



**JOZINI MUNICIPALITY
(KZ 272)**

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**TERMS OF REFERENCE FOR DEVELOPMENT OF THE BUILDING REGULATIONS
BY-LAWS FOR JOZINI LOCAL MUNICIPALITY (KZN 272)**

DEPARTMENT OF STRATEGIC AND DEVELOPMENT PLANNING

2017

TERMS OF REFERENCE FOR THE DEVELOPMENT OF THE BUILDING REGULATIONS BY-LAWS FOR JOZINI LOCAL MUNICIPALITY

1. INTRODUCTION

The Jozini Local Municipality hereby invites suitably qualified and reputable service providers to submit their proposals to undertake all processes in developing Building Regulation By-laws for Jozini Municipality.

In terms of section 152(2) of the Constitution of the Republic of South Africa, 1996, makes provision for the municipality to make and administer by-laws for the effective administration of the matters which it has the right to administer. The By-Laws will be supplementary to the National Building Regulations and Building Standard Act, 1977 (Act 103 of 1977) and will be applicable to all six towns within the municipality.

Jozini Municipality has no Building Regulations By-laws in place which makes it very difficult for the municipality to regulate the development of land and the use of buildings more specific in the town areas of Jozini Municipality. The other issues deal with the submission of building plans to the municipality for approval prior the commencement of the developments, building plans are currently being approved based on National Building Regulations and Standard Act 103 of 1977 procedures which are not talking direct to the status of Jozini Municipal jurisdiction. Furthermore, it impossible for the municipality to enforce and act against illegal development. Therefore, it is essentially that the credible Building Regulations by-laws are developed in consultation with all relevant.

2. PURPOSE

The purpose of this document is to set out the terms of reference on which service provider should base their project proposals for the preparation of Building Regulations By-laws for the Jozini Local Municipality. Project proposals should clearly state the approach to be adopted, the proposed methodology, experience, time frame, program and associated budget and the proposed team members.

3. MUNICIPAL AREA

Jozini Local Municipality is a Category B municipality established in 2000 as one of the four local municipalities that constitute the uMkhanyakude District Municipality. It is located in the Northern Kwa-Zulu Natal and borders of Swaziland and Mozambique.

Jozini Local Municipality covers 32% (3057 Square Kilometres) of the total area of 13859 Square Kilometres of uMkhanyakude District Municipality. The municipality consists of

twenty wards, previously it consisted of 17 wards then after demarcations before the 2011 Local Government elections three wards were then added and it is also characterized by six towns which are:

- o Ingwavuma town
- o Jozini town
- o uBombo town
- o Bhambanana town
- o uMkuze town and
- o Ndumo town

along the north-eastern boundary of the district and is boarded by the following municipalities: UMhlabuyalingana to the east, Big Five Hlabisa to the south and Nongoma and UPhongolo to the west. The large area of Jozini jurisdiction falls under the ownership of Ingonyama Trust Board and some areas are privately owned by individuals and some owned by the State. The current land ownership is one of the reasons why it is very difficult to control development in the jurisdiction of the municipality.

4 OBJECTIVES

To provide for the regulation and control of building activities in respect of construction, demolition aesthetics, standard setting, building plans and inspection, and to provide for matters incidental thereto.

5 TASK DESCRIPTION

The following seven critical milestones/phases (in consultation with the relevant stake holders and Project Steering Committee shall be achieved in preparing the building regulation by-laws:

Phase 1: Inception/Project Initiation;

Phase 2: Status Quo Report;

Phase 3: Development of Draft By-laws Document and submission to Section 79 or 80 Committee

Phase 4: Conducting of Public Participation Process

Phase 5: Achieving Support for the Draft By-laws;

Phase 6: Finalization and adoption of by-laws by the Municipal Council;

Phase 7: Promulgation of adopted by-laws.

The following is a breakdown of each phase of the project that must be adhered to (including the submission of a monthly progress report) prior to the payment of any allocated milestone budgets:

5.1 PHASE 1: Inception/Project Initiation (not indicated in any specific order)

- 5.1.1 Confirm the Scope of Work;
- 5.1.2 Confirm Project Deliverables;
- 5.1.3 Confirm Project Approach and Methodology;
- 5.1.4 Identify pertinent stakeholders and confirm Project Team;
- 5.1.5 Submit a Communication Plan;
- 5.1.6 Submit a Work Plan;
- 5.1.7 Submit a Public Participation Plan;
- 5.1.8 Submit a Skills Transfer Plan;
- 5.1.9 Present a Project Program (including a schedule of meetings);
- 5.1.10 Identify Project Risks;
- 5.1.11 Identify Critical Success Factors; and
- 5.1.12 Define a Payment Program;

5.2 PHASE 2: Status Quo Report (not indicated in any specific order)

- 5.2.1 Include Historical and administrative background of the municipality in terms of building inspectorate
- 5.2.2 Describe issues related to tribal and state land that contribute in illegal development
- 5.2.3 Other strategic information that the Municipality, Service Provider and the Project Steering Committee may feel will appropriately inform the by-laws.

5.3 PHASE 3: Development of Draft By-laws Document and submission to Section 79 or 80 Committee

This phase involves the development of draft by-laws and submission to Section 79 or 80 Committee in terms of Municipal Structures Act for consideration and to take note of the version for public participation purposes.

5.4 PHASE 4: Conducting of Public Participation Process

The following approach mechanism should be used to enable the municipality's community to effectively participate during the process of developing the by-laws:

- Notice for public comments

- Public hearing in five regions of the municipality, regions will be confirmed by the PSC
- Organised interest groups inputs, if any
- Traditional authority views, if the by-law has impact on area of traditional authority.
- Notifying Ward Councillors and Ward committees to inform their constituencies to attend public hearing.
- Public participation should be done in the line with the municipality's language policy.

5.5 PHASE 5: Achieving support for the Draft by-law

5.5.1 This involves the lobbying of buy-in from a wide range of stakeholders in the Municipal area including organised businesses, community based organisations and other key stakeholder groups identified by the Municipality and the Project Steering Committee.

5.6 PHASE 6: Finalization and adoption of by-laws by the Municipal Council

This Phase involves the submission of the final draft by-law to Council for approvals.

5.7 PHASE 7: Promulgation of By-laws

This Phase involves the submission of the adopted by-law for publication in the Provincial Gazette.

6 METHODOLOGY

The service provider must provide a clear indication of the methodology proposed with respect to the above phases.

7 TIME FRAME

The service provider has to indicate the intended timeframe for each phase of the project and the envisaged milestones by a way of a detailed Gantt chart. However, the project completion should not exceed four (4) months.

8. PAYMENT PROCEDURES

Payment will be effected upon satisfactory delivery of achieved milestone(s).

9. PROJECT REQUIREMENTS

- 9.1 Tenderers may be allowed to form a consortium of professionals with different expertise in order to cover all required aspects of this study. The professionals or sub-consultants shall be the responsibility of the lead consultant.
- 9.2 Tenderers are requested to submit their proposals for this study in a “two envelope” principle. The first envelope must include the technical proposals in which the following information must be provided:
- Background and experience of the firm;
 - Detailed CV's of professional teams
 - Ability and experience in local government or other relevant public service procedures and requirements;
 - Experience in developing municipal policies;
 - Technical approach and methodology;
 - Details of how the consultant would organize the work;
 - Knowledge of the area and community; and
 - Involvement and/or ownership by the previously disadvantaged persons
 - Capacity to undertake the work within stipulated time frame;
 - Names of consulting staff to be assigned to the work together with individuals responsibilities and experience;
- 9.3 The second envelope shall include the financial proposals and the following information must be provided:
- Work schedule and detailed breakdown of fees; and
 - Total estimated budget including VAT.
 - No hidden cost will be considered.
- 9.4 It is therefore recommended that the service provider ensures that people with Relevant skills are part of the project. A list of people containing, among other things, names, qualifications and experience who will be directly involved in the project must be submitted. This should clearly indicate what roles each team member will play. A company / team profile containing, among other things, names, qualifications and experience of persons who will be **directly** involved in the project must be included.

All team members that will be directly involved in the project will be expected to attend all progress report meetings as scheduled and agreed upon by both parties. The selected team members shall stay the same for the duration of the project and cannot be changed without prior discussions with and approval from the project steering committee

10. EVALUATION CRITERIA

The following table provides organisational eligibility criteria and service providers will be assessed in relation to these eligibility criteria, provided that any service providers that do not meet any of the criteria.

11. DOCUMENTS AND EVIDENCE

Duly completed quotation documents must be submitted together with the following:

- i. a Company résumé;
- ii. a schedule of proposed personnel; and
- iii. an original valid Tax Clearance Certificate.

12. THRESHOLD FOR QUALIFICATION

The criteria for scoring of technical requirements are as set out below.

MINIMUM REQUIREMENT	YES/NO	COMMENT/ PROOF TO BE PROVIDED
Organisational Capacity		
1. Experience in Development of Policies for Municipalities.		Company Profile (Must demonstrate Directors/Members cumulative 5 years experience)
2. Experience and Capacity in Facilitation of workshops.		
3. Sound Participatory Planning, and innovative planning approaches		
Project Manager capability – qualifications, expertise and experience		
4. Tertiary qualification in administration or any relevant tertiary qualification		Certified Copy of Qualification
5. Registration with LGSETA		Certified Proof of Registration with
6. Experience with a focus on strategic planning in developing, documenting and implementing public sector management systems.		Certified Copy of Qualification and CV
PRINCIPAL ANALYST: capability – qualifications, expertise and experience		
9. Consultant experience in Local government or strategic planning and development (Minimum 5 years' experience)		CV and Reference Checks
10. Experience in analysis of policies		CV and Reference Checks
11. Methodology and Approach		Submitted Proposal

13. SUBMISSION OF QUOTATIONS

Quotations must be delivered to the address indicated thereon, on or before the time and date stipulated, in accordance with the advertised stipulations.

Late quotations will not be considered.

No qualifications of quotations will be allowed, and service providers are hereby warned that any quotations containing special quotation conditions that differ or deviate from the official quotation form will be disqualified.

The Municipality is not compelled to accept the lowest or any quotation.

Quotations must be submitted in sealed envelopes and only one quotation may be submitted per envelope, which must be endorsed with the quotation name and number as well as the closing date and time, as indicated below, with the name and address of the service provider reflected on the reverse side of the envelope:

DEVELOPMENT OF THE BUILDING REGULATIONS BY-LAW FOR THE JOZINI LOCAL MUNICIPALITY (KZN272)

QUOTATION NUMBER: JMC003/03/17

- (1) Quotations are to be deposited in the tender box, located at:
Jozini Local Municipality
Circle Street, Bottom Town
Jozini
3969
- (2) Quotations must be deposited in the tender box by no later than **12:00 on 13 April 2017**. Only those quotations deposited by the closing time will be considered.

BRIEFING SESSION

- (3) A briefing session will not be held.

PRICING OF QUOTATIONS

- (4) The Municipality reserves the right to contact those who have submitted quotations to –
- i. obtain clarity where information is incomplete or where a lack of clarity exists about technical aspects of the quotation;
 - ii. obtain confirmation of prices in cases where it is obvious that a written, typed or transcription error, or an error in the unit price has been made.

ENQUIRIES

Supply chain related enquiries regarding this quotation must be directed to

MR. SANELE DUMA

SUPPLY CHAIN MANAGER

TEL:035 572 1292

Email: sduma@jozini.gov.za

All enquiries relating to the scope of work must be addressed to:

Mr. SN Myeni

Manager Town Planning

Tel: 035 572 12392 or 082 892 7682

Email: smyeni@jozini.gov.za