1. SCOPE OF WORK

The appointed EAP shall complete a desktop-based regulatory requirements and environmental due diligence study for the proposed use of the existing Milnerton Tank Farm for finished petroleum products. The study must establish what SANPC must do next. It must not implement the subsequent approval processes.

1.1 Inception and information requirements

I. Confirm the study assumptions, proposed products, existing infrastructure and information required from SANPC.
II. Prepare an inception report, information request register and detailed study programme.

1.2 Desktop environmental and regulatory due diligence

I. Source and review existing and available historical environmental authorisations, environmental studies, permits, audit findings, MHI information, land-use records and other relevant facility documentation supplied by SANPC and previously granted but regulatory and authorising bodies.
II. Identify gaps, expired approvals, compliance uncertainties and documents that SANPC must obtain or verify. Source and obtain these documents for and on behalf of SANPC.

1.3 Regulatory applicability assessment

Undertake a review of applicable environmental legislation and determine the relevance of each requirement to the proposed project.

The assessment shall include, where applicable:

- National Environmental Management Act, 1998 (NEMA);
- Environmental Impact Assessment Regulations, 2014, as amended;
- Listing Notice 1;
- Listing Notice 2;
- Listing Notice 3;
- National Environmental Management: Waste Act, 2008;
- National Environmental Management: Air Quality Act, 2004;
- National Water Act, 1998;
- National Environmental Management: Biodiversity Act, 2004;
- National Environmental Management: Protected Areas Act, 2003;
- National Environmental Management: Integrated Coastal Management Act, where applicable;
- National Heritage Resources Act, 1999;
- provincial and municipal environmental requirements; and
- any other environmental legislation, regulations, standards or municipal by-laws considered relevant to the project.

The EAP shall clearly distinguish between legislation that is applicable to the project and legislation that has been reviewed but is not applicable.

1.3.1 NEMA EIA Listing Assessment

The EAP shall undertake a detailed assessment of the proposed activities against the applicable NEMA EIA Listing Notices.

The assessment shall:

- Identify each project activity that may correspond with a listed activity;
- Provide the relevant Listing Notice and activity number;
- Explain why the activity is or is not triggered;
- Consider the thresholds and applicability criteria associated with each listed activity;
- Consider all associated and ancillary activities forming part of the project;
- Identify any potential cumulative or combined triggers; and
- Provide a clear conclusion regarding whether an Environmental Authorisation is required.

The assessment shall not be limited to the primary project activity and shall consider the complete project footprint and associated infrastructure.

3.3.2. Environmental Screening

The EAP shall undertake the National Web-Based Environmental Screening Tool assessment for the proposed project footprint.

The assessment shall identify, where applicable:

- Biodiversity sensitivities;
- Plant and animal species sensitivities;
- Aquatic/wetland sensitivities;
- Terrestrial sensitivities;
- Agricultural potential;
- Archaeological and cultural heritage sensitivities;
- Paleontological sensitivities;
- Civil aviation considerations;
- Defence considerations;
- Protected areas;
- Watercourses;
- Critical biodiversity areas and ecological support areas;
- Other spatial environmental constraints; and
- Any other relevant environmental themes identified through the Screening Tool.

The Screening Tool report shall be included as an appendix to the final assessment.

3.3.3. Site Verification

Where necessary, the EAP shall undertake a site inspection to verify the desktop findings and confirm the existing environmental conditions.

The site verification should consider, amongst other matters:

- Existing land use;
- Existing infrastructure and disturbance;
- Vegetation;
- Watercourses and drainage features;
- Wetlands;
- Sensitive ecological areas;
- Heritage features;
- Waste and contamination considerations;
- Existing environmental impacts; and
- Potential environmental constraints associated with implementation of the project.

3.3.4. Specialist Assessment Requirements

Based on the Screening Tool results and project characteristics, the EAP shall identify whether specialist assessments are required.

Where applicable, the EAP shall identify the required specialist fields, which may include:

- Terrestrial biodiversity;
- Aquatic/wetland;
- Botanical;
- Faunal;
- Agricultural;
- Heritage;
- Palaeontology;
- Traffic;
- Visual;
- Noise;
- Air quality;
- Geohydrology/hydrology; and
- Other specialist studies considered necessary.

The EAP shall clearly state whether each specialist assessment is:

- Required by regulation/protocol;
- Recommended as good practice; or
- Not required.

3.3.5. Other Environmental Authorisations and Permits

The EAP shall identify environmental approvals that may be required in addition to NEMA Environmental Authorisation.

This shall include consideration of, where applicable:

- Water Use Licence / General Authorisation;
- Waste management licence;
- Atmospheric Emission Licence;
- Biodiversity-related permits;
- Protected area requirements;
- Heritage approval/permit;

- Alien and invasive species requirements;
- Coastal or marine approvals;
- Municipal environmental requirements; and
- Any other relevant environmental permits or approvals.

3.4. Deliverable

1. The EAP shall prepare a concise Environmental Legal and EIA Applicability Screening Report containing, as a minimum:
2. Executive summary;
3. Project description;
4. Project location and site description;
5. Applicable legislative framework;
6. NEMA listed activity assessment;
7. Screening Tool results;
8. Environmental sensitivity assessment;
9. Site verification findings, where undertaken;
10. Specialist assessment requirements;
11. Other environmental permits/licences required;
12. Environmental legal register/applicability matrix;
13. Identified information gaps and assumptions;
14. Recommended regulatory pathway; and
15. Clear conclusion regarding whether an Environmental Authorisation is required.
16. Complete register of specialist studies that will be required in the next phase.

17. Regulatory Pathway Recommendation

The report shall provide a clear recommendation on the appropriate regulatory pathway, including, where applicable:

- No Environmental Authorisation required;
- Environmental Authorisation required through a Basic Assessment process;
- Environmental Authorisation required through a Scoping and Environmental Impact Reporting process;
- Application for exclusion, where legally applicable;
- Registration under an applicable environmental management instrument or standard; or
- Further investigation required before a definitive conclusion can be reached.

Where Environmental Authorisation is required, the EAP shall provide an outline of the anticipated application process, key specialist studies, stakeholder engagement requirements, estimated programme and key regulatory deliverables.

3.5. Assumptions and Limitations

The assessment shall be based on the project information available to the EAP at the commencement of the assignment.

The EAP shall clearly identify any assumptions, limitations, data gaps or uncertainties that may affect the conclusion.

Should the project scope, footprint, technology or associated infrastructure change materially, the EAP shall advise whether the legal applicability assessment requires updating.

2. BID EVALUATION CRITERIA

Bids will be evaluated through administrative responsiveness, minimum technical requirements, functionality, price and the applicable specific goals. Criteria will be applied consistently to all bidders.

2.1 Mandatory requirements

1. The proposed Lead EAP must hold valid registration with EAPASA as an Environmental Assessment Practitioner.

2. The bidder must submit the Lead EAP's CV, qualification certificates and proof of current EAPASA registration.
3. The bidder must submit a technical proposal, project programme and completed pricing schedule.
4. The bidder must accept the scope and identify any assumptions or exclusions clearly.

2.2 Functionality assessment

Only bidders achieving at least 70 points out of 100 will proceed to evaluation on price and specific goals.

No	Criterion	Evidence required	Weight	Scoring guidance 0 to 5
1	Relevant experience of the bidder in undertaking regulatory requirements studies for petrochemical, fuel-storage, hazardous installation or comparable industrial facilities	List of completed projects, including the project name, client, scope of services, completion date and relevance to this assignment	40%	0: No relevant projects 1: One relevant project 2: Two relevant projects 3: Three relevant projects 4: Four relevant projects 5: Five or more relevant projects
2	Experience and professional registration of the Lead EAP. The Lead EAP must be registered with the Environmental Assessment Practitioners Association of South Africa (EAPASA)	Detailed CV, certified qualification certificates and valid EAPASA registration certificate	25%	**EAPASA registration is mandatory.** Experience scoring: 0: Less than 5 years 1: 5 years 2: More than 5 but less than 7 years 3: 7 to less than 10 years 4: 10 to less than 12 years 5: 12 years or more
3	Contactable references	Signed reference letters containing the client's name, contact person,	25%	0: No relevant references

		contact details, project description and services completed by the bidder.		1: One relevant reference 2: Two partially relevant references 3: Two relevant references 4: Three relevant references 5: Four or more relevant references
4	Approach and methodology	A project-specific methodology addressing document review, legal and regulatory applicability, gap analysis, authority engagement, programme of work and the final regulatory roadmap	10%	0: Not submitted 1: Generic and poorly aligned 2: Partially addresses the scope 3: Adequate and project-specific 4: Detailed and well aligned 5: Comprehensive, coherent and fully aligned with all requirements

3. PRICING SCHEDULE

Bidders must price the complete scope as a fixed lump sum. Prices must include all professional time, project management, travel, meetings, report preparation and other disbursements. SANPC will evaluate the total price inclusive of VAT. Unpriced activities will be deemed included in the tendered total. Bidders must state any exclusions from the Scope of Work. If not, SANPC assumes that the Bidder will execute the full scope of Work as detailed in the RFQ, without exclusions. The Scope of Work will be contractually binding on the successful bidder.

No	Work item and deliverable	Qty	Total excl VAT	Total incl VAT
1	Inception report, information request register and programme	1		
2	Desktop environmental and regulatory due diligence	1		
3	Regulatory applicability assessment	1		
7	Regulatory implementation roadmap with indicative programme	1		
8	Regulatory Requirements Study Report	1		
9	Presentation of findings to SANPC	1		
10	Final report to SANPC: 1 x hard copy 1 x electronic copy of native files 1 x electronic copy in .pdf format.	1		
	TOTAL TENDERED PRICE			

4. LEGAL AND REGULATORY CONSIDERATIONS

A preliminary legal review undertaken by SANPC has identified uncertainty regarding the environmental approval pathway applicable to the proposed refurbishment and repurposing of the Milnerton Tank Farm from crude oil storage to finished petroleum product storage. While the project primarily involves the refurbishment of existing infrastructure without increasing the facility's storage capacity or physical footprint, the applicable environmental approval requirements cannot be conclusively determined without a comprehensive environmental and regulatory assessment.