DEA AS AN ORGAN OF STATE SUBSCRIBES TO AND PROPAGATES BOTH THE NOTION OF BROAD BASED BLACK ECONOMIC EMPOWERMENT (BBBEE) ACT, No. 53 OF 2003, THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, No. 5 OF 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS 2011

TERMS OF REFERENCE FOR OUTSOURCING OF TECHNICAL EXPERTS TO FACILITATE THE DEVELOPMENT OF AN ENVIRONMENTAL RISK ASSESSMENT (ERA) FRAMEWORK FOR GENETICALLY MODIFIED PHARMACEUTICAL CROPS TO IMPLEMENT SECTION 78 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004 FOR A PERIOD OF (6 MONTHS)

PART ONE

1. REQUEST FOR PROPOSAL (RFP)

1.1. The objective of this RFP is to outsource technical experts that can support DEA with the development of an Environmental Risk Assessment (ERA) Framework for Genetically Modified Pharmaceutical Crops (Pharma crops), to ensure that the department fulfils the requirement of section 78 of the National Environmental Management: Biodiversity Act:10 of 2004

1.2. Preference may be given to a Service Provider/s that is not already performing consultancy work within DEA.

2. SCOPE AND EXTENT OF WORK

2.1. The role of the Service Provider/s is to assist the Department of Environmental Affairs with the development of an Environmental Risk Assessment (ERA) framework for Genetically Modified Pharmaceutical Crops (Pharma crops), to ensure that the department fulfils the requirement of section 78 of the National Environmental Management: Biodiversity Act:10 of 2004

2.2. The appointed service provider/s will undertake the following:

2.2.1. Identify future/potential GM pharma crops research and development initiatives for South Africa;

2.2.2. Determine the status of pharma crops as the baseline;

2.2.3. Determine the categories of risks associated with pharma crops;
2.2.4. Determine environmental safety assessment criteria;
   - potential for pharma crop to become weeds of agriculture or be invasive of natural habitats
   - potential for gene flow to wild relatives whose hybrid offspring may become weedy or more invasive
   - Potential impact of pharma crops on non-targeted species.
   - potential impact on biodiversity

2.2.5. Determine the structure of environmental post market monitoring plans;

2.2.6. Identify appropriate risk management strategies for post market release and;

2.2 Develop a draft ERA Framework Guideline for GM Pharma crops in South Africa for public comments.

2.3 The service provider/s shall submit a preliminary budget containing the hours and amount to be spent on each case, before work can commence.

2.4 Companies may be invited to give presentation on their project proposal as and when required.

3. TIMING OF ASSIGNMENT

3.1 All work is to be carried out in accordance with the time schedule as agreed with the Programme Manager within a timeframe of approximately six (6) months.

4. PERFORMANCE MEASURES

4.1. The performance measures for the delivery of the concise draft Environmental Risk Assessment Framework for genetically modified pharmaceutical crops will be closely monitored by DEA.

5. REPORTING

5.1. The Service Provider/s will submit weekly and monthly progress reports to the Programme Manager, within 2 days after the end of each week and 4 days after the end of each month for the duration of the project.

5.2. The Service provider/s will submit closure report with the recommendation for implementation.

6. MONITORING PROGRESS ON ASSIGNMENTS

6.1. The Programme Manager shall undertake the ongoing management of the Service Level Agreement.
7. CONTINUITY AND PROFILE OF SENIOR STAFF ON THE PROJECT

7.1. The Service Provider/s must guarantee the presence of the senior in charge of fieldwork throughout the duration of the contract. If the senior consultant has to leave the project, a period of at least a month is required in which the senior consultant must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge.

8. CONDITIONS OF BID

8.1. Bids will be subject to the following Supply Chain Management conditions:

8.1.1. The Preferential Procurement Regulations, 2011 issued in terms of section 5 of the Preferential Procurement Policy Framework Act (Act No 5 of 2000), aligned with the aims of the Broad Based Black Economic Empowerment Act and its Codes of Good Practice. In accordance with this Act, submissions will be adjudicated in two stages: firstly, on functionality which must be done in terms of the evaluation criteria indicated in section 14 and the minimum threshold referred to in paragraph 9.3 below. A bid must be disqualified if it fails to meet the minimum threshold for functionality as per the bid invitation and secondly, only the qualifying bids will be evaluated in terms of the 80/20 preference points systems, where the 80 points will be used for price only and the 20 points will be awarded in terms of the of the B-BBEE Contributor level as per the B-BBEE Verification Certificate submitted by the service provider.

8.2. The proposal should include, amongst other, the following:

8.2.1. A proposed plan of action;
8.2.2. A list of references;
8.2.3. Ability to ensure continuing of staff on the project; and
8.2.4. A briefing session may be held on the date determined by DEA upon receipt of your request.

9. SPECIAL CONDITIONS

9.1. The Curriculum Vitae of the staff who will be available for the duration of the work; Note: Failure to submit the CV's will invalidate your bid proposal.
9.2. The bid proposals should be submitted with all required information containing technical information as well as price information (NB: DEA Entity Maintenance form included in the bid documents must be completed and returned with the bid proposals).

9.3. Only bidders who score at least 75% or 75 points for the technical information will be preferred.

9.4. Suppliers/Service Providers are requested to submit the original and valid B-BBEE Status Level Verification Certificate or certified copies thereof issued by verification agencies accredited by SANAS or registered auditors approved by IRBA together with their bids, to substantiate their B-BBEE rating claims, failing which the B-BBEE preference points claimed will be forfeited.

9.5. Bidders who do not submit B-BBEE Status Level Verification Certificates or are non-compliant contributors to B-BBEE do not qualify for preference points for B-BBEE but will not be disqualified from the bidding process. They will score zero (0) points out of 20 for B-BBEE.

9.6. Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their bids.

9.7. A bidder will not be awarded the points claimed for B-BBEE status level of contribution if it is indicated in the bid documents that such a bidder intends sub-contracting more than 25% of the contract value to any other enterprise that does not qualify for at least the same number of points that the bidder qualifies for, unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capacity and the ability to execute the sub-contract.

A contractor is not allowed to sub-contract more than 25% of the contract value to another enterprise that does not have equal of higher B-BBEE status level, unless the intended sub-contractor is an EME (Exempted Micro Enterprise) that has the capability and ability to execute the sub-contract.

9.8. DEA reserves the right to invite short listed suppliers/companies to present their bid proposals for final decision.

9.9. Bidders must be prepared to work at rates not exceeding those prescribed by the office of the Auditor-General or the Department of Public Service and Administration (DPSA).

9.10. A service level agreement shall be signed with the successful bidder. The successful bidder may not alter its B-BBEE status during the contract period. DEA reserves the right to terminate the contract should the successful bidder no longer meet the B-BBEE requirement.
10. ADDITIONAL INFORMATION ON BID PROPOSAL

10.1. The supplier / service provider should provide details of staff training, highlighting training and development policies and procedures, with specific reference to affirmative action policies and initiatives.

10.2. A breakdown of the hourly tariff inclusive of value-added tax for services rendered. Expenditure incurred without the prior approval of the Programme Manager will not be reimbursed.

10.3. In so far as possible, a comprehensive budget, showing the charge out rates of all the staff to be involved in investigations and also including all other costs factors such as traveling.

10.4. How a joint venture (if the bidders are a joint venture between a BEE firm and a non BEE firm) will split the work between the firms. The detail must be such that DEA can audit the actual work allocation during the delivery to enforce the transfer of skills between the two firms. (The percentage involvement of each company in the joint venture should also be indicated). Please note that all members of the joint venture should sign the contract and are jointly and severally liable for the entire assignment.

10.5. DEA will not be held responsible for any costs incurred by the bidder in the preparation and submission of the bids.

10.6. Please take note that DEA is not bound to select any of the firms submitting proposals. DEA reserves the right not to award any of the bids and not to award the contract to the lowest bidding price as well as to renegotiate the bid of the preferred applicant.

10.7. Traveling costs and time spent or incurred between home and office of consultants and DEA head office will not be for the account of DEA.

11. FURTHER INFORMATION

11.1. The closing date for expression of interest is 28 September 2012. Should you require any further information in this regard, contact Mrs Tshifhiwa Tshimomola, tel no. (012) 310 3557/ email: ttshimomola@environment.gov.za

12. INFORMATION REQUIRED
12.1. Bid Evaluation can only be done on the basis of information, which we asked for. The comprehensiveness of the bid can therefore be decisive in the awarding thereof.

13. PAYMENT TERMS
13.1. DEA undertakes to payout in full within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.

14. EVALUATION CRITERIA
14.1. All bid proposals submitted will be evaluated in accordance with the 80/20 principle and the following evaluation criteria.

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<thead>
<tr>
<th>No.</th>
<th>Category</th>
<th>Total</th>
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<tbody>
<tr>
<td>A.</td>
<td>PRICE</td>
<td>80</td>
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<tr>
<td>B.</td>
<td>FUNCTIONALITY</td>
<td>100</td>
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<tr>
<td>1</td>
<td>Bidder understands the brief and the methodology to be employed.</td>
<td>10</td>
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<tr>
<td>2</td>
<td>Capability (number of project team members to handle the project) (submit names and Curricula Vitae).</td>
<td>10</td>
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<tr>
<td>3</td>
<td>Project work plan / timeframes to achieve and complete the project (project work flow) with clear indication of understanding the purpose and scope of the work and the respective parties' roles and functions in this project.</td>
<td>10</td>
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<td>4</td>
<td>The educational background, experience and expertise in Biosafety, risk assessment and management and Pharmaceutical crops</td>
<td>20</td>
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<tr>
<td>5</td>
<td>Appropriate experience in the fields of research and compiling simplified research information/results on biodiversity, biosafety and risk assessment and management and appropriate experience in developing risk assessment and management criteria.</td>
<td>30</td>
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<tr>
<td>6</td>
<td>Sound knowledge of the provisions of chapter 5 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) on GMOs and the GMO Act, 1997 (Act 15 of 1997), GMO Regulations, 2010 as well as other relevant legislation.</td>
<td>10</td>
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<td>6.</td>
<td>Quality of the Bid – The bid is well structured, laid-out, formatted and organized.</td>
<td>10</td>
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C. B-BBEE Status Level Contributor

<table>
<thead>
<tr>
<th>B-BBEE Status Level Contributor</th>
<th>Number of points (80/20)</th>
<th>B-BBEE Status Level Contributor</th>
<th>Number of points (80/20)</th>
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<tr>
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<tr>
<td>2</td>
<td>18</td>
<td>7</td>
<td>1</td>
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</table>
NB: A bid will not be disqualified from the bidding process if the bidder does not submit a certificate substantiating the B-BBEE status level of contribution or is a non-compliant contributor. Such a bidder will score 0 out of a maximum of 20 points for B-BBEE.

IN EVALUATING THE TECHNICAL INFORMATION CONTAINED IN THE BID, THE EVALUATION COMMITTEE WILL BE GUIDED BY THE FOLLOWING:

- Bidder’s understanding of the brief – The bid provides a clear indication that the bidder fully understands the purpose and scope of the work and the bidders’ own roles and functions in this regard.

- Capability and experience – The bid provides a clear indication that the bidder’s team comprises people with the necessary experience, skills, qualifications, knowledge and skills required to ensure the efficient and effective generation of the required deliverables to the highest standards of quality.

- Track Record – The bid provides clear information on previous, relevant projects that confirm that the bidder has the required experience and success track record in the area of general project management and management related projects.

- Quality of the Bid – The bid is structured, laid-out, formatted and organised in such a way that the evaluation committee is easily able to access the bid in accordance with the evaluation criteria and is provided with an insight into the quality of deliverables that may be expected from the bidder if successful.
SUPPLEMENTARY INFORMATION

The 2011-2020 Strategic plan for the Cartagena protocol on Biosafety requires parties to facilitate the establishment and further development of effective biosafety systems for the implementation of the protocol. Parties are also required to further develop and support implementation of scientific tools on common approaches to risk assessment and risk management. This should be done through developing guidance documents on risk assessment and risk management including guidance on new developments in modern biotechnology.

Accordingly, SA through the Department of Environmental Affairs (DEA), Branch: Biodiversity and Conservation has developed the following Environmental Risk Assessment (ERA) documents:

- ERA Framework for GM Fish (2010)

This year the Branch: Biodiversity and Conservation has, as part of its business plan, included the activity on developing an Environmental Risk Assessment (ERA) framework for Genetically Modified Pharmaceutical crops (Pharma crops), to ensure that the department fulfils the requirement of section 78 of the National Environmental Management: Biodiversity Act: 10 of 2004.