	Description	Key deliverables as per scope of work	Payment Milestone (All Approvals are by the PSC)	Proposed Professional Fees (Excl. VAT) (Rand)	Non-Technical Operational Costs @ 5% of Proposed Prof. Fees (Excl. VAT) (Rand)	Technical Operational Costs (Excl. VAT) (Rand) (See Note ***1)	Total Proposed Prof. Fees, Non- Technical, and Technical Operational Costs (Excl. VAT) (Rand)
1	DMA: Phoenix Indicative Technical elements Composition <ul style="list-style-type: none"> • Number of reservoirs tanks / ET = 7 • Volume in Megs = 116.6m³ • Storage Volume = 487910m³ • PRV's = 77 • Total Dwellings = 39 413 • Total informal = 262 • Total formal = 39 151 • Number of metered connections in Billing System = 39 865 Billed Metered Consumption DAC 26803.458m ³	Project Implementation Plan (PIP) for entire Project	Approved PIP		N/A	N/A	
		Project Inception Report (PIR) for entire Project	Approved PIR		N/A	N/A	
		Technical Feasibility and Options Analysis	Approved Report				
		Environmental Analysis	Approved Report				
		Financial Feasibility and Options Analysis	Approved Report				
		Procurement Options Analysis	Approved Report				
		Project Implementation Management	Approved Report				
		Risk Analysis and Risk Management Plan	Approved Report				
		Support for Council Adoption of Integrated Bankable Feasibility Study (BFS)	Approved BFS Report and Council Resolution				
Project Closeout Report	Approved Report						
Total for Phoenix (Excl. VAT)							
2	DMA: Inanda Indicative Technical elements Composition <ul style="list-style-type: none"> • Number of reservoirs tanks / ET = 17 • Volume in Megs = 160.9ml • Storage Volume= 65 1654 m³ • PRV's = 115 • Total Dwellings = 74 920 • Total informal = 54 314 • Total formal = 20 606 • Number of metered connections in Billing System = 22 093 • Billed Metered Consumption DAC = 9 300.272m³ 	Project Implementation Plan (PIP) for entire Project	Approved PIP	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Project Inception Report (PIR)	Approved PIR	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Legal, Regulatory, Governance, Institutional and Stakeholder Analysis	Approved Report	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Technical Feasibility and Options Analysis	Approved Report				
		Environmental Analysis	Approved Report				
		Financial Feasibility and Options Analysis	Approved Report				
		Procurement Options Analysis	Approved Report				
		Project Implementation Management	Approved Report				

Item	Description	Key deliverables as per scope of work	Payment Milestone (All Approvals are by the PSC)	Proposed Professional Fees (Excl. VAT) (Rand)	Non-Technical Operational Costs @ 5% of Proposed Prof. Fees (Excl. VAT) (Rand)	Technical Operational Costs (Excl. VAT) (Rand) (See Note ***1)	Total Proposed Prof. Fees, Non- Technical, and Technical Operational Costs (Excl. VAT) (Rand)
		Risk Analysis and Risk Management Plan	Approved Report				
		Support for Council Adoption of Integrated Bankable Feasibility Study (BFS)	Approved Report				
		Support for Council Adoption of Integrated Bankable Feasibility Study (BFS)	Approved BFS Report and Council Resolution				
		Project Closeout Report	Approved Report				
Total for Inanda (Excl. VAT)							
3.	DMA: Ntuzuma Indicative Technical elements Composition <ul style="list-style-type: none"> Number of reservoirs tanks / ET = 11 Volume in Megs = 63.3ml³ Storage Volume = 331 330ml³ PRV's = 49 Total Dwellings = 34 113 Total informal = 18 078 Total formal = 16 035 Number of metered connections in Billing System = 16 949 Billed Metered Consumption DAC = 6 882.247ml³ 	Project Implementation Plan (PIP)	Approved PIP	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Project Inception Report (PIR)	Approved PIR	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Legal, Regulatory, Governance, Institutional and Stakeholder Analysis.	Approved Report	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Technical Feasibility and Options Analysis	Approved Report				
		Environmental Analysis	Approved Report				
		Financial Feasibility and Options Analysis	Approved Report				
		Procurement Options Analysis	Approved Report				
		Project Implementation Management	Approved Report				
		Risk Analysis and Risk Management Plan	Approved Report				
		Support for Council Adoption of Integrated Bankable Feasibility Study (BFS)	Approved BFS Report and Council Resolution				
		Project Closeout Report	Approved Report				
Total for Ntuzuma							
4.	DMA: KwaMashu Indicative Technical elements Composition <ul style="list-style-type: none"> Number of reservoirs tanks / ET = 5 Volume in Megs = 42.4ml³ Storage Volume = 373 342ml³ PRV's = 31 	Project Implementation Plan (PIP)	Approved PIP	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Project Inception Report (PIR)	Approved PIR	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Legal, Regulatory, Governance, Institutional and Stakeholder Analysis	Approved Report	N/A (Already quoted above)	N/A	N/A	N/A (Already quoted above)
		Technical Feasibility and Options Analysis	Approved Report				

Item	Description	Key deliverables as per scope of work	Payment Milestone (All Approvals are by the PSC)	Proposed Professional Fees (Excl. VAT) (Rand)	Non-Technical Operational Costs @ 5% of Proposed Prof. Fees (Excl. VAT) (Rand)	Technical Operational Costs (Excl. VAT) (Rand) (See Note ***1)	Total Proposed Prof. Fees, Non- Technical, and Technical Operational Costs (Excl. VAT) (Rand)
	<ul style="list-style-type: none"> Total Dwellings = 38 352 Total informal = 11 585 Total formal = 26 767 Number of metered connections in Billing System = 24 579 Billed Metered Consumption DAC = 1 9477.987ml³ 	Environmental Analysis	Approved Report				
		Financial Feasibility and Options Analysis	Approved Report				
		Procurement Options Analysis	Approved Report				
		Project Implementation Management	Approved Report				
		Risk Analysis and Risk Management Plan	Approved Report				
		Support for Council Adoption of Integrated Bankable Feasibility Study (BFS)	Approved BFS Report and Council Resolution				
		Project Closeout Report	Approved Report				
Total for KwaMashu							
Total for the Project							
Contingency @10%							
Total Project + Contingency							
VAT @15%							
Grand Total							

Note *:** A detailed breakdown of all the components (details) that make up the proposed technical operational costs must be submitted and attached to the pricing.

BIDDER'S DISCLOSURE

1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest² in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution? **YES/NO**

2.2.1 If so, furnish particulars:
.....

² the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

.....
2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any

interest in any other related enterprise whether or not they are bidding for this contract?**YES/NO**

2.3.1 If so, furnish particulars:
.....
.....

3 DECLARATION

I, _____ the _____ undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 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.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 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.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

SBD 4

3.6 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

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.
Development Bank of Southern Africa

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.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature	Date
.....
Position	Name of bidder

Annexure C

SBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals (namely, BBBEE status level of contributor).

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80/90
PREFERENCE POINTS	20/10
Total points for Price and Preference Points	100

1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.

1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

(e) “**the Act**” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

Ps = Points scored for price of tender under consideration

Pt = Price of tender under consideration

Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
 - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
- then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.)

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
1	10	20		
2	9	18		
3	6	14		
4	5	12		
5	4	8		
6	3	6		
7	2	4		
8	1	2		
Non-compliant contributor	0	0		

(Note: Bidders are required to submit their BBBEE certificates or sworn affidavits (in the case of EMEs/QSEs) in order to be eligible to claim points)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of
company/firm.....

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
- One-person business/sole propriety
- Close corporation
- Public Company
- Personal Liability Company
- (Pty) Limited
- Non-Profit Company
- State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I 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 paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering 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) recommend that the tenderer or contractor, its shareholders and

directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted 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, if deemed necessary.

<p>..... SIGNATURE(S) OF TENDERER(S)</p> <p>SURNAME AND NAME:</p> <p>DATE:.....</p> <p>ADDRESS:.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

1 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 of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied).</p> <p>The Database of Restricted Suppliers now resides on the National Treasury’s website(www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home page.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		
4.2	<p>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)?</p> <p>The Register for Tender Defaulters can be accessed on the National Treasury’s website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.</p>	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 outside of 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:		
4.4	Was any contract between the bidder and any 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"/>
4.4.1	If so, furnish particulars:		

Annexure D

Bidders are required to include, as Annexure F to their Bids, certified copies of all relevant CIPC registration documents listing all members with percentages, in the case of a close corporation

Annexure E

Bidders are required, as annexure G to their Bids, to submit certified copies of the latest share certificates of all relevant companies

Annexure F

Bidders which submit Bids as an unincorporated joint venture, consortium or other association of persons are required to submit, as Annexure H, a breakdown of how the percentage (%) fees and work will be split between the various people or entities which constitute the Bidder.

Annexure G

Bidders are required to include, as Annexure I to their Bids, supporting documents to their responses to the Pre- Qualifying Criteria and Evaluation Criteria.

Where the supporting document is the profile of a member of the Bidder's proposed team, this should be indicated.

Annexure H

[General Conditions of Contract]

PLEASE NOTE THAT ALL BIDDERS ARE REQUIRED TO READ THROUGH THE GENERAL CONDITIONS OF CONTRACT PRESCRIBED BY THE NATIONAL TREASURY. SUCH GENERAL CONDITIONS OF CONTRACT CAN BE ACCESSED ON THE NATIONAL TREASURY WEBSITE.

PLEASE NOTE FURTHER THAT ALL BIDDERS MUST ENSURE THAT THEY ARE WELL ACQUAINTED WITH THE RIGHTS AND OBLIGATIONS OF ALL PARTIES INVOLVED IN DOING BUSINESS WITH GOVERNMENT.

NOTE: All Bidders are required to confirm **(Tick applicable box)** below:

Item	YES	NO
Is the Bidder familiar with the General Conditions of Contract prescribed by the National Treasury?		

Annexure I

Tax Compliant Status and CSD Registration Requirements

ALL PROSPECTIVE BIDDERS MUST HAVE A TAX COMPLIANT STATUS EITHER ON THE CENTRAL SUPPLIER DATABASE (CSD) OF THE NATIONAL TREASURY OR SARS E FILING PRIOR TO APPOINTMENT/AWARD OF THE BID.

REGISTRATION ON THE CSD SITE OF THE NATIONAL TREASURY IS A COMPULSORY REQUIREMENT FOR A BIDDER TO BE APPOINTED, TO CONDUCT BUSINESS WITH THE DBSA. THE ONUS IS ON THE SUCCESSFUL BIDDER TO REGISTER ON THE CSD SITE AND PROVIDE PROOF OF SUCH REGISTRATION PRIOR TO APPOINTMENT/AWARD OF THE BID.

CSD Registration Number:



The Development Bank of Southern Africa has a Zero Tolerance on Fraud and Corruption.
Report any incidents of Fraud and Corruption to Whistle Blowers on any of the following:

TollFree : 0800 20 49 33
Email : dbsa@whistleblowing.co.za
Free Post : Free Post KZN 665 | Musgrave | 4062
SMS : 33490