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TERMS OF REFERENCE

FOURTH STATUTORY DAM SAFETY INSPECTION FOR MAGUGA DAM

TENDER NO. KOB/MD/09/2021

CLOSING DATE OF SUBMISSIONS: 26th October 2021

TENDERS MUST BE HAND DEPOSITED AS FOLLOWS:

Komati Basin Water Authority
Maguga Dam
Pigg's Peak
ESWATINI

OR

Komati Basin Water Authority
R570 Driekoppies Dam Offices
Schoemansdal
Republic of South Africa



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INTRODUCTION

The Komati Basin Water Authority (KOBWA) was established as a bi-national agency in terms of the Treaty for the purpose of implementing Phase 1 of the development. Phase 1 comprises the design, construction, operation and maintenance of the Driekoppies Dam on the Lomati River in RSA (phase 1a), and the Maguga Dam on the Komati River in Eswatini (phase 1b).


The Treaty provides for the development and utilisation of the water resources of the Komati River Basin from its headwaters in RSA to the confluence with the Crocodile River at Komatipoort. The Komati River Basin is an international drainage basin that is a source of water for the Republic of South Africa, the Kingdom of Eswatini and the Republic of Mozambique. The Basin comprises a total area of 11,087 km² up to the confluence of the Komati and the Crocodile rivers at Komatipoort, with a mean annual run-off of 1,438 million cubic meters.

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SECTION 1: REQUEST FOR PROPOSALS

STATUTORY DAM INSPECTION SERVICES

1. Selected consultants (Approved Professional Persons) are invited to submit a technical proposal and, a separate financial proposal for the Fourth Statutory Dam Inspection for Maguga Dam managed by Komati Basin Water Authority (KOBWA). Proposals would form the basis for negotiations and an agreement between the successful bidder and the Komati Basin Water Authority (KOBWA).
2. The appointment will be made in accordance with section 46(5) of Regulations No. R.139; Regulations Regarding the Safety of Dams in terms of Section 123(1) of the South African National Water Act; Act No. 36 of 1998(NWA).
3. The object of the services requested is to conduct and report on the fourth dam safety inspection for the Maguga Dam on the Komati River in the Hhohho Region, Kingdom of Eswatini
4. The interested consultancy must provide details of Registration as the Approved Professional Person. The consultancy will also be expected to obtain written approval from the Department of Water and Sanitation, Dam Safety Office for the Professional personnel as well as the final report.
5. Proposals including costs should be valid for a period of at least 90 days from the closing date for submissions.
6. To assist bidders in preparing proposals, the following are enclosed:
 - a. Technical Information (Section 2),
 - Proposals should be submitted in the format provided for in Section 2 to be evaluated in two stages. Initially the services proposal will be evaluated and rated. **Should a rating of less than 70% be achieved the proposal will not be acceptable and the financial proposal will not be opened.**
 - Weighting;
 - (i) Technical Proposal 70%,
 - (ii) Financial Proposal 30%

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b. Administrative / General Information (Section 3),

7. **Mandatory Bid Requirements** - the following are ALL mandatory attributes to qualify to make the bid and should form part of the technical proposal:

7.1 Professional Registration with a professional body e. g. Engineering Council of South African Council (ECSA); and Approved Professional Persons (APP)

7.2 Company Registration

7.3 Current tax clearance certificate not older than three months

8. Proposal Evaluation

Proposals should be submitted in duplicates of the format provided in Section 3 and responding to the evaluation criteria in 5.1 and 5.2. These will be evaluated in two stages, the Functionality (Technical) and the Financial proposal respectively as per below rating;


Proposals will be evaluated using the two-stage process as follows:

Item	Proposal Weighting	Points (sub)	Points
Phase 1:	Technical/Functionality		70
Phase 2:	Financial		30
	Price	80	
	B-BBEE status level of contribution	20	
Total			100

9. Technical Evaluation;

Phase 1 – Technical/Functionality Evaluation

Technical proposals will be evaluated first. A minimum score of 70% must be achieved. Bids must meet the minimum eligibility criteria in respect of functionality of

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70 points out of 100 points that will be awarded for functionality before they are considered further.

Any bid that does not meet the minimum eligibility threshold will not be taken to the phase 2 of the evaluation, therefore the Financial Proposal will not be opened.

The functionality criteria together with the maximum points to be awarded are set out below:

Technical Proposal Evaluation is as follows;

CRITERIA FOR FUNCTIONALITY	RATINGS	WEIGHT
Experience in the Industry	Between 0 – 5 years: 5 Greater than 5 years: (sliding scale up to 10)	10
Qualifications & Experience: - Proposed professional personnel should have at least a combination of the following skills / expertise: <ul style="list-style-type: none"> • Project Management • Hydraulics • Hydrology • Dam instrumentation • Geotechnical • Structural design • Electromechanical • Mechanical 	Team Leader - APP (15%) Professional Team (10%)	25
Methodology and Work Plan	Technical Aspect Extent of meeting objectives 15 Dam safety inspection Methodology 20	35
Track record of Clientele	Between 5 – 10 Clients = 5	10

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CRITERIA FOR FUNCTIONALITY	RATINGS	WEIGHT
Company Profile and Projects (list of projects completed with contract values)	Greater than 10 Clients = 10	
References / Testimonials	Provide a minimum of 5 references and 5 brief testimonials bearing a date of not more than 24 months ago (work does not necessarily need to have been done in the last 24 months).	10
Financial Stability	Provide two most recent consecutive financial statements (audited or certified by a qualified professional)	5
Safety Policy	Provide a safety statement or policy for organisation signed by Top Management.	5
Total		100

Should a rating of less than 70% be achieved, the Technical Proposal will not be acceptable and the financial proposal will not be opened. The financial proposal will only be considered and evaluated should a rating of 70% or higher be achieved for the services proposal.


10. Financial Proposal Evaluation

The financial proposal will be evaluated as follows:

The financial proposal with the lowest Total Designated Cost (TDC) will be assigned the maximum of 100. The TDC is defined as the total of all costs directly related to personnel allowances (salary, social benefits, transport of personnel and effects), fees and directly reimbursable expenses for project items such as vehicles, computers etc. The financial proposals will be scored as:

$$Px = 100Cm/Cx$$

Where:

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Px = Rating assigned to a financial proposal,
Cm = Cost of the lowest TDC
Cx = TDC of proposal being assessed.

The 80/20 preference point system will be considered.

The points for the Financial Evaluation will be split as follows: A maximum of 80 points representing price and 20 points representing Broad-Based Black Economic Empowerment for South Africa. **Only bidders who meet the minimum requirements of the Technical Evaluation will be considered in this phase.**

The following points will be allocated for Broad-Based Black Economic Empowerment (B-BBEE) status level:

B-BBEE Statuses Level of Contributor	Number of Points (80/20 System)
1	20
2	18
3	16
4	14
5	12
6	10
7	8
8	4
Non-Compliant Contributor	0


All components of the technical services must be clearly shown in the financial proposal.

The following formula will be used for the preference point system:

$$P_s = 80 \left[1 - \frac{P_t - P_{min}}{P_{min}} \right]$$

Where:

P_s = Points scored for comparative price of offer under consideration.
P_t = R value of offer under consideration.

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$P_{min} = R$ value of lowest acceptable offer.

The final rating will be the total of the technical proposal (functionality) multiplied by 0.7 plus the rating for the financial proposal multiplied by 0.3.

11. Costs for preparing the proposal and for any negotiations are not reimbursable. If tender is awarded only the bid price will be applicable.
12. Proposals including pricing should be valid for a period of at least 90 days from the closing date of submissions.
 - i) If tender is awarded only the bid price will be applicable.
13. VAT registered companies must clearly state the VAT amount in their Financial Proposal.
14. Proposals must be physically submitted (including courier delivery) and signed for on the register on or before **12h00 hours, 26th October 2021** and dropped into the tender box at the following address;

**Komati Basin Water Authority
Maguga Dam Offices
Pigg's Peak
ESWATINI**

OR

**R570 Driekoppies Dam
Schoemansdal
Republic of South Africa**

15. Proposals should be submitted in two separate, sealed envelopes as follows:

Technical Proposal – Ref: **KOB/MD/09/2021a**; and

Financial Proposal – Ref: **KOB/MD/09/2021b**


Any request for more information or clarifications should be made in writing to the Operations Director, Mr. Sakhiwe Nkomo, no later than five (5) days before the tender closing date at the following contact details:

Contact details:

Mr. Sakhiwe Nkomo

Email: sakhiwe.nkomo@kobwa.co.za and mapule.senyane@kobwa.co.za

Copy to: maguga.office@kobwa.co.za

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2. SCOPE OF WORK

2.1 Background

The Komati Basin Water Authority (KOBWA) is a bi-national company formed in 1993 through the treaty on the Development and Utilization of the Water Resources of the Komati River Basin signed in 1992 between the Kingdom of Eswatini and the Republic of South Africa. The purpose of KOBWA is to implement the design, construction, operation and maintenance of the Driekoppies Dam in South Africa and the Maguga Dam in Kingdom of Eswatini.

The Maguga Dam was constructed as part of Phase 1B of the project an impoundment of the dam commenced during January 2002. The dam filled for the first time on 29 March 2006. The two-government agreed at the time that Maguga Dam would also be subject to Regulations of the South African Dam Safety Office. This was because Kingdom of Eswatini had no comparative legislation at that time. The dam is classified as a **Category III Dam with a high safety hazard**. The first dam filling safety inspection was carried out in the year 2006 and the second inspection was performed in the year 2009. The third inspection was conducted in 2016. As per the recommendation of the Department of Water and Sanitation (DWS), the next (fourth) inspection is due in 2021.

The Department of Water Affairs (DWA) of the Kingdom of Eswatini had begun the process of Drafting Dam Safety Regulations in accordance with the Water Act (Act no.7) of 2003 in 2015, but this process had not yet been completed at the time of writing this document. As a result, the proposed dam safety inspection will be carried out in accordance with the South African National Water, Act no.36 of 1998(NWA) and Regulations No. R. 139; Regulations Regarding the Safety of Dams in terms of Section 123(1) of the same Act.

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Interested consultancy must provide details of their registration as Approved Professional Person, the consultancy will be expected to obtain written approval from the department of water and sanitation (DWS) Dam safety office for the professional personnel as well as the final report.

2.2 Objectives

The main objective of the project is to undertake a Fourth statutory dam safety inspection of Maguga Dam by an Approved Professional Person together with their supporting professional team, according to Regulation 35 and 36 of the Dam Safety Regulations (No 139 of 2012).


2.3 Methodology /Scope

The project scope is outlined below:

Task A: Preparation and dam inspection

The Consultant is required to:

- i. Obtain confirmation of APP Status and all relevant approvals from the DWS Dam Safety Office.
- ii. Review all relevant documentation including the operation and maintenance manual, the last dam inspection report, and data relating to the performance of the dam as per various design aspects.
- iii. Undertake the actual dam inspection, ensuring that all essential aspects are covered including but not limited to the Rock fill embankments i.e., crest road, upstream and downstream face, outlet works, i.e., the intake tower, offtakes, outlet, spillway, Tunnel, and downstream area including drainage system, roads, bridge etc. This task includes the Review of the operation, maintenance and the management of the dam.

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Task B: Reporting Phase

The Consultant is required to:

- i. Prepare draft dam safety evaluation report with recommendations and action plan.
- ii. Submit draft dam safety evaluation report to KOBWA Management inclusive of the implementation plan and recommended training.
- iii. Present the draft report to KOBWA Management
- iv. Update the dam safety evaluation report using comments from KOBWA management
- v. Submit the final dam safety evaluation report to Eswatini Department of Water Affairs (DWA) and KOBWA.


Task C: Training

- i. Training

As part of the scope of work, a proposed training and implementation plan must be included to ensure that KOBWA personnel responsible for monitoring of the dam are competent in the dam surveillance for Maguga Dam.

2.3.1 Approach

- i. Specify your proposed approach and general methods, including information management and reporting, referring specifically to components of the scope of services requested.
- ii. In order to manage the work, and to organize the personnel and costs, please breakdown the services into defined tasks, and subtasks by component.
- iii. Define how you will organize to accomplish the work; providing an organization chart that includes the positions and names of all key personnel.
- iv. Supplement the chart with a brief description of the duties of each position.

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2.4 Implementation

KOBWA wishes to implement the Dam inspection as per 2.3 Scope, Task A- Preparation and actual dam inspection and Task B- Reporting Phase and Tack C : Training

2.5 Expected Outputs / Deliverables


The expected outcomes from these inspections are as follows:

- a. Draft Dam safety report inclusive of the implementation plan and recommended training to KOBWA Management
- b. Final Dam safety report inclusive of KOBWA comments submitted to the Dam safety office
- c. Supplementary letter dealing with any comments or enquires from the dam safety office if and when required. Please note the regulatory review by government may take time but the consultant must provide for responding to such comments/queries.

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1. General

1.1 Preparation and submission of proposal

1.1.1. Submission of Qualifications: Bidders should submit abridged Curriculum Vitae's (CV's) of the proposed personnel in the evaluation criteria.

1.1.2 Compliance with Laws: In connection with the furnishing of supplies or performance of work under the contract, the Consultant agrees to comply with the relevant laws applicable in the Republic of South Africa.

1.2. Proposed schedule for submission and commencement of services:

- i. Submit proposal: 26 October 2021
- ii. Appointment: 1 December 2021
- iii. Commence services: 10 January 2022 (Depending on approval of the APP by DWS)
- iv. Completion date (Final dam safety report to DWS): 15 February 2022

1.3 Specialist support


You may propose the use of specialist support from outside your institution or to form a consortium with other firms. If your proposal is accepted, you will be expected to contract with that support directly, and to be fully responsible for the services provided by that specialist support.

1.4 Negotiations

The required negotiations to reach an agreement on all components of the required services will result in a contract. Negotiations will commence with the technical proposal and proceed to the financial proposal focusing on underlying or unit cost rates.

2. Institutional Experience

In this section, please provide concise information on the experience on similar work performed by your organization on Category III dams.

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3. Overall Approach

3.1 Work Approach


- i. Specify your proposed approach and general methods, including information management and reporting, referring specifically to components of the scope of services requested.
- ii. In order to manage the work, and to organize the personnel and costs, please breakdown the services into defined tasks, and subtasks by component.
- iii. Define how you will organize to accomplish the work; providing an organization chart that includes the positions and names of all key personnel.
- iv. Supplement the chart with a brief description of the duties of each position

3.2 Work program and manpower schedule

- i. Provide Gantt charts (in months, or other Critical Path Method (CPM) logic diagrams) showing the timing and duration of tasks and subtasks. This program is meant for management and reporting on the services, and for ease of supervision by KOBWA regarding provision of the services.
- ii. Provide an estimate of person-days proposed to accomplish the services by task and sub-task. This estimate shall be carried forward into the financial proposal.
- iii. The person-days estimate will, after negotiations, be set in the agreement, and can be exceeded only with the prior approval of KOBWA.

3.3 Abridged Curricula Vitae of professional staff

- a. Provide a set of abridged curricula vitae of not more than three (3) pages for each of the key personnel, in the following format:
 - Name, age, nationality and position

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- Educational qualifications
- Professional qualification (publications list to be attached)
- Relevant experience (by location and institution, duties, responsibility, date and duration, commencing with the most recent)
- Other professional experience
- An attestation, dated and signed

"I affirm that the CV above is an accurate description of my qualifications and experience; and, I am willing to serve in the position indicated for me in the proposal being made."

b. KOBWA places much importance on the experience and qualification of staff proposed for the services, and requires that staff be assigned as proposed.

All facilities, equipment, and supplies necessary for the services must be described in the technical proposal. Their costs should be specified in the financial proposal.

3.3 Facilities and accommodation

All facilities, equipment, and supplies necessary for the services must be described in the technical proposal. Their costs should be specified in the financial proposal.

4. Financial Proposal


4.1 General - Please indicate clearly the costs of service, breaking it down into components, as the need arises for clarity. This should be split by phase clearly indicating the cost of implementing each phase.

4.2 Staff Costs - KOBWA is not liable for any other costs other than the actual cost of implementing the proposed Dam inspection.

4.2.1 Staff cost details

The consultant must provide the cost for the services, staff cost and reimbursable costs and costs for all other required actions. The following tables are provided as a guide.

a. Technical Staff Billing Rates:

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The consultant will supply the following data for each staff member:

Staff Category / Position	Name	Firm	Billing Rate

All positions must be indicated and names of current firm should be provided for all staff

b. Reimbursable cost

Summary of Direct Cost

Consultant shall provide an estimate of his/her direct reimbursable costs, supported by fully detailed worksheets on separate pages per task.

Item	Unit	Quantity	Unit Price	Total Cost

Total cost of services


The consultant shall provide the total cost of services per task as follows:

Staff		Reimbursable		Total	
Cost	Contingency	Cost	Contingency	Cost	Contingency

4.3 Annex 1 Consultancy information (To be included in the Technical Proposal)

4.3.1. Name of Institution.

4.3.2. Address, telephone and fax numbers, e-mail.

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4.3.3. A formal cover letter from the Tenderer signed by the relevant authority with information on the name and designation of contact persons to whom KOBWA can refer:

- (i) During proposal evaluation;
- (ii) To represent the institution, if requested, to negotiate for the proposed work.

4.3.4. Organizational chart showing designation and reporting relationships of staff proposed for this assignment.

5. Management and Administration Process

The successful service providers will liaise with the Infrastructure Maintenance Technologist or to the delegated representative, as and when required. Qualitative management of the service and performance will be the responsibility of the service provider.

6. Information Needs


The Service Provider will consult the Infrastructure Maintenance Technologist to ensure that desired objectives are met.

7. Irrevocability of Bids and Additional Criteria

All bids submitted are irrevocable after the due submission date until the expiry of the bid validity period indicated in these ToRs, and as such the bidder binds him/herself that he/she will enter into negotiations with KOBWA based on the submitted bid.

8. Bidding Costs

8.1 All bidding costs relating to the preparation of the bid are for the bidder's account and are not recoverable from KOBWA under any circumstances;

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9. Bid Validity and Pricing

Bids will be valid for at least 90 days after the closing date and prices will be firm for the entire implementation period.

10. Currency and Taxes

Prices quoted in South African Rands and Kingdom of Eswatini Emalangeni. Please note that consultants from RSA working in Eswatini are charged 15% withholding tax. When the invoice is processed, the consultant will be paid less the withholding tax and will then be sent a withholding tax certificate by KOBWA for the 15% which they can claim back from SARS.

11. Additional Information

11.1 Acceptance of Bids


This Invitation to Bid should not be construed as an agreement to supply the required solution. KOBWA is not bound to enter into a contract with the bidder who submits the lowest priced bid. Bids will only be assessed in terms of the evaluation criteria. KOBWA may at her sole discretion choose to award the phases to different organisations or to award only one phase without consulting the bidders.

11.2 Modification of Terms

KOBWA reserves the right to modify the terms of this Invitation to Bid at any time in its sole discretion. This includes the right to cancel this Invitation to Bid at any time prior to entering into a contract with the successful bidder; notice to that effect shall be given to all bidders. Further information requests and clarifications will be closed five (5) days before the submission deadline.

11.3 Ownership of Bids

All documents, including bids, submitted become the property of the KOBWA.

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11.4 Confidentiality of Information

All bids submitted by bidders shall be held in strict confidence and will not be revealed to any other party. All Information pertaining to this bid obtained by the bidder as a result of participation in this project is confidential and must not be disclosed without written authorisation from KOBWA.

11.5 Acceptance of Terms

All terms and conditions of this Invitation to Bid are deemed to be accepted by the bidders and incorporated by reference in their bids, except such conditions and provisions that are expressly excluded. There will be an opportunity to review these conditions upon selection of the successful bidder and during subsequent negotiations. The proposal or sections thereof of the successful bidder will form part of the final contract.

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