



Transnet Pipelines

Tender Number: TPL/2023/06/0005/32022/RFP

Description of the Service: The Appointment of an Environmental Assessment Practitioner to conduct Environmental Impact Assessment Process, Water Use License Application and Environmental Control Services on an "as and when required basis" for Transnet Pipelines sites located at KwaZulu-Natal Province for a period of three (3) years.

PART C3: SCOPE OF SERVICES

Document reference	Title	No of page
C3.1	<i>Employer's Works Information</i>	9



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SECTION 1

1 Procurement

1.1 Code of Conduct

Transnet aims to achieve the best value for money when buying or selling goods and obtaining services. This however must be done in an open and fair manner that supports and drives a competitive economy. Underpinning our process are several acts and policies that any supplier dealing with Transnet must understand and support. These are:

- The Transnet Procurement Procedures Manual (PPM);
- Section 217 of the Constitution - the five pillars of Public PSCM (Procurement and Supply Chain Management): fair, equitable, transparent, competitive and cost effective;
- The Public Finance Management Act (PFMA);
- The Broad Based Black Economic Empowerment Act (B-BBEE); and
- The Anti-Corruption Act.

This code of conduct has been included in this contract to formally apprise Transnet Suppliers of Transnet's expectations regarding behaviour and conduct of its Suppliers.

Prohibition of Bribes, Kickbacks, Unlawful Payments, and Other Corrupt Practices

Transnet is in the process of transforming itself into a self-sustaining State Owned Enterprise, actively competing in the logistics industry. Our aim is to become a world class, profitable, logistics organisation. As such, our transformation is focused on adopting a performance culture and to adopt behaviours that will enable this transformation.

1. *Transnet will not participate in corrupt practices and therefore expects its suppliers to act in a similar manner.*
 - Transnet and its employees will follow the laws of this country and keep accurate business records that reflect actual transactions with and payments to our suppliers.
 - Employees must not accept or request money or anything of value, directly or indirectly, to:
 - Illegally influence their judgement or conduct or to ensure the desired outcome of a sourcing activity;
 - Win or retain business or to influence any act or decision of any decision stakeholders involved in sourcing decisions; or
 - Gain an improper advantage.
 - There may be times when a supplier is confronted with fraudulent or corrupt behaviour of Transnet employees. We expect our Suppliers to use our "Tip-offs Anonymous" Hot line to report these acts. (0800 003 056).
2. *Transnet is firmly committed to the ideas of free and competitive enterprise.*
 - Suppliers are expected to comply with all applicable laws and regulations regarding fair competition and antitrust.
 - Transnet does not engage with non-value adding agents or representatives solely for the purpose of increasing B-BBEE spend (fronting)



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3. *Transnet's relationship with suppliers requires us to clearly define requirements, exchange information and share mutual benefits.*
 - Generally, Suppliers have their own business standards and regulations. Although Transnet cannot control the actions of our suppliers, we will not tolerate any illegal activities. These include, but are not limited to:
 - Misrepresentation of their product (origin of manufacture, specifications, intellectual property rights, etc);
 - Collusion;
 - Failure to disclose accurate information required during the sourcing activity (ownership, financial situation, B-BBEE status, etc.);
 - Corrupt activities listed above; and
 - Harassment, intimidation or other aggressive actions towards Transnet employees.
 - Suppliers must be evaluated and approved before any materials, components, products or services are purchased from them. Rigorous due diligence is conducted and the supplier is expected to participate in an honest and straight forward manner.
 - Suppliers must record and report facts accurately, honestly and objectively. Financial records must be accurate in all material respects.

Conflicts of Interest

1. *A conflict of interest arises when personal interests or activities influence (or appear to influence) the ability to act in the best interests of Transnet.*
 - Doing business with family members
 - Having a financial interest in another company in our industry

1.2 The Contractor's Invoices

- 1.2.1 When the *Project Manager* certifies payment following an assessment date, the *Contractor* complies with the *Employer's* procedure for invoice submission.
- 1.2.2 The invoice must correspond to the *Project Manager's* assessment of the amount due to the *Contractor* as stated in the payment certificate.
- 1.2.3 The invoice states the following:
 - Invoice addressed to Transnet SOC Ltd;
 - Transnet SOC Limited's VAT No: 4720103177;
 - Invoice number;
 - The *Contractor's* VAT Number; and
 - The Contract number
 The invoice contains the supporting detail.
- 1.2.4 The invoice is presented either by post or by hand delivery.
- 1.2.5 Invoices submitted by post are addressed to:



Transnet Pipelines

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PO Box 3113

Durban

4001

1.2.6 Invoices submitted by hand are presented to:

Transnet Pipelines

202 Anton Lembede Street

Durban

For the attention of Sebenzile Rukidi, Senior Contract Manager, Transnet Pipelines. Invoices to be submitted by the 21st of the relevant month and must be attached to the relevant month end statement.

1.2.7 The invoice is presented as an original.



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SECTION 2

1. INTRODUCTION

Transnet Pipelines (TPL), a division of Transnet Limited was established in 1965 to provide the service of liquid fuels and gas transportation. The liquid fuels network traverses 5 provinces, KwaZulu-Natal, Free State, Gauteng, North West and Mpumalanga. The intake stations are the two refineries in Durban, the crude refinery at Coalbrook (Natref) and the Synfuel plants at Secunda (Sasol II and III). The gas pipeline starts from Secunda in Mpumalanga Province to Durban via Empangeni in Kwa-Zulu Natal Province.

A new 24 inch Multi Products Pipeline (MPP) from Durban to Jameson Park including an additional three 16" lines from Jameson Park to Alrode, Alrode to Langlaagte and Kendal to Waltloo was added to this network recently, which was completed in 2010.

The operational process of these networks of pipelines requires maintenance, upgrade of infrastructure or decommissioning and construction of new structure for operation purpose. Some of these activities are listed activities in terms of the following legislation; hence they require environmental authorisation or Water Use License (WUL) prior to implementation:

- National Environmental Management Act 107 of 1998 as promulgated in terms of Government Notice Regulations 982, 983,984 and 985 of 4 December 2014.
- National Water Act 36 of 1998 Section 21.

2. PROFESSIONAL SERVICES TASKS

TPL requires the service of an environmental assessment practitioner who will undertake the Basic Assessment Process, Scoping and Environmental Impact Assessment Process, WUL Applications, Independent Environmental Control Officer (ECO) activities and local newspaper advertisements for Atmospheric Emission Licences in KwaZulu-Natal Province, on an as and when required basis for a period of thirty six months (36). The tasks will entail the following:

2.1. Determination of assessment Process and permits requirements applicable to the activity being proposed

The Environmental Assessment Practitioner (EAP) will determine whether a Basic Assessment or Scoping Process & Environmental Impact Assessment and WUL must be applied for, taking into account legal guidelines applicable to the proposed activity and in consultation with TPL.

2.2. Conduct Basic Assessment and Scoping & Environmental Impact Assessment process as Follows:

- The EAP will conduct the Basic Assessment process, Scoping and Environmental Impact Assessment process for the activities that are listed in terms of National Environmental Management Act 107 of 1998 as amended in GNR 982, GNR 983, 984 and 985 4 December 2014



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- The EAP will be expected to undertake project initiation meeting with the client and the authorities where required, understand the project, gather data through site visits and literature review,
- The Basic Assessment and Scoping & Environmental Impact Assessment Process and contents of all reports must comply with all the requirements contained in GNR 982 GNR 983, 984 and 985 of the 4th December 2014 of the National Environmental Management Act 107 of 1998.
- The EAP will be required to compile the Environmental Management Plan to mitigate the impacts identified in the environmental impact assessment report. The content of this Environmental Management Plan must comply with the requirements contained in appendix 33 of GNR 543 of the National Environmental Management Act.
- The EAP will be required to undertake specialist studies where required. The EAP and specialist must comply with the requirements contained in section 13 GNR 982 of the National Environmental Management Act 107 of 1998
- The specialists reports must comply with the requirements contained in Appendix 6 of GNR 982 of the National Environmental Management Act 107 of 1998.
- The EAP must submit each draft application forms and reports to TPL for internal review prior to submission to the authorities or publication for public consumption.
- The final reports and forms will be submitted to Authority or external parties after it has been endorsed by a TPL representative.
- The EAP will be expected to notify registered interested and affected parties of the final decision of the Authority as required in terms of section 4 of GNR 982 of 4 December 2014 of National Environmental Management Act 107 of 1998.

2.4. Deliverables

- Environmental authorisation application forms
- Draft and final Basic Assessment report, Scoping and EIA reports, Environmental management plans and associated relevant documents such as specialist studies, records of communication with authorities ,communication with interested and affected parties and the client
- Minutes of the meetings with authorities, TPL and other relevant stakeholders.
- Notification of registered interested and affected parties of the final decision of the Authority as required in terms of section 4 of GNR 982 of 4 December 2014 of National Environmental Management Act 107 of 1998.
- Submit a draft schedule of each project to TPL prior to commencement with work. The project schedule will have to be agreed upon with TPL.

2.5. Water Use Licenses Applications

The EAP will also be required to apply for a WUL or authorisation for those activities that are listed in terms of the National Water Act No 36 of 1998. The tasks for WUL or authorisation entail the following:



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- Liaise with the Department of Water Affairs for the region in which the activity is being undertaken, to determine their requirements for a WUL.
- Gather data for the WUL through site visits; review of existing information and through interaction with TPL staff. The gathering of data and public participation must be done in conjunction with the Environmental Impact Assessment Process.
- Undertake the Wetland and Aquatic specialist studies as required as and when requested by TPL.

2.6. Deliverables for water use license

- Draft and final WUL application forms
- Reports and specialists studies as required by the Authorities.
- Minutes of the meetings with Authorities.

2.7. Audit or Monitor compliance with the conditions of the Environmental Authorisation and WUL (Independent ECO Services) on an as and when requested by TPL.

2.7.1. Compliance with Environmental Authorisation

On receipt of the environmental Authorisations from the Authorities, the EAP will be required to provide the services of an Independent ECO as contained in the permits or authorisations requirements. The tasks provided below are some of the generic tasks that will be expected from the Independent ECO:

- Review of the Environmental Authorisation, Environmental Management Plan and WUL prior to commencement with compliance monitoring/audits.
- Monitor and verify compliance with conditions set out in the environmental authorisation and WUL issued for the project under implementation.
- Monitor and verify compliance with all conditions and mitigation measures of the approved Environmental Management Plan (EMP).
- Advising the applicant and the site supervisor about the interpretation, implementation and enforcement of the EMP.
- Prepare environmental permits compliance audit reports and submit to TPL for review.
- Conduct a close out environmental audit and prepare the close out report.
- Recommending rectification of non-compliances with the EMP before significant impacts occur.
- Ensuring the communications register is maintained and all such complaints are dealt with within 14 days.
- Reporting any significant environmental incidents to Department of Environmental Affairs or other relevant regulatory authorities as may be required.
- Ensuring an environmental incident book of all incidents occurring on site is maintained and that corrective measures have been undertaken;
- Conduct induction training of EMP prior to project execution.
- The appointed wetland specialist will be required to monitor the compliance to the wetland management and rehabilitation plan and provide specialist advice for corrective actions and compile audit reports.



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- Ensure that all environmental monitoring programmes (sampling, measuring, recording etc.) are carried out according to standard operating procedures and schedules.
- Attend ad hoc scheduled project environmental meetings and relevant project.
- Coordination meetings with authorities as and when requested by TPL.
- Investigate and report on major environmental incidents, and recommend and check corrective action.

2.7.2. Public Participation Process

The appointed service provider will be required to conduct public participation process as follows:

- Prepare public participation documents for notification (i.e. compilation of site notices and adverts)
- Translation of executive summary, site notices and newspaper adverts in the local language of the area.
- Printing of background information documents and invitations.
- Printing and laminating of site notices.
- Management of appeals (i.e. prepare and submit the appeal response as required).
- Attend and facilitate meetings with TPL and Authorities.

2.7.3. Water Use License Conditions Audits

The appointed service provider will be required to provide the services of an External Auditor of the compliance with the WUL. The tasks will entail the followings

- Review of the WUL and other project information pertinent to the WUL.
- Undertake site visit to verify compliance onsite.
- Monitor and verify compliance with conditions set out in the WUL issued to the project under implementation.
- Ensure that the water quality sampling and laboratory analysis where it's required in terms of the WUL conditions are conducted using a registered scientist (e.g. wetland specialist). The water quality will be undertaken up-stream and down-stream of the activity.
- Compile compliance audit reports and forward to TPL for review prior to finalisation.
- Recommend rectification of non-compliances with the WUL before significant impacts occur.

3. OTHER REQUIREMENTS

The environmental assessment practitioner shall carry out all the tasks that are necessary for best project management practice, which will include the main activities;



Transnet Pipelines

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- The EAP will be expected to submit each draft form or report to TPL for internal review prior to submission to the authorities or public consumption.
- The EAP will be expected to co-ordinate meetings between the client and the authorities where required.
- Submit a draft schedule for delivery of each project to TPL prior to commencement with work. The project schedule will have to be agreed upon with TPL.
- Manage specialist investigations and subsequent reports.
- Write up minutes of all environmental meetings.
- The appointed service provide must only undertake work after receiving approval from TPL. No work should be undertaken without pre-approval from TPL Project Manager.
- Liaise with authorities on an as and when required basis.
- The appointed EAP will be required to do newspaper adverts for Atmospheric Emission as and when requested by TPL.
- License Renewal as and when requested by TPL.
- The travel mileage round trip per one event must not exceed 800 km.
- The service provider must have a geographic footprint along TPL network.

4. Appeal Process

If appeals are registered against the Environmental Authorisation, it will be necessary for the environmental assessment practitioner to comment on them so that the Department of Environmental Affairs may properly consider and decide on the appeals. The environmental assessment practitioner shall carry out the following tasks as and when requested by the TPL:

- Consider appeals (if any) submitted by interested and affected parties after Department of Environmental Affairs issued the Environmental Authorization.
- Write up and document the response that is sent to Department of Environmental Affairs for consideration and decision on the appeals (if any).

4.1 Deliverables:

- Analysis and review of comments received.
- Written submissions to authorities.