



Request for Proposals

Expert services to assist with the development of a Waste Management Policy and Regulatory Tool

Deadline for Submission of Proposals: Wednesday 17th September 2014 at 12h00

Background:

The Waste Economy project was commissioned by the Western Cape Department of Economic Development and Tourism (DED&T) to gain a better understanding of the true potential of the waste economy in the province, to identify any barriers to its development and key supporting actions required by the Western Cape Government (WCG) to enable the waste economy to reach its full potential. The project is being delivered by GreenCape - a sector development agency established by the WCG to promote the development of the regional Green Economy – one that is low carbon, resource efficient and socially inclusive.

From the WCG and GreenCape's work to date, it has been recognised that the extensive and complex policy and regulatory environment for waste management presents a key barrier to the development of the waste economy both for municipalities and the private sector. In part, this is because it is not clear to all stakeholders which licenses are required, and hence which government departments to contact and how the various processes that need to be undertaken are aligned.

One of the three key objectives of the Waste Economy project is thus to provide an overview of the policy and regulatory environment for waste management and municipal service provision. Such a review has been completed for alternative waste treatment technologies at a municipal level. The review is in the form of a logically ordered comprehensive database to assist municipalities to be aware of and understand all the legal requirements. In order to make the technology and legislation database more readily comprehensible, logic diagrams have also been developed. The database and logic diagrams will form the foundation of a web-based tool that will assist project developers in municipalities to navigate the policy and regulatory environment for waste management.

Requirements of Service Provider

GreenCape would like to commission a service provider (legal firm) with specialists in legislation and regulations pertaining to energy, waste & environmental management, development & planning, and municipal administration to review the policy and legislation database developed in-house thus far, and mentor an in-house researcher to expand this database to ensure that it is comprehensive. The appointment is expected to last 6-8 weeks. The following will be expected of the service provider i.e. to:

- (i) Review the information collated to date by the GreenCape researcher to identify any gaps and include relevant regulations (Anticipated hours: 8-16).
- (ii) Provide guidance/strategy as to how to re-organise the information effectively. The information gathered thus far has been organised based on technology type e.g. anaerobic digestion, incineration etc. Based on the initial feedback received, this needs to be changed to an action-based database that is aligned with the legislation e.g. storage of waste, transport of waste etc (Anticipated hours: 7-8).
- (iii) Mentor the GreenCape researcher as the database is expanded and reorganised, and review the work on a weekly basis. This may include (where necessary) editing the information presented to ensure it reflects (the (interpretation of) the legislation accurately. It is expected the mentoring and review will require dedicated time on a weekly basis. Anticipated hours: 3-5 per week.

The service provider appointed will therefore be awarded a contract on an anticipated total input which will be subject to review by all parties and adjusted should the need arise.

Additional Note

It is expected the mentoring will take the form of a weekly meeting to discuss the work required in that week and a review of the work done at the end of the week. A project initiation meeting is expected. Thereafter, weekly meetings are to be held with the GreenCape researcher (and other GreenCape team members if required) within a week of receipt of the initial documentation.

A feedback session might be required at a later stage i.e. during week 5/6 with a wider audience made of The German International Cooperation Agency (GIZ) and South African National Energy Development Institute (SANEDI) as they are part of the team that will develop the web-based platform (see additional background and content information at the end of this document)

Deliverables and Time Frames:

Table 1 summarises the expected timeframes for each of the deliverables. However, these could be subject to change as the spreadsheet/final document will be developed interactively with the GreenCape staff, and the feedback received upon presenting the work to key stakeholders for feedback. It is expected that the main areas of focus required will be as follows:

Table 1: Project activities and timeframes assuming a 6 weeks period

	Deliverable	Additional information	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
1.	<ul style="list-style-type: none"> Inception meeting to explain and finalise requirements, approach and working arrangements 	The meeting will be held on 19 September						
2.	<ul style="list-style-type: none"> Review of work done to date by service provider 							
3.	<ul style="list-style-type: none"> Meeting 2: Presentation of assessment of database, gaps and work required (Deliverable 1) 	Expected date of meeting is 29 or 30 September						
4.	<ul style="list-style-type: none"> Develop a weekly work plan based on the gaps identified to be filled over a period of 4-6 weeks by the GreenCape researcher. (Deliverable 2 – Output of Meeting 2). In the work plan, provision should be made for the service provider to edit the collated content to date and that generated during the work period, and ensuring consistency of the entire document. 							
5.	<ul style="list-style-type: none"> Guidance on filling the gaps on applicable regulations for the technologies covered in the spreadsheet 							
6.	<ul style="list-style-type: none"> Guidance on reorganising the spreadsheet collated from technology to action based 	GreenCape researcher to provide overview of action per technology type						

	Deliverable	Additional information	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
7.	<ul style="list-style-type: none"> Review the final document compiled by the GreenCape researcher as per guidance provided 							
8.	<ul style="list-style-type: none"> Provide a brief overview of timeframes and associated costs of securing required licensing and permits for each of the technology types 							
9.	<ul style="list-style-type: none"> Review the diagrams developed and provide guidance/feedback where required 							
10.	<ul style="list-style-type: none"> Finalised database, and project report with overview of work completed 	Expected completion date 31 st October 2014.						

* Exact dates to be agreed as part of the scoping process

Submission of Proposals:

Potential service providers are expected to submit a project proposal that will contain the following details:

- (i) Capability statement including brief CVs and related experience of staff to be involved in the project
- (ii) Understanding of the task and key areas where the service provider expects to add value
- (iii) Workplan with expected timeframes (based on known availability of key staff for this project)
- (iv) Project management arrangements for internal coordination and approach for managing interaction with the GreenCape researcher

The following selection criteria (Table 2) will be used and need to be considered when submitting the proposal.

Table 2: selection criteria of the service provider

1.	Timeframes	Anticipated delivery schedule and ability to deliver within proposed timeframes
2.	Project team	Related experience Allocation and work hour commitment of key staff members
3.	Price	Breakdown of costs structure based on the above tasks as per anticipated hours of work
4.	Value add	Does the project team offer any unique skills or experience that could enhance final product quality.

Required details of project team:

- a. CVs highlighting relevant experience;
- b. Related projects done in the last 5 or less years and proposed role in developing the tool and related deliverables. Indicate the goal, key outputs and relevance of the projects to the current proposed work
- c. Please also provide contactable references for each of the projects.

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 Refer to the GreenCape website for director details
 Company Registration No. 2012/039750/08

In partnership with:





Details of bidding company/consortium. For consortia, information needs to be provided on the relationship between the various project parties including management structure for the project, roles of different project partners and information of previous projects done together.

Please also provide information on the company registration, tax certificate and BBBEE status of all partners in the consortium.

The deadline for submission of proposals is Wednesday **17th September 2014 at 12h00**. Electronic submissions should be submitted to the Waste Economy team at projects@green-cape.co.za. Queries for clarification can also be sent to this address. **Please ensure the header reflects accurately the project as the email address is being used for a number of different project within GreenCape.**

Additional Information: Background and Context of Policy and Legislation Tool

The Constitution of the Republic of South Africa (1996) sets the foundation for environmental policy and regulation in the country. With regards to waste management, the Constitution assigns the responsibility of refuse removal, handling and disposal to local government, and it is the responsibility of provincial government to ensure these functions are effectively carried out by local government. Municipal waste management has been the focus of increasing attention and the implementation of alternative waste treatment has been perceived to be a challenge due to legislative “barriers”. An awareness and understanding of policy and legislation is important during early stages of planning to be clear on what regulations are to be followed for the implementation of alternative waste treatment technology. A review of policy and legislation has thus been done with the view to enabling municipalities and developers to factor in all costs and necessary time frames, as well as ensure consistency and compliance with (national) policy and regulations. The information has been collated thus far into a spreadsheet with the intention of addressing the above challenge. The information collated will be developed into a web-based tool accessible nationwide to all municipalities and project developers.

The web-based tool will comprise the following key areas:

- A. Technology and Legislation Database (this section will form the basis of the work of the service provider).

In a large number of municipalities across South Africa, there is limited understanding of the policies and regulations required to implement alternative waste treatment technology, be such implementation initiated by the municipality itself or be it in response to “unsolicited bids”.

The above presents a significant constraint to the implementation of alternative waste treatment technologies required to divert the amount of waste from landfill disposal as required by the National Waste Management: Waste Act (Act No 59 of 2008). The technology and legislation database is a spreadsheet that contains various alternative waste treatment technologies and associated legislation, time frames for license applications. This database provides a “one-stop” source of information about waste policy and regulation to guide project developers. An example of the spreadsheet content has been provided in Annexure A.

- B. Municipal Process Narrative

Municipalities are regulated by various processes due to the Municipal Structures Act 117 of 1998, the Municipal Systems Act 32 of 2000 and the Municipal Finance Management Act 56 of 2003 which provide guidance around infrastructure upgrade (whether to be done in-house or contracted externally), and procurement of these services. These processes, although designed to ensure effective service delivery and a fair procurement process, often can take up to several years which causes delays in the implementation of projects.

The narrative presented in Appendix 1 aims to simplify municipal processes that are seen as time consuming barriers so they are identified and understood prior to any undertaking any project at municipal level. This narrative draws on both the review of policy and regulation as well as interviews with municipal waste management officers and provincial waste management officials.

This section will form a main component of the web-based tool, its development onto a web-based platform will be a joint collaboration between GreenCape, GIZ (German International Cooperation Agency) and SANEDI (the South African National Energy Development Institute).

Please note however, that Section B is excluded from the scope of the service provider appointed.

C. Technology and Legislation Diagrams

In order to make the technology and legislation database more readily comprehensible, logic diagrams have been developed to enable one to navigate through the technology and legislation spreadsheet. An example of a logic diagram is presented in Appendix 1 (Figure 1). These logic diagrams will be included into the web-based tool that will be developed.

Annexure A

Please contact the projects@green-cape.co.za directly for access to this document

Appendix 1: Municipal Processes Narrative

INTRODUCTION

The Constitution states that municipalities must provide their residents with basic needs such as refuse removal, sewage collection and disposal, water supply amongst other services. Municipalities are regulated by the Municipal Structures Act 117 of 1998, the Municipal Systems Act 32 of 2000 as well as the Municipal Finance Management Act 56 of 2003. Due to these regulatory structures municipalities are forced to follow certain processes in order to implement any new or alternate form of service delivery.

Municipalities within the Western Cape are under increasing pressure to address their need for alternative waste treatment and landfill diversion, at the same time they are inundated by technology providers offering solutions to their problem waste streams in addition to budget and capacity constraints resulting in the lack of technical skills required for informed decision making.

As a municipality the following factors need to be taken into consideration when faced with any potential waste treatment technology:

- Municipal waste management needs
- Supply Chain Processes
- Legislative Requirements

LEGISLATIVE REQUIREMENTS, TIME FRAMES AND APPROXIMATE COSTS

When considering the implementation of a particular type of technology, legislated requirements and unforeseen costs are usually seen as a barrier to development. It is therefore essential to factor in all potential costs of licencing, consultation and legal fees in the planning stages. Time frames prior to development is also important as EIA's and licence application processes can pose a delay of up to 2 years.

In addition to the supply chain process, it is important to know and understand the associated legislation when considering alternative waste management.

For example: If municipality A were approached by a technology provider for a pyrolysis plant, it is important to understand in the early stages of the project what legislation would be triggered and what licences are required along with an idea of approximated costs and time frames. See Figure 1

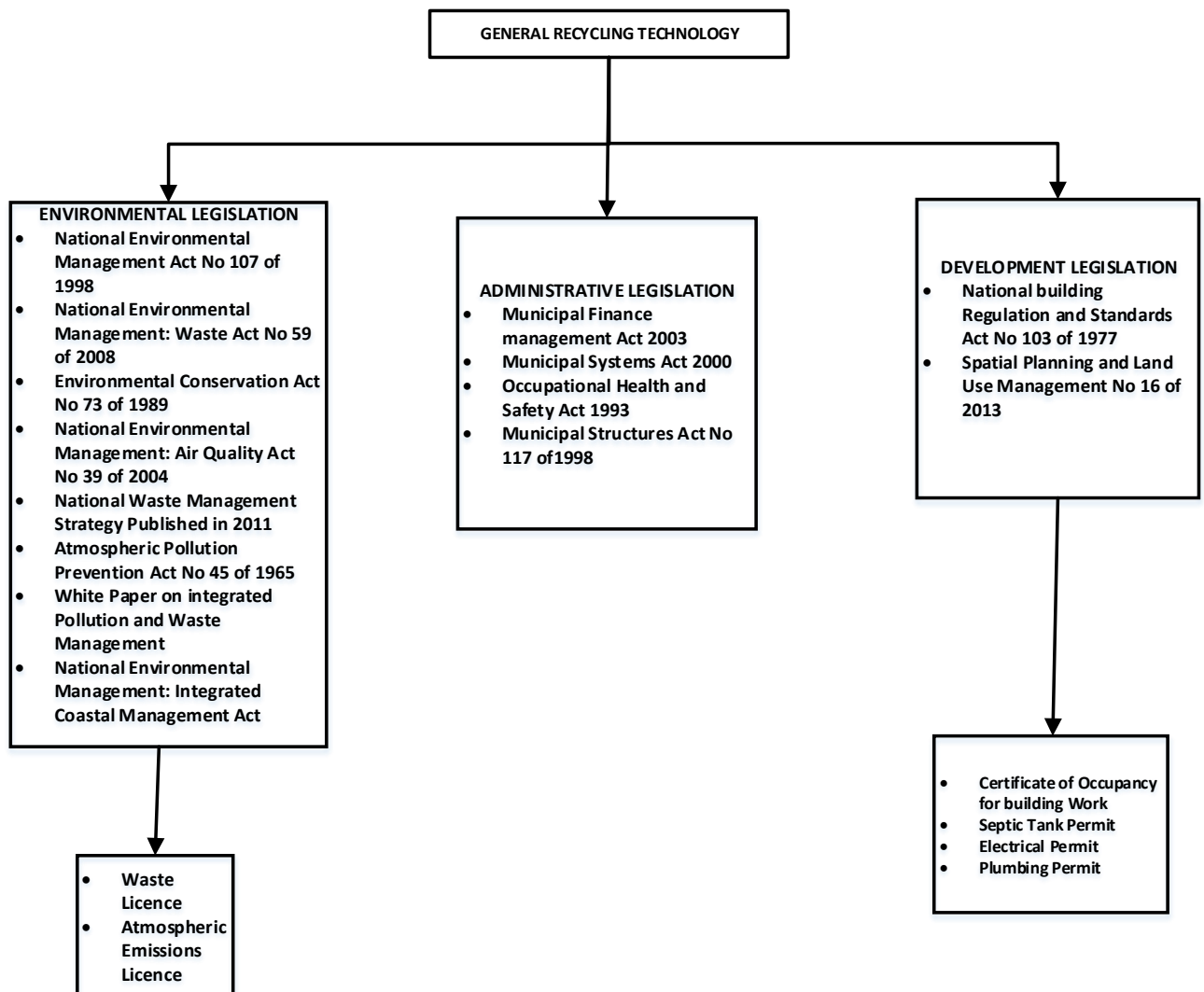


Figure 1:

MUNICIPAL TENDER PROCESS

The assumption that legislation poses a barrier to the development of the waste sector can be misleading and quite often incorrect. Prior to the construction of any waste related development it is vital to get a sense of associated time frames and legislative procedures that could be seen as potential barriers to development. Any development that occurs on municipal land or in conjunction with a municipality must go through a tender process for the selection of the most appropriate solution provider.

Due to municipal supply chain processes a terms of reference document must be drawn up for what the municipality would require for the project in question from the potential project developer. An advert calling for all interested and appropriate parties to bid for the development will then be put out.

MUNICIPAL DECISION MAKING PROCESS

All municipalities within South Africa are governed by the Municipal Structures Act, this results in municipalities following a chain of command in order to implement any new waste management activity. The decision making process within any municipality is one that has to go through a bottom up approach. Key role players in the municipal decision making process are the Municipal Manager, Chief Financial Officer, the Mayor and the Municipal Council.

For example, if a waste management officer found the need for a recyclable drop of site in each main area of the municipality, he would then put forward a proposal to the Municipal Manager and the Chief Financial Officer which is then either granted or taken up to the council and eventually the mayor. The decision that is made is then passed down with the required funding for the development of the drop of site construction to go ahead.

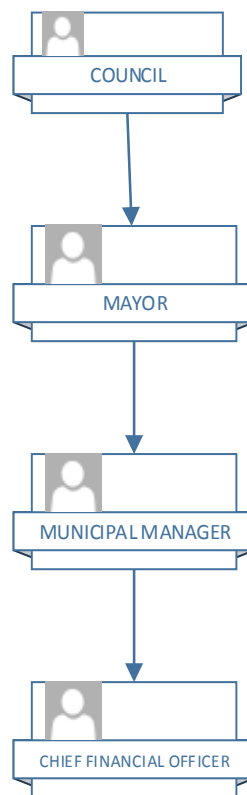


Figure 2

MUNICIPAL FUNDING APPLICATION PROCESS

In order for waste managers within municipalities to receive funding from National Treasury the application process is a roll up effect stemming from the activity they wish to pursue at hand. Municipal Waste Managers must submit integrated waste management plans which includes necessary costing and funds required for waste management that will be reviewed annually. The integrated waste management plans must then be submitted to the district waste manager who is responsible for consolidating all the information into a district Integrated Waste Management Plan.

The purpose of these plans are to give solid waste management priority and recognition to receive the required funding in order to cover operational costs. The collated information is then represented in the provincial Integrated Development Plan that's includes the required Solid Waste Management Funding required for the entire province with all other budgetary requirements

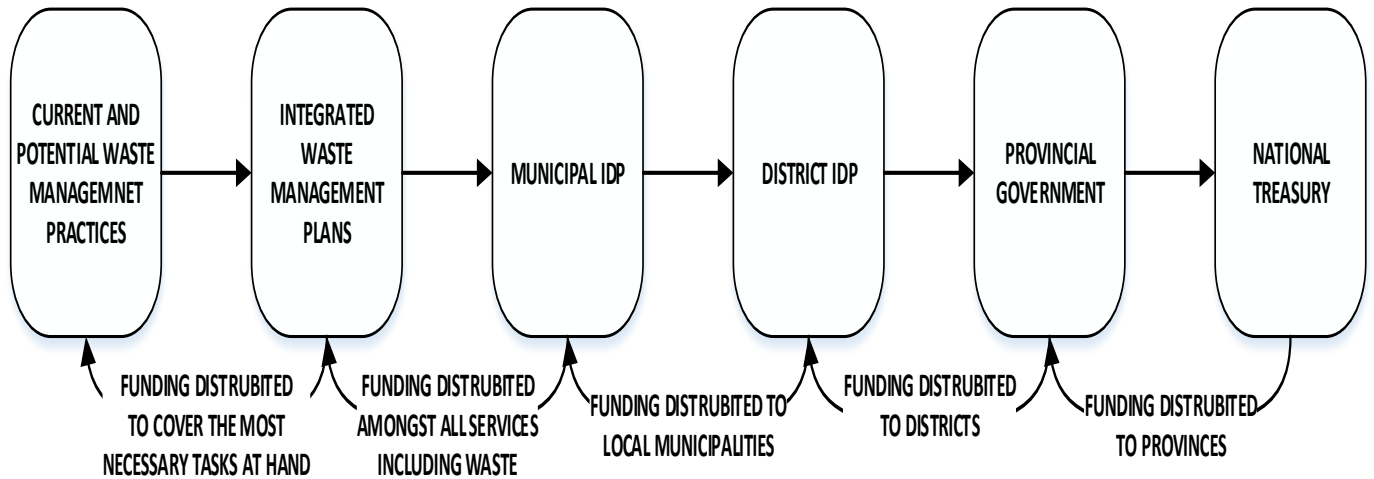


Figure 3