

MEMORANDUM OF AGREEMENT BETWEEN MLRF UNDER THE AUSPICES OF DFFE AND ANCHOR RESEARCH AND MONITORING FOR THE APPOINTMENT OF AN INDEPENDENT SERVICE PROVIDER TO CONDUCT SPECIALIST MONITORING IN ACCORDANCE WITH THE ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME AND SAMPLING PLAN AT THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE LOCATED WITHIN SALDANHA BAY IN THE WESTERN CAPE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

## ANNEXURE A: TERMS OF REFERENCE



### forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

THE MARINE LIVING RESOURCES FUND (MLRF), IS A SCHEDULE 3A PUBLIC ENTITY ESTABLISHED IN TERMS OF THE PUBLIC FINANCE MANAGEMENT ACT, 1999 (ACT NO 1 of 1999) AND THE DEPARTMENT OF FORETRY FISHERIES AND THE ENVIRONMENT (DFFE) (IN ITS COMMITMENT TO THE PRINCIPLES ENSHRINED IN THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996) ADHERES TO THE PROVISIONS OF THE BROAD BASED BLACK ECONOMIC EMPOWERMENT ACT, 53 OF 2003 (B-BBEE), THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 5 OF 2000 (PPPF) AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

## TERMS OF REFERENCE

TO APPOINT A SERVICE PROVIDER (SP) TO CONDUCT SPECIALIST MONITORING IN ACCORDANCE WITH THE ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME AND SAMPLING PLAN AT THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE LOCATED WITHIN SALDANHA BAY IN THE WESTERN CAPE FOR A PERIOD OF THIRTY-SIX (36) MONTH

### TABLE OF CONTENTS

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MEMORANDUM OF AGREEMENT BETWEEN MLRF UNDER THE AUSPICES OF DFFE AND ANCHOR RESEARCH AND MONITORING FOR THE APPOINTMENT OF AN INDEPENDENT SERVICE PROVIDER TO CONDUCT SPECIALIST MONITORING IN ACCORDANCE WITH THE ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME AND SAMPLING PLAN AT THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE LOCATED WITHIN SALDANHA BAY IN THE WESTERN CAPE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

1.	PURPOSE .....	27
2.	INTRODUCTION AND BACKGROUND .....	27
3.	VIRTUAL COMPULSORY BRIEFING SESSION .....	28
4.	SCOPE AND EXTENT OF WORK .....	28
5.	EXPECTED DELIVERABLES / OUTCOMES .....	32
6.	PERIOD / DURATION OF APPOINTMENT .....	33
7.	COSTING / COMPREHENSIVE BUDGET .....	33
8.	EVALUATION METHOD .....	34
9.	BID SUBMISSION REQUIREMENTS .....	39
10.	SPECIAL CONDITIONS OF CONTRACT .....	40
11.	PAYMENT TERMS .....	40
12.	ENQUIRIES .....	41

    
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1. **PURPOSE**

1.1 The Marine Living Resource Fund (MLRF), Fisheries Management Branch of the Department of Forestry, Fisheries, and the Environment as the holder of the Environmental Authorisation (EA) for the Saldanha Bay Aquaculture Development Zone (ADZ) requires the services of a suitably qualified Service Provider (SP) to conduct specialist monitoring according to the environmental Sampling Plan for the sea based ADZ located within Saldanha Bay in the Western Cape, in compliance with the stipulations in the Environmental Authorisation (EA) and the Environmental Management Plan (EMP) for the ADZ, for a period of thirty-six (36) months

2. **INTRODUCTION AND BACKGROUND**

2.1 The Aquaculture Development Zone (ADZ) is an area that has been earmarked specifically for aquaculture activities with the purpose of encouraging investor and consumer confidence; creating incentives for industry development, to provide marine aquaculture services; to manage the risks associated with aquaculture; as well as to provide skills development and employment for coastal communities. The development of ADZs supports the Policy for the Development of a Sustainable Marine Aquaculture sector in South Africa (2007) aimed at creating an enabling environment that will promote growth and sustainability of the marine aquaculture sector in South Africa, as well as to enhance the industry's contribution to South Africa's economic growth.

2.2 Saldanha Bay is the primary area for bivalve production in South Africa, with the majority of oyster and mussel production to date originating from the bay. As a result of improved opportunities for local mussel import substitution, the opening up of export markets for oysters, and improved access to water and land space through the Oceans Economy Operation Phakisa initiative, there is a renewed interest in expanding and fully utilizing the bay for further oyster and mussel production, as well as exploring potential for finfish production in the outer more exposed parts of the bay.

2.3 The MLRF undertook an Environmental Impact Assessment (EIA) for the establishment of an ADZ in Saldanha Bay in 2016/2017 and the EA was granted on the 8<sup>th</sup> January 2018. Appeals against the authorisation were lodged to the "then Minister of Environmental Affairs" and the authorisation was upheld as per the letter dated 7<sup>th</sup> June 2018.

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2.4 The Branch Fisheries Management appointed a specialist service provider in August 2021 for a contract period. However this contract is set to expire in October 2023. It is important that ongoing environmental monitoring continues for the project to ensure that the Branch, as the custodian of the authorisation, continues to comply with the EA and EMPr for the ADZ.

2.5 The MLRF seeks to appoint a service provider for specialist monitoring, which includes the servicing of bottom moored oxygen sensors every eight (8) weeks (deployment and retrieval of oceanographic instrumentation and data collection etc.); drafting of technical reports and the undertaking of field surveys as required by the Sampling Plan in compliance with the stipulations in the EA and the EMP for the sea based ADZ located within the Saldanha Bay in the Western Cape, for a period of thirty six (36) months.

**3. VIRTUAL COMPULSORY BRIEFING SESSION**

3.1 To ensure that service providers understand what is required from them with regards to this tender, bidders must attend of a compulsory Briefing Session. The Briefing Session will take place as follows:

- 20 September 2023 at 10h00 – 12h00

The link for the Briefing Session can be requested via email:

Name	Email address
Mr Lwandisa Hoza	MLRFtenders@dffe.gov.za
Ms Talitha Bikani	

*\*Bidders should use “MLRF200/23: Briefing Session” as the subject of the email of requesting link for the briefing session.*

**4. SCOPE AND EXTENT OF WORK**

**4.1 Benthic macrofauna survey**

The Sampling Plan for the Saldanha Bay Aquaculture Development Zone outlines the requirements for conducting the benthic macrofauna survey. This survey includes a full macrofauna analyses (both infauna and epifauna), TOC/N, granularity and porosity at shellfish and finfish monitoring sites/sampling stations indicated in the Sampling Plan, with three samples taken from the finfish sites which will also be taken for analysis of the metals Al, Cu and Zn. These surveys are to be undertaken once every three years, the last survey was completed in April 2021, the next survey is required in April 2024 for 26 sites. Refer to 2021 report (Annexure A) and the

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amended Sampling Plan (Annexure B) regarding the specific required methodologies. It is highly recommended that all bidders read through the annexure documents in order to get detailed information on the scope and extent of work.

#### 4.2 Annual benthic chemical survey

Annual chemical transect survey of sulfide (S<sup>2-</sup>) to establish the status of the oxygen environment of the aquaculture lease areas. Chemical characteristics to be collected during sampling by divers along a transect (0m; 30m; and 60m) to reflect farm impact over a total of 30 sites, seventeen (17) sites in Big Bay, seven (7) in Outer Bay North and six (6) within Small Bay. In instances where farming structures fall over hard substrata, alternative means for monitoring the health of the benthic environment in these areas (e.g. assessment of visual or photo-quadrats) should be implemented. Statistical analysis of data collected in the 2021 and 2022 surveys should be taken into consideration as well as the amended Sampling Plan (Annexure B) when planning and analysing the samples for this survey. It is highly recommended that all bidders read through the annexure documents in order to get detailed information on the scope and extent of work

#### 4.3 Caltrate platform survey

Full extent of Caltrate platform to be determined through the undertaking of a once off mapping process to assess the habitat type through the hydrographic mapping of the Big Bay precinct. The recent hydrographic survey conducted by the South African Hydrographic office in 2021/22 excluded the extent of the Big Bay precinct due to the presence of the aquaculture infrastructure. Since this data was omitted from the recent survey the mapping of the Big Bay precinct needs to be undertaken and incorporated into the SA hydrographic survey results (data to be shared on appointment). Estimated area to be surveyed is 409ha within the Big Bay precinct. Find attached the Hard Substrate Survey Report of August 2022 (Annexure C). It is highly recommended that all bidders read through the annexure documents in order to get detailed information on the scope and extent of work.

#### 4.4 Epifauna reef community surveys

Reef community surveys to determine the species community composition and diversity found on hard substrata in Big Bay and to determine the potential impact of aquaculture on these communities to be undertaken every three years, the last survey was conducted in 2022, the next survey is required in 2025. Please see the Sampling Plan (Annexure A) for the details regarding the required methodologies.

The number of replicates taken within a site should be sufficient to address natural spatial variability and patchiness such that a degree of reliability can be placed on the results. This is of particular relevance where comparison with a reference or baseline condition is intended. Reference stations need to be defined for each location. Stations of similar depth and substratum type to the sites within the proposed aquaculture operation should be chosen. Reference stations should be positioned away from the probable zone of influence of the operation (e.g., upstream of dominant current direction) but within the same broad vicinity (Noble-James et al. 2017). Under no circumstances should reference stations be located close to the aquaculture site, even if they are believed to be 'upstream' (Fernandes et al. 2001).

It is highly recommended that all bidders read through the annexure documents in order to get detailed information on the scope and extent of work.

#### **4.5 Servicing of bottom moored instruments**

Deployment, retrieval and servicing (cleaning of the instrument of biofouling organisms and changing of the batteries if required) of bottom moorings by means of qualified and Department of Employment and Labour compliant scuba divers for the below mentioned oceanographic equipment, every eight (8) weeks (estimated eighteen (18) servicing intervals) over the thirty-six (36) months contract period. Service providers should provide credible references of previous work which is in line with servicing and retrieval of the below type of equipment and are to cost for the insurance of all sensors (please also note that the MLRF is not responsible for the appointed service provider's personal liability insurance or equipment to be used in the undertaking of this work). Deployment, retrieval and servicing will be coordinated in consultation with the DFFE scientists and oceanographic technicians to facilitate data download:

- Four oxygen sensors (JFE Advantech Rinko-W Oxygen optical sensors) to be serviced in conjunction with the DFFE scientists. Nylon stocking to be replaced at each service interval, which encases the oxygen sensors. The servicing includes procurement and replacement of CR-V3 lithium batteries (16 batteries to be replaced every sixteen (16) weeks i.e. at nine (9) of the estimated 18 service intervals). Moorings for each sensor should be supplied by the appointed service provider.
- One nitrate sensor (SUNA) to be serviced during each service interval along with the collection of a 100ml water sample. A suitable mooring (height 1m above the seafloor) to be supplied for redeployment of a nitrate sensor.

#### **4.6 Biofouling Management Strategy**

Draft a Biofouling Management Strategy for disposal of biofouling waste, to be implemented by the operators and to include a review of the current reporting format on the Farm Monitoring Report template and update if required. There are existing biofouling species identification reports (non-quantitative data) available which will be shared upon appointment to guide the development of the strategy. International examples should be used to inform the development of strategy. The control of biofouling in aquaculture is achieved through the avoidance of natural recruitment, physical removal and the use of antifoulants.

**4.7 Quarterly Environmental reporting**

Draft a Quarterly Environmental Sampling Report based on the current monitoring being undertaken in line with the scope of these ToR and submit to the Aquaculture Management Committee (AMC) in a format approved by the MLRF.

**4.8 Amend the Sampling Plan (as required)**

Update the Sampling Plan (Annexure A) in consultation with the DFFE scientists, to allow for flexibility to add or remove indicators based on the evolution of the state of knowledge on the project to date. The Sampling plan was amended in 2022 and will require review and amendment in 2025.

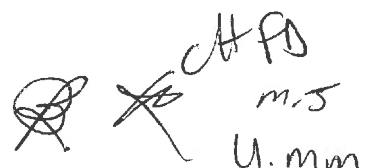
**4.9 Validation of finfish model (subject to the establishment of a finfish farm within the ADZ)**

Collection of raw data (water samples) for laboratory analysis for the validation process of the initial finfish dispersion model (desktop model) as documented in Annexure B, developed by PRDW Consulting Port and Coastal Engineers. This should include near field effects and the interactions between neighbouring aquaculture operations. The appointed service provider should cater for collaborative efforts with PRDW who developed the model which is to be updated with real time monitoring (such as water quality monitoring). Raw data has been collected since September 2021 to September 2022 and a draft report is available of the data collected to date. Ongoing data may be required if a finfish farm is to be established in the ADZ.

**4.10 Digital invertebrate taxonomic reference library**

Maintain and update an existing digital invertebrate taxonomic reference library that was collected from the previous contracts to allow comparison between service providers for the lifespan of the ADZ. The reference library should be presented in an electronic and hard copy booklet format and should allow for continued updating.

**4.11 Project management duties**

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Bi-monthly (every two months) progress meetings will be held virtually with the exception of the project inception and close out meetings which will be held physically in DFFE's Cape Town offices. Progress meeting minutes to be drafted by the service provider and approved by the MLRF Project Manager. Bi -monthly progress reports should be submitted to the MLRF Project Manager.

**4.12 Endangered, Threatened and Protected species data**

Visual survey of the presence or absence of Endangered, Threatened and Protected species (as per the Endangered, Threatened and Protected species lists) to be recorded in existing excel spread sheet template. Visual survey to be conducted every eight (8) weeks within the four precincts of the ADZ from a boat, during the servicing of the bottom moored instruments. Data to be summarised into text and findings to be reported in the Quarterly Environmental reporting. Species identification to be facilitated by the use of existing species ID cards reference material, templates for species counts will be made available on appointment.

**5. EXPECTED DELIVERABLES / OUTCOMES**

	<b>Deliverable</b>	<b>Frequency</b>
5.1	Benthic Macrofauna survey and report every three (3) years	Two (2) surveys to be conducted (2024), samples to be analysed, report to be drafted and presentation to be given to the Saldanha Bay Aquaculture Management Committee (virtual platform) and the Consultative Forum (virtual meeting) for their noting.
5.2	Annual benthic chemical survey	Three (3) surveys to be conducted (2024, 2025 and 2026), samples to be analysed, reports to be drafted and presentations to be given to the Saldanha Bay Aquaculture Management Committee (virtual platform) and the Consultative Forum (virtual meeting) for their noting.
5.3	Caltrate platform survey	Hydrographic survey (once off) of caltrate platform to be conducted, data to be analysed, report to be drafted and presentation to be given to the Saldanha Bay Aquaculture Management Committee (virtual platform) and the Consultative Forum (virtual meeting) for their noting.
5.4	Epifauna reef community survey	One survey (2025) to be conducted, samples to be analysed, reports to be drafted and presentation to be given to the Saldanha Bay Aquaculture Management Committee (virtual platform) and the Consultative Forum (virtual meeting) for their noting
5.5	Servicing of bottom moored instruments	Eighteen (18) surveys of servicing bottom moored instruments, progress to be reported in the quarterly environmental reports as well as the bi-monthly progress reports. Insurance of instruments to be covered by service provider. Mooring to be supplied by service provider.

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5.6	Biofouling Management Strategy	One report to be drafted for the management of biofouling on aquaculture infrastructure. Review and amendment if required, of the existing Farm Monitoring report template where the biofouling data is reported by the operators.
5.7	Quarterly Environmental reporting	Four quarterly reports drafted per year of appointment depending on the start date.
5.8	Amended the Sampling Plan (as required)	One amendment of the Sampling plan during the thirty six (36) months period possibly in 2025.
5.9	Validation of finfish model	Raw data collection surveys to be conducted at every service interval for the duration of the appointment. Data to be analysed and fed into the desk top model developed by PRDW for validation of the model.
5.10	Digital invertebrate taxonomic reference library	Electronic and hard copy data base to be maintained during the lifetime of the appointment period.
5.11	Project management duties	One inception meeting and minutes, project closure meeting and minutes, then bi-monthly meetings attended virtually, meeting minutes drafted, bi-monthly progress reports to be submitted along with an invoice for payment.
5.12	Endangered, Threatened and Protected species monitoring	Existing data base to be maintained and species data to be collected every eight (8) weeks during the servicing of the bottom moored instruments, via survey of all precincts within the ADZ while on the water. The reporting of ETP species data to be reported in the Quarterly Environmental reporting.

**6. PERIOD / DURATION OF APPOINTMENT**

6.1. The contract with the appointed Service Provider (SP) will run for a period of thirty-six (36) months and will commence as agreed in the Memorandum of Agreement (MOA) and upon the issuing of the purchase order.

**7. COSTING / COMPREHENSIVE BUDGET**

7.1. A comprehensive costing must be provided in a separate envelope inclusive of all disbursement costs and related expenditures inclusive of Value Added Tax (VAT). Refer to additional pricing schedule for further detail and SBD 3.3 to be completed. The SP must quote for all activities and should be quoted in South African currency.

7.2. The MLRF shall not pay for any unproductive or duplicated time spent by the SP on any assignment because of staff changes, outsourcing or re-drafting of reports due to errors, corrections or incorrect/incomplete findings.

7.3. The MLRF reserves the right to negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including prices without offering the same opportunity to any other bidder(s) who have not been awarded the status of the preferred bidder(s).

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7.4. The DFFE / MLRF reserves the right to negotiate with one or more preferred bidder(s) identified in the evaluation process, regarding any terms and conditions, including prices without offering the same opportunity to any other bidder(s) who have not been awarded the status of the preferred bidder(s).

7.5. Prices should be quoted as per the pricing schedule below:

Costing Activity	Unit of measure	Cost per unit	Total Costs
1. Project inception meeting and report	1 meeting and report		
2. Servicing of bottom moored instruments	18 service intervals		
3. Quarterly progress meeting and minutes	12 meetings and minutes		
4. Quarterly Environmental Sampling reports	12 reports		
5. Benthic Macrofauna survey and report	1 survey and report		
6. Annual benthic chemical survey and report	3 surveys and reports		
7. Caltrate platform survey	1 one survey and report		
8. Epifauna reef community surveys	1 survey and report		
9. Amended the Sampling Plan	1 report		
10. Validation of finfish model	1 report		
11. Digital invertebrate taxonomic reference library	1 report		
12. Biofouling Management Strategy and amendment of the Farm Monitoring Report template	1 report		
13. Project management and progress report	12 reports		
14. ETP species data collection	18 surveys		
<b>ESTIMATED TOTAL AMOUNT FOR THE PROJECT</b>			

## 8. EVALUATION METHOD

8.1 The evaluation for this bid will be carried out in four (4) phases:

- Phase 1: Pre-compliance or Initial screening

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MEMORANDUM OF AGREEMENT BETWEEN MLRF UNDER THE AUSPICES OF DFFE AND ANCHOR RESEARCH AND MONITORING FOR THE APPOINTMENT OF AN INDEPENDENT SERVICE PROVIDER TO CONDUCT SPECIALIST MONITORING IN ACCORDANCE WITH THE ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME AND SAMPLING PLAN AT THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE LOCATED WITHIN SALDANHA BAY IN THE WESTERN CAPE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

- Phase 2: Mandatory Requirement
- Phase 3: Due Diligence
- Phase 4: Price and Specific goals

## 8.2 PHASE 1: PRE-COMPLIANCE OR INITIAL SCREENING

8.2.1 During this phase bid documents will be reviewed to determine the compliance with Supply Chain Management Standard Bidding Documents and any other required returnable, tax matters and whether the Central Data Base (CSD) report has been submitted with the bid documents at the closing date and time of the bid. Bids which do not satisfy the compliance criteria will not be evaluated further.

8.2.2 The bid proposal will be screened for compliance with administrative requirements as indicated below:

Item No.	Administrative Requirements	Check/Compliance	Non-submission may result in disqualification?
1	SCM - SBD 1 - Invitation to Bid	Completed and signed	**NO
2	SCM - SBD 2 - Tax Clearance Certificate Requirements	CSD registration number/SARS PIN and CSD summary report	**NO
3	SCM - SBD 3.3 – Pricing Schedule	Completed and signed	**NO
4	SCM – NEW SBD 4 - Declaration of Interest	Completed and signed	**NO
5	SCM - NEW SBD 6.1 - Preference Points Claim Form in terms of the Preferential Procurement Regulations 2022	Completed and signed.	**NO
6	In case of bids where Consortia / Joint Ventures, Consortia agreement signed by both parties must be submitted with bid proposal	JV agreement completed and signed, if applicable	**NO

\*\*NO – MLRF reserves the right to send a request for information (RFI) to the service provider in the event of non-submission or incomplete documentation and to request a response within seven (7) days after the date of sending the RFI. If the documents are not submitted or completed in full within seven (7) days the MLRF will reject proposals and these will not be further evaluated for Phase 2.

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### 8.3. PHASE 2: MANDATORY REQUIREMENTS

8.3.1. The following table must be completed by the bidder by answering YES OR NO and attach proof.

8.3.2. Only bidders who achieve a “Yes” and attach required proof for all mandatory requirements will proceed for evaluation to Phase 3.

REQUIREMENT	REQUIRED PROOF TO BE SUBMITTED WITH BID	COMPLY: YES OR NO
The Project leader is registered with the South African Council for Natural Scientific Professionals (SACNASP) as an Aquatic science professional (marine science) or relevant field of practise covering the scope of work outlined in SECTION 4 above.	SACNASP registration number, certificate / annual subscription	
The Bidder has conducted at least two marine environmental monitoring projects of a multi stakeholder nature with experience as a senior Project manager/ Senior natural marine scientist.	Company Profile/ CV of Project leader	
The Project Teams members or individuals have demonstrable knowledge in marine environmental monitoring and aquaculture projects required to draft and draft the reports listed above or be supported by a team with the required skills.	CV of Project team members	
The Project leader has at least a MSc in Marine Natural Sciences.	MSc Degree	
Certified Scientific Dive Team of at least five (5) people, one supervisor, one designated medical practitioner (level 2: on call) and three (3) divers with minimum Class 4 Registration. Note pricing should be equivalent to a Class registration for all divers. Full compliance with labour requirements e.g. Medicals up to date etc.	Dive certificates	
Verifiable experience with development of monitoring protocols in aquaculture and conducting dispersion modelling	At least 3 signed reference letters from a client on successfully completed work on the dispersion modelling and development of monitoring protocols in aquaculture	

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#### 8.4. PHASE 3: DUE DILIGENCE

- 8.4.1 The Department shall have the right to perform due-diligence exercise during the evaluation process of this bid and to reject proposals that do not comply with the requirements.
- 8.4.2 Only bid proposals that meet Phase one (1) and two (2) will be considered to be evaluated for due diligence.
- 8.4.3 The MLRF will perform due diligence on the areas of the bidders:
- 8.4.3.1 Mandatory requirements in 8.3.2
  - 8.4.3.2 Premises of the bidder
- 8.4.4 Live demonstrations and/or site inspections will be performed to confirm the ability of the bidder to execute the project and the availability of sufficient personnel, working equipment, and other resources to deliver the required services.
- 8.4.5 The MLRF will communicate the dates to the bidder/s beforehand. Bidders must
- 8.4.5.1 To have the personnel who will be responsible for the demonstrations that will be required to be available.
  - 8.4.5.2 To have any other information or staff required for MLRF to successfully perform the due diligence.
  - 8.4.5.3 To provide the MLRF before the date of the due diligence with the contact details of two people that will be contacted on the day of the due diligence.
  - 8.4.5.4 To reserve two (2) parking bays for the representative of the MLRF.

#### 8.5 PHASE 4: PRICING AND SPECIFIC GOALS

- 8.5.1 An evaluation of Price and Specific Goals Preference points on the suppliers that have successfully qualified to this stage of evaluation.
- 8.5.2 Calculation of points for price - The Preferential Procurement Policy Framework Act (PPPFA) prescribes that the lowest acceptable bid will score 80 points (for tenders under R50m) or 90 points (for tenders above R50m) for price. Suppliers that quoted higher prices will score lower points for price on a pro-rata basis.
- 8.5.3 The 80/20 as an appropriate preference point system will be used in the evaluation and adjudication of this quote. However, it must be extended that the lowest acceptable quote will be

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used to determine the applicable preference point system as per regulation (Section 3(2)(b) of the Preferential Procurement Regulations (PPR) 2022, which states: "If it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable proposal will be used to determine the applicable preference point system". Therefore, either 80 or 90 points, depending on the rand value of the proposal, will be awarded to the suppliers who offers the lowest price, and proportionately fewer points are awarded to those with higher prices. Either 20 or 10 points are then available as preference points for Specific Goals, as applicable. The contract will be awarded to the supplier that scores the highest total number of adjudication points per category.

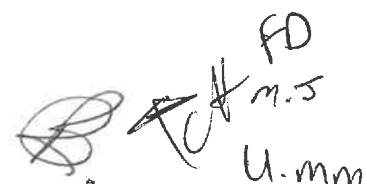
8.5.4 Points will be awarded to a supplier for specific goals in accordance with the table below:

<b>A.</b>	<b>PRICE</b>	<b>80</b>
<b>B.</b>	<b>Specific Goal</b>	<b>Number of points (20)</b>
	51% black ownership	8
	50% women ownership	4
	Youth ownership	4
	Disability	4
	Non-compliant contributor	0

\*The definitions of the above specific goals are as per the PPR policy of the MLRF.

8.5.5 The SCM unit of the MLRF will allocate preferential points (Specific Goals) to each company for its contribution towards empowerment of the black designated groups as prescribed in the Preferential Procurement Regulations of 2022, women, people with disabilities, youth as well as local economic development.

8.5.6 A supplier will not be disqualified from the quotation process if the suppliers does not submit supporting documents substantiating the specific goals preference points claimed or is a non-compliant contributor. Such some suppliers will score 0 for Specific Goals.


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MEMORANDUM OF AGREEMENT BETWEEN MLRF UNDER THE AUSPICES OF DFFE AND ANCHOR RESEARCH AND MONITORING FOR THE APPOINTMENT OF AN INDEPENDENT SERVICE PROVIDER TO CONDUCT SPECIALIST MONITORING IN ACCORDANCE WITH THE ENVIRONMENTAL AUTHORISATION, ENVIRONMENTAL MANAGEMENT PROGRAMME AND SAMPLING PLAN AT THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE LOCATED WITHIN SALDANHA BAY IN THE WESTERN CAPE FOR A PERIOD OF THIRTY-SIX (36) MONTHS.

- 8.5.7 Suppliers will be subject to SCM conditions of the Department – MLRF and the Preferential Procurement Regulations, 2022 issued in terms of section 5 of the Preferential Procurement Policy Framework Act (Act No 5 of 2000) (PPPFA).
- 8.5.8 The PPPFA prescribes that the lowest acceptable bid will score 80 or 90 points for price (as explained above, depending on whether the bid prices is more or less than R50million). Suppliers that quoted higher prices will score lower points for price on a pro-rata basis.
- 8.5.9 The contract will be awarded to the supplier scoring the highest points subject to section 2(1) (f) of the PPPFA, 2000.

## 9. BID SUBMISSION REQUIREMENTS

- 9.1 **All completed documentation must be returned to the Marine Living Resources Fund (MLRF), the entity of the Department of Forestry, Fisheries and the Environment (DFFE) before 11:00 on the 29<sup>th</sup> of September 2023. The location of the drop off is: Tender Box, Ground Floor, Foretrust Building, 2 Martin Hammerschlag Way, Cape Town, 8000.**
- 9.2 Bidders should ensure that the following submission requirements, which will be needed for evaluation purposes are included in their bid proposal and are as follows:
- 9.2.1. The SP must draft a table of content which will indicate where each document is located in the proposal.
- 9.2.2 The proposal shall consist of two parts, namely the technical bid and the pricing bid (master and copies).
- 9.2.3 Add documents that are required to be submitted with the bids. These documents include those included in Phase one (1) and Phase two (2) of the evaluation criteria.
- 9.2.4 Completed table of mandatory requirements, as set out in the table in paragraph 8.3. 2 of this document, together with all necessary supporting documents and required documentary proof.
- 9.2.5 Standard bidding documents (SBD1, 2, 3.3, 4, and 6.1) completed and signed. A valid copy of the Tax Clearance Certificate/ Tax Compliance Status Pin issued by SARS to the supplier/copy of Central Supplier Database (CSD)/ MA supplier Number must be submitted together with the bid.

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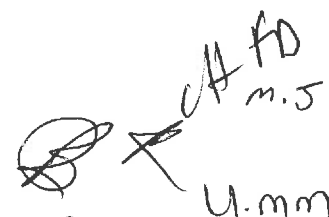
- 9.2.6 In case of bids where Consortia / Joint Ventures / Sub-contractors are involved; such must be clearly indicated and each party must submit a separate copy of a valid Tax Clearance Certificate or copy of Tax Compliance Status Pin or CSD/ MAAA supplier Number together with the bid.
- 9.2.7 Certified copies of identity documents of directors and shareholders of the company.
- 9.2.8 Entity registration Certificate (e.g. CK1).
- 9.2.9 Letter of Authority to sign documents on behalf of the company.

**10. SPECIAL CONDITIONS OF CONTRACT**

- 10.1 On appointment, the performance measures for the delivery of the agreed services will be closely monitored by Department / MLRF.
- 10.2 The Department / MLRF will not be held responsible for any costs incurred by the SPs during the preparation, presentation and submission of the proposal.
- 10.3 The Project Manager will be responsible for the management of the Memorandum of Agreement (MOA).
- 10.4 All the conditions specified in the General Conditions of Contract (GCC) will apply and where the conditions in the special conditions of contract contradict the conditions in the general conditions of contract, the special conditions of contract will prevail.
- 10.5 The bid proposals should be submitted with all required information containing technical information.
- 10.6 Travelling costs and time spent or incurred between home and office of the SP and the MLRF office will not be for the account of MLRF.
- 10.7 Poor or non-performance by the bidder will result in cancellation of the order and the MOA.
- 10.8 Should the service provider fail to perform, the MLRF reserves the right to cancel the appointment of such service provider immediately and without any notice.

**11. PAYMENT TERMS**

11.1 The MLRF undertakes to pay out in full or as per deliverables within 30 (thirty) days all valid claims for work done to its satisfaction upon presentation of a substantiated claim and the required reports stipulated in special conditions. No payment will be made where there is outstanding information/work not submitted by the Service Provider/s until that outstanding information is submitted.

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11.2 Payment by the MLRF shall be made by means of an electronic transfer into the SP's bank account.

11.3 Payment requirements

- The successful Service Provider shall render services to the MLRF in accordance with the Project Plan and Project Scope.
- The amounts are inclusive of VAT and all disbursements shall be paid in South African Rands.
- The MLRF reserves the right to, after consultation with the successful Service Provider, increase, reduce or cancel the budget.
- Disbursements of project funding will be agreed on for each project and disbursements will be made on agreed and verified deliverables and indicators (targets) that are included in the Project Plan
- The successful Service Provider shall provide the MLRF with an original tax invoice for the services rendered. Once the MLRF has approved such an invoice and is satisfied with the services rendered as outlined in the Project Plan, it will make payment to the successful Service Provider within 30 days of approval of such a request.
- The successful Service Provider is required to submit the following documents with each invoice;
  - Acting letter of the manager of SP (if applicable)
  - Monthly/Period Project Progress Report
- The MLRF requires that a new order number be raised after 1 April of each of the financial years of the contract period.
- ALL INVOICES MUST ADDRESSED TO THE MLRF.

## 12. ENQUIRIES

12.1 Should you require any further information in this regard, please do not hesitate to email:

Name	Email address
Mr Lwandisa Hoza	<a href="mailto:MLRFtenders@dffe.gov.za">MLRFtenders@dffe.gov.za</a>
Ms Talitha Bikani	

*\*Bidders should use "MLRF200/23: Enquiries" as the subject of the email of requesting link for the briefing session.*

*Handwritten notes:*  
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I hereby acknowledge the above-mentioned stipulations pertaining to the Terms of Reference and agree to abide by its terms and conditions thereof.

Signed at Cape Town on this 21<sup>st</sup> day of December 2023 in the presence of the undersigned witnesses.

AS WITNESSES:

1.

2.

For the Service Provider who warrants that he is duly authorised thereto.

Full Name: Barry Malcom Clark

Capacity: Director

Authorisation: .....

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