

Munisipaliteit

Munisipale-geboue
Privaatsak X4
LAINGSBURG, 6900
Tel. (023) 551 1019
Faks No. (023) 5511 019

Laingsburg



Municipality

Municipal Buildings
Private Bag X4
LAINGSBURG, 6900
Tel. (023) 551 1019
Fax No. (023) 5511 019

E-pos / E-mail : scm@laingsburg.gov.za

NOTICE: 66/2017

FORMAL WRITTEN PRICE QUOTATION: 01/08/2017

APPOINTMENT OF ENVIRONMENTAL CONSULTANTS

Laingsburg Municipality awaits formal written price quotations from suitably experienced service providers to appoint as environmental consultants.

The quotation must be submitted on the letterhead of your business and must be returned via the following means of communication:

1. Email: scm@laingsburg.gov.za;
2. Posted to LAINGSBURG MUNICIPALITY, PRIVATE BAG X4, LAINGSBURG, 6900 or delivered by hand at the 02 Van Riebeeck Street, Municipal Buildings, Laingsburg;
3. Faxed to number indicated below;

Suppliers must be registered on the Centralised Supplier Database.

The quotation should reach SCM offices by no later than **23 AUGUST 2017 AT 12H00.**

- Contact Person: Johan Mouton
- Telephone No: 023 55 11 019
- Fax No: 023 55 11 019

**SC PIETERSE
MUNICIPAL MANAGER**

17 AUGUST 2017

NB: The following conditions will apply:

- 1. Price(s) quoted must be valid for at least thirty (30) days from date of your offer;**
- 2. Price(s) quoted must be firm and must be inclusive of VAT;**
- 3. A firm delivery period must be indicated;**
- 4. This quotation will be evaluated in terms of the 80/20 preference point system as prescribed in the Preferential Procurement Policy Framework Act (No.5 of 2000), if the quote is above R30 000.00 and for this purpose the enclosed forms:**
 - Pricing schedule;**
 - MBD 4, MBD 6.1 & MBD 9 must be scrutinized, completed if not completed with registration on Database and submitted together with your quotation.**
- 5. Only those suppliers who complies to specifications will be eligible for points;**
- 6. The successful provider will be the one scoring the highest points;**
- 7. Enclosed your valid Tax clearance certificate with the quotation.**

DECLARATION OF INTEREST

1. No bid will be accepted from persons in the service of the state*.
2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* **YES / NO**

3.6.1 If so, furnish particulars.

.....

.....

3.7 Have you been in the service of the state for the past twelve months? **YES / NO**

3.7.1 If so, furnish particulars.

.....

.....

* MSCM Regulations: "in the service of the state" means to be –

(a) a member of –

- (i) any municipal council;
- (ii) any provincial legislature; or
- (iii) the national Assembly or the national Council of provinces;

(b) a member of the board of directors of any municipal entity;

(c) an official of any municipality or municipal entity;

(d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);

(e) a member of the accounting authority of any national or provincial public entity; or

(f) an employee of Parliament or a provincial legislature.

3.8 Do you, have any relationship (family, friend, other) with persons in the service of the state and who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.8.1 If so, furnish particulars.

.....

3.9 Are you, aware of any relationship (family, friend, other) between a bidder and any persons in the service of the state who may be involved with the evaluation and or adjudication of this bid?

YES / NO

3.9.1 If so, furnish particulars

.....

3.10 Are any of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.10.1 If so, furnish particulars.

.....

3.11 Are any spouse, child or parent of the company's directors, managers, principal shareholders or stakeholders in service of the state?

YES / NO

3.11.1 If so, furnish particulars.

.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2017

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points for Broad-Based Black Economic Empowerment (B-BBEE) Status Level of Contribution

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017.

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to all bids:

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

1.2

- a) The value of this bid is estimated to **exceed/not exceed** R50 000 000 (all applicable taxes included) and therefore the preference point system shall be applicable; or
- b) Either the 80/20 or 90/10 preference point system will be applicable to this tender (*delete whichever is not applicable for this tender*).

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) B-BBEE Status Level of Contributor.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
PRICE	
B-BBEE STATUS LEVEL OF CONTRIBUTOR	
Total points for Price and B-BBEE must not exceed	100

1.5 Failure on the part of a bidder to submit proof of B-BBEE Status level of contributor together with the bid, will be interpreted to mean that preference points for B-BBEE status level of contribution are not claimed.

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

2. DEFINITIONS

- (a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act;
- (b) **“B-BBEE status level of contributor”** means the B-BBEE status of an entity in terms of a code of good practice on black economic empowerment, issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;
- (c) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of goods or services, through price quotations, advertised competitive bidding processes or proposals;
- (d) **“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);
- (e) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (f) **“functionality”** means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents.
- (g) **“prices”** includes all applicable taxes less all unconditional discounts;
- (h) **“proof of B-BBEE status level of contributor”** means:
 - 1) B-BBEE Status level certificate issued by an authorized body or person;
 - 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
 - 3) Any other requirement prescribed in terms of the B-BBEE Act;
- (i) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;
- (j) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

3. POINTS AWARDED FOR PRICE

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

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

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{Pt - P_{\min}}{P_{\min}} \right)$$

Where

Ps = Points scored for price of bid under consideration

Pt = Price of bid under consideration

P_{min} = Price of lowest acceptable bid

4. POINTS AWARDED FOR B-BBEE STATUS LEVEL OF CONTRIBUTOR

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for attaining the B-BBEE status level of contribution in accordance with the table below:

B-BBEE Status Level of Contributor	Number of points (90/10 system)	Number of points (80/20 system)
1	10	20
2	9	18
3	6	14
4	5	12
5	4	8
6	3	6
7	2	4
8	1	2
Non-compliant contributor	0	0

5. BID DECLARATION

5.1 Bidders who claim points in respect of B-BBEE Status Level of Contribution must complete the following:

6. B-BBEE STATUS LEVEL OF CONTRIBUTOR CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

6.1 B-BBEE Status Level of Contributor: . =(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of B-BBEE status level of contributor.

7. SUB-CONTRACTING

7.1 Will any portion of the contract be sub-contracted?

(**Tick applicable box**)

YES		NO	
-----	--	----	--

7.1.1 If yes, indicate:

- What percentage of the contract will be subcontracted.....%
- The name of the sub-contractor.....
- The B-BBEE status level of the sub-contractor.....
- Whether the sub-contractor is an EME or QSE

(**Tick applicable box**)

YES		NO	
-----	--	----	--

- Specify, by ticking the appropriate box, if subcontracting with an enterprise in terms of Preferential Procurement Regulations, 2017:

Designated Group: An EME or QSE which is at least 51% owned by:	EME √	QSE √
Black people		
Black people who are youth		
Black people who are women		

Black people with disabilities		
Black people living in rural or underdeveloped areas or townships		
Cooperative owned by black people		
Black people who are military veterans		
OR		
Any EME		
Any QSE		

8. DECLARATION WITH REGARD TO COMPANY/FIRM

8.1 Name _____ of
company/firm:.....

8.2 VAT _____ registration
number:.....

8.3 Company _____ registration
number:.....

8.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited

[TICK APPLICABLE BOX]

8.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

8.6 COMPANY CLASSIFICATION

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

[TICK APPLICABLE BOX]

8.7 MUNICIPAL INFORMATION

Municipality where business is situated:

.....

Registered Account Number:

Stand Number:.....

8.8 Total number of years the company/firm has been in
business:.....

8.9 I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the B-BBE status level of contributor indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of the purchaser that the claims are correct;
- iv) If the B-BBEE status level of contributor has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the purchaser may, in addition to any other remedy it may have –
 - (a) disqualify the person from the bidding process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the bidder or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted by the National Treasury from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution.

WITNESSES

1.

2.

.....
SIGNATURE(S) OF BIDDERS(S)

DATE:

ADDRESS

.....

.....

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

in response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:

(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder;
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) has been requested to submit a bid in response to this bid invitation;
 - (b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder

6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
 - (a) prices;
 - (b) geographical area where product or service will be rendered (market allocation)
 - (c) methods, factors or formulas used to calculate prices;
 - (d) the intention or decision to submit or not to submit, a bid;
 - (e) the submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

Js9141w 4



LAINGSBURG MUNICIPALITY



Notice no: 53/2016

Invitation to register on the Central Karoo District Municipalities / Centralised Supplier Database Registration

National Treasury has issued MFMA Circular 81 pertaining to a Web based Central Supplier Database(CSD) for the registration of prospective suppliers. As of 1st July 2016 all suppliers who intend doing business with municipalities, must be registered on the Centralised Supplier Database. The Centralised Supplier Database is a single database to serve as the source of all supplier information for all spheres of government. The benefit for the private sector will be a reduction of red tape and administrative effort when doing business with government.

The Laingsburg; Beaufort West; Prince Albert Municipalities and Central Karoo District Municipality, in collaboration with the Western Cape Provincial Government, hereby invites all current as well as interested prospective suppliers of goods and services to in future register on the Centralised Supplier Database.

The CSD will automatically validate the following registration documents for Municipalities;

- Confirmation and status of Business Registration Documents
- Proof of Bank Account Registration
- Tax compliance status
- Employee in the service of state as defined in the Municipal SCM Regulations with information only available in the PERSAL system at this time, namely National and Provincial officials
- Identity Documentation
- Tender defaulters and restrictions status

All suppliers will be required to complete the required information on the CSD website:

<https://secure.csd.gov.za>

A valid email address, identity number, cell phone number and bank account details are mandatory in order to register on the CSD. No proof of documentation is necessary as the CSD will electronically validate and authenticate all the information. Your entity will be issued with a unique CSD number starting with (MAA...), which will be used as reference and must be quoted on all quotations and tenders as from 1st July 2016.

Failure to register may result in Municipality not being able to conduct business with your company / entity.

Any queries can be directed to csd@treasury.gov.za or 012 406 9222.

Enquiries can also be addressed electronically or telephonically as follows per Municipality:

Beaufort West
Mrs. Senel Pothberg
Tel: 023 414 8100

Laingsburg
Mr. Keith Gertse
Tel: 023 551 1019

Prince Albert
Mrs. Christa Baadjies
Tel: 023 541 1036

Central Karoo District
Ms. Alicia Lenders
Tel: 023 449 1000

www.beaufortwestmun.co.za;

www.laingsburg.gov.za

www.pamun.gov.za

www.skdm.co.za

E-mail: senel@beaufortwestmun.co.za; kigertse@laingsburg.gov.za; cqb@pamun.gov.za; alenders@skdm.co.za

			
MUNICIPALITY			
LAINGSBURG	CENTRAL KAROO DISTRICT	BEAUFORT WEST	PRINCE ALBERT



REFERENCE: 16/6/C1/5/0110/17
ENQUIRIES: Francois Naudé
DATE OF ISSUE: 26 JUL 2017

SECTION 30A DIRECTIVE

EMERGENCY DIRECTIVE IN TERMS OF SECTION 30A (1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") IN RESPECT OF AN EMERGENCY SITUATION: CONSTRUCTION OF A BULK WATERMAIN/PIPELINE ON PORTION 1 OF FARM 102, ZOUTE KLOOF; ERF 2439; ERF 82; ERF 13; ERF 1114; ERF 11; ERF 1265; REMAINDER OF ERF 1, LAINGSBURG TO CONNECT THE ZOUTKLOOF RESERVOIR WITH THE MAIN RESERVOIR IN THE TOWN OF LAINGSBURG, CENTRAL KAROO DISTRICT

A. INTRODUCTION

1. The following has reference:

1.1. A written request submitted to this Department on 5 July 2017 by Mr Jan Venter on behalf of the Laingsburg Municipality, Western Cape Province ("**the applicant**"); and

1.2. Written confirmation of the request dated 6 and 7 July 2017.

2. The emergency situation which gave rise to the request for a directive received by this Department was caused by:

- A regional wide drought in the Western Cape Province. In this regard a Provincial State of Disaster was declared on 24 May 2017.
- Over the past two years, Laingsburg has received below average rainfall (if any). Based on the forecast for the summer of 2017/2018, it is expected that the rainfall will be very limited.
- The repair to flood damaged infrastructure could not have been completed due to financial constraints.

3. The nature, scope and possible impacts of the emergency situation are as follows:

- 3.1. On 24 May 2017, the Premier of the Western Cape, declared the Western Cape a Provincial State of Disaster under section 41(1) of the Disaster Management Act, 2002 (Act No. 57 of 2002).
- 3.2. In the recent past, despite increasing pressure, the Laingsburg Municipality was able to manage and provide an adequate supply of water to the areas within its jurisdiction; however, the current emergency situation being experienced, with respect to water supply, has been exacerbated by flood damage to infrastructure and the lack of expected rainfall.
- 3.3. The current state of bulk water security in Laingsburg is mainly due to a lack of infrastructure (pumping capacity and conveyance capacity) to abstract and take water to the respective reservoirs. Unless this infrastructure is upgraded urgently, the Laingsburg (town) will remain stressed for bulk water supply even if adequate rain is received.
- 3.4. The threat and the associated risks that the current emergency water supply situation poses to persons, property, the economy, and life in general in the Laingsburg Municipal Area is imminent.
- 3.5. The competent authority concurs with the need and desirability to implement emergency measures or interventions to address the current water supply emergency situations.
4. The proposed measures to prevent or to contain the emergency situation; or to prevent, contain or mitigate the effects of the emergency situation are as follows:
 - 4.1. Implement water consumption restrictions within the affected area. Laingsburg Municipality announced Level 1 water constraints on 17 May 2017. Water consumption is monitored daily, and stricter measures shall be announced if necessary.
 - 4.2. Address the maintenance issues related water losses from service infrastructure (water leaks).
 - 4.3. Restore the flood damaged infrastructure in and along the Buffels River. An Environmental Authorisation (ref. 16/3/3/1/C1/6/0003/16) was issued on 12 August 2016 to address this.
 - 4.4. Replacement of infrastructure, such as aging asbestos cement water reticulation infrastructure. Construction of a bulk water pipeline to connect the Zoutkloof Reservoir with the Main Reservoir in the town of Laingsburg.

It is estimated that the cost of undertaking these measures is approximately R11 409 600.

5. In the request, the applicant advised the Department that the following activity or activities listed pursuant to section 24(2)(a) or (b) of the National Environmental Management Act 107 of 1998 ("**NEMA**") in GNR 983, 984 and or 985 of 4 December 2014 terms of section 24(2)(a) or (b) of the National Environmental Management Act ("**NEMA**") would be triggered:

Environmental Impact Assessment Regulations Listing Notice 1 of 2014

- ❖ Activity 12(ii)(a) and 12(ii)(c); and
- ❖ Activity 19

B. DIRECTIVE

I, Gavin Benjamin in my capacity as [Director: Development Management Region 3 and duly delegated by the Head of Department, in the employment of the WCG: Department of Environmental Affairs & Development Planning, having considered the information submitted by the applicant, hereby issue the —

Municipal Manager of Laingsburg Municipality

% Mr Stephanus Pieterse,

with a written Directive in terms of section 30A(1) of the NEMA relating to the implementation of emergency works for the construction of a bulk watermain/pipeline on Portion 1 of Farm 102, Zoute Kloof; Erf 2439; Erf 82; Erf 13; Erf 1114; Erf 11; Erf 1265; Remainder of Erf 1, Laingsburg to connect the Zoutkloof Reservoir with the Main Reservoir in the town of Laingsburg, Western Cape Province to address the water provisioning needs of the community of Laingsburg subject to the terms and conditions set out below.

I confirm that you may commence with the listed activity or activities as follows:

1. The proposed emergency works fall within the ambit of the following listed activities in terms of the NEMA Environmental Impact Assessment Regulations, 2014:

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 983 of 4 December 2014 (as amended) –</p> <p>Activity Number: 12(ii)(a) and 12(ii)(c)</p> <p>Activity Description:</p> <p><i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p>	<p>Development of a new 250mm Ø UPVC pipeline on Portion 1 of Farm 102, Zoute Kloof; Erf 2439; Erf 82; Erf 13; Erf 1114; Erf 11; Erf 1265; Remainder of Erf 1, Laingsburg to connect the Zoutkloof Reservoir with the Main Reservoir in the town of Laingsburg.</p> <p>The pipeline will have a physical footprint of 100 square metres or more within 32 metres from the edge of watercourses or within a watercourse along the proposed route alignment.</p>

<p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared. 	
<p>Government Notice No. R. 983 of 4 December 2014 (as amended) –</p> <p>Activity Number: 19</p> <p>Activity Description:</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> (a) <i>will occur behind a development setback;</i> (b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> 	<p>Development of a new 250mm Ø UPVC pipeline on Portion 1 of Farm 102, Zoute Kloof; Erf 2439; Erf 82; Erf 13; Erf 1114; Erf 11; Erf 1265; Remainder of Erf 1, Laingsburg to connect the Zoutkloof Reservoir with the Main Reservoir in the town of Laingsburg.</p> <p>The pipeline will cross various watercourses along the route alignment, and in excess of 10 cubic metres of sand, soil, pebbles or rock will need excavated or moved within the watercourses that are crossed.</p>

<p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
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It must be noted that the listed activities authorised herein are to be undertaken exclusively in response to the emergency situation described above and on the conditions set out below.

Scope of emergency work to be undertaken

2. The proposed emergency work will entail the following:
 - 2.1. The development of a new 250mm Ø UPVC pipeline on Portion 1 of Farm 102, Zoute Kloof; Erf 2439; Erf 82; Erf 13; Erf 1114; Erf 11; Erf 1265; Remainder of Erf 1, Laingsburg to connect the Zoutkloof Reservoir with the Main Reservoir in the town of Laingsburg.
 - 2.2. The pipeline will have a physical footprint of 100 square metres or more within 32 metres from the edge of watercourses or within a watercourse along the proposed route alignment.
 - 2.3. The pipeline will cross various watercourses along the route alignment, and in excess of 10 cubic metres of sand, soil, pebbles or rock will need excavated or moved within the watercourses that are crossed.
 - 2.4. The pipeline corridor and watercourse crossings will be aligned to the route depicted in the report by Guillaume Nel Environmental Consultants (dated 15 March 2017).

In addition to the above, a servitude will be formalised for the new uPVC pipeline's alignment and be registered with the Deeds Office.

3. The emergency work; the post construction rehabilitation, monitoring and reporting requirements must be finalised by **30 November 2018**.

Specific instructions

4. The activities may only be carried out in accordance with an approved Environmental Management Programme ("EMPr").

5. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
6. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
7. An Environmental Management Programme ("EMPr") must be finalised as soon as is reasonably possible and be submitted to the Competent Authority for approval prior to the commencement of any land clearing or construction activities commencing.

The contents of such an EMPr must—

- 7.1. meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of GN No. R. 982 of 4 December 2014;
 - 7.2. address the potential environmental impacts of the activity throughout the project life-cycle,
 - 7.3. include a provision for an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing);
 - 7.4. provide concise method statements of the measures or interventions to be implemented, as part of the project; and
 - 7.5. be included in all contract documentation for all phases of implementation.
8. Copies of the EMPr and method statements must also be submitted to the Department of Water and Sanitation, Breede-Gourits Catchment Management Agency and Heritage Western Cape for their information.
 9. The applicant must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must—

- 9.1. be appointed prior to commencement of any land clearing or construction activities commencing;
 - 9.2. ensure compliance with the EMPr and the conditions contained herein;
 - 9.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 9.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
10. A completion report must be compiled and submitted to this Department within **60 calendar days** from the date of completion of the emergency works.

C. PROCEDURAL ARRANGEMENTS

1. In terms of section 43 of NEMA you are entitled to lodge an appeal against this directive in. Such appeal must be lodged in accordance with the Appeal Regulations, 2014 and should be directed to the Appeals Authority set out in Annexure 1 hereto.
2. Non-compliance with a condition of this directive is an offence in terms of section 49A(1)(g) and may result in criminal prosecution. On conviction such non-compliance may result in a fine and / or imprisonment not exceeding R10 million and / or 10 years' imprisonment.
3. All enquiries should be directed to Mr Gavin Benjamin or Mr Francois Naudé at tel: (044) 8058600 and fax: (044) 805 8650.
4. Notwithstanding this Section 30A Directive, the applicant must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

In this regard, please be advised to contact Heritage Western Cape regarding the proposed activities.

Yours faithfully,



MR. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: 26/07/2017

ANNEXURE 1: APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.