

***REQUEST FOR QUOTATIONS***

FOR THE DEVELOPMENT OF PUBLIC HEALTH BY-LAWS FOR UGU DISTRICT MUNICIPALITY

**COMPANY NAME:** \_\_\_\_\_

**PRICE EXCLUDING VAT:** \_\_\_\_\_

**CLOSING DATE AND TIME: 15 DECEMBER 2011**

**ADDRESS: UGU DISTRICT MUNICIPALITY, 27 BAZLEY STREET, PROCUREMENT OFFICES, PORT SHEPSTONE, 4240 (OR E-MAIL TO [procurement@ugu.gov.za](mailto:procurement@ugu.gov.za), Cc: [Noloyiso.Nkqeto@ugu.gov.za](mailto:Noloyiso.Nkqeto@ugu.gov.za); [Prajesh.Ramsumugth@ugu.gov.za](mailto:Prajesh.Ramsumugth@ugu.gov.za))**



**UGU DISTRICT MUNICIPALITY**

**TERMS OF REFERENCE FOR THE APPOINTMENT OF A SERVICE PROVIDER  
TO COMPILE PUBLIC HEALTH BY-LAWS FOR UGU DISTRICT  
MUNICIPALITY**

# **TERMS OF REFERENCE (ToRs) FOR THE DEVELOPMENT OF PUBLIC HEALTH BY-LAWS**

## **1. Background**

Ugu District Municipality comprises six (6) local municipalities, viz. Hibiscus Coast, Umdoni, Umuziwabantu, Vulamehlo, Ezingoleni and Umzumbe. The Environmental Health Services (EHS) was transferred from local municipalities of Umdoni, Hibiscus Coast and Umuziwabantu to the Ugu District Municipality in July 2006. Prior to the transfer of the EHS, all the Transitional Local Councils (TLCs) and villages had their own by-laws which no longer apply in the new local government setup. This implies that areas that fell outside the TLCs were not covered by the municipal by-laws of the time. Thus, currently Ugu effectively does not have its own by-laws.

A service provider is therefore required to develop Public Health by-laws for the Ugu District Municipality – Environmental Health Services. This comprehensive set of by-laws must cover all functional areas of Environmental Health for the purposes of regulating the rendering of EHS as well as ensuring compliance with laws governing compliance thereof.

## **2. Aim**

To develop a district wide comprehensive and implementable set of Public Health by-laws for Ugu Environmental Health Services.

## **3. Objectives**

The objectives of this project are (but not limited to) the following:

- To ensure efficient rendering of EHS
- To develop a regulatory system for the rendering of EHS
- To enhance compliance and law enforcement

## **4. Study area**

The study area for the proposed project is located within the Ugu District Municipality, extending from Scottburgh in the North, to Umuziwabantu in the South, extending to the inland area of Vulamhelo.

## **5. Scope of Work**

A service provider will be required to develop and compile public health by-laws for the Ugu District Municipality, taking into account and making use of the information that is available on the old by-laws, eliminating obsolete and introducing new aspects of environmental health as well as legislative developments. These must include all areas of environmental health.

The following process must be followed:

### **5.1 Initial meeting with project management team**

After appointment, the service provider will meet with the project management team in order to:

- Confirm and finalize the scope of work for the project, including:
  - (a) A final list of specialist work and information that will be required to inform the process. Stakeholder groupings will be required as part of the workplan / proposal.
  - (b) Approaches to stakeholder management and public participation
- Agree upon deliverables and time frames for the deliverables.
- Agree upon roles and responsibilities between the project management team and service provider.
- Agree upon the reporting structure to both the project management team and internal senior structures
- Agree upon payment structure/methodology.

## **5.2 Literature Review**

The literature review should include, but not be limited to, relevant public health legislation, including existing environmental health literature and plans regarding the study area. The service provider should ensure that the project take cognizance of all relevant legislation and guideline documentation including, but not limited, the following:

- Generic/model by-laws from CoGTA (if available)
- Old public health and existing water and sanitation by-laws
- Keeping of animals and birds by-laws
- Storage, manufacture, and sale of foodstuffs by-laws
- Nuisance By-laws
- Ugu District Municipality's Integrated Development Plans (IDP)
- National Environment Management Air Quality Act (Act No 39 of 2004)
- National Environmental Management Waste Act (Act 59 of 2008)
- National Health Act 2003
- Foodstuffs, Cosmetics and Disinfectants Act ( Act 54 of 1972)
- Tobacco Products Control Act (Act 83 of 1993).
- Business Act (Act 72 of 1991)
- Hazardous Substances Act (Act 15 of 1973)
- National Environmental Management Act (Act 107 of 1998)
- Municipal Systems Act
- Environmental Conservation Act
- Milk regulations
- KZN Health care Risk Waste Management Policy
- Disaster Management Act (57/2002)
- Draft regulations relating to Public Health Nuisances
- Draft regulations on mortal remains, undertakers and burials at sea
- Draft Environmental Health Policy
- Draft regulations relating to Environmental Investigations and Inspections
- Municipal Finance Management Act
- Human Resources for Health South Africa( HRH Strategy for Health Sector: 2012/13-2014/17 (especially Chapter 4 and new role of Environmental Health in Primary Health Care)
- Legislation and Regulations: Funeral Parlours and Undertakers

**P.S** A CD with all applicable Public Health legislation has been compiled, and same is available on request from the Project Manager. The CD, if requested, must be copied and returned to the Project Manager.

### 5.3 Aspects / functional areas

Aspects and/or areas to be covered, should include, but not be limited to, the following:

- Food control
- Water pollution control
- Air pollution control
- Land and soil pollution control
- Vector control
- Noise pollution control
- Water quality monitoring, including waste water and sewerage water
- Waste management and general hygiene monitoring
- Health surveillance of premises and establishments that are under the surveillance of environmental health<sup>1</sup>
- Surveillance and prevention of communicable diseases
- Environmental Pollution Control
- Offensive trades
- Disposal of dead
- Smoking of Tobacco Products in public places
- Code of Practice for the construction of dwelling houses in accordance with the National Building Regulations (SABS 0401-1989)
- General public health nuisance

### 5.4 Summary of scope and deliverables

(a) The following are the deliverables for the project:

<b>Deliverable</b>	<b>Achievement of Deliverable</b>	<b>Responsibility</b>
<b>Inception meeting and report</b>	<ul style="list-style-type: none"> <li>• Inception meeting with the project management team</li> <li>• Inception Report with minutes of meeting, attached as an annexure.</li> <li>• Finalize plan of work (detailed project plan, including public participation strategy)</li> </ul>	Service provider and PMT
<b>Literature review, brief status Quo Report and draft by-laws</b>	<ul style="list-style-type: none"> <li>• Literature review that includes relevant public health legislation, environmental health literature, existing by-laws, comparisons with other good set of by-laws in the country.</li> <li>• Prepare and submit status quo alongside draft by-laws</li> <li>• NB: Provision is to be made in the by-laws for offences and penalty clauses, for each aspect and/or areas to be covered.</li> </ul>	Service provider
<b>Presentation: Draft By-laws</b>	<ul style="list-style-type: none"> <li>• Present draft by law to the project management team</li> <li>• Presentation to the internal senior structures as will be directed by the project manager</li> </ul>	Service provider
<b>Public Participation and</b>	<ul style="list-style-type: none"> <li>• Publish and distribute draft by-laws for</li> </ul>	

<sup>1</sup> Accommodation, dry cleaning, laundry establishments, hairdressing, beauty and cosmetology services, Childcare services (crèches, nurseries, day care, child minders, pre-schools), funeral undertaker premises

<b>Report</b>	<ul style="list-style-type: none"> <li>public comments</li> <li>• Arrange and conduct public participation process as per public participation strategy.</li> <li>• Submit public participation report to project management team, confirming that such public meeting took place.</li> </ul>	Service provider
<b>Final draft of by laws</b>	<ul style="list-style-type: none"> <li>• After comments and presentations / reports, the draft by-laws will be finalized and adopted by Ugu internal structures</li> </ul>	
<b>Lessons learnt and recommendations</b>	<ul style="list-style-type: none"> <li>• Provide to the project management team with a “lessons learnt” document, for publication.</li> <li>• Give a one day close out workshop of lessons learnt from the project</li> <li>• Make recommendations for implementation and review of the by-laws. Implementation should include, among other things, consideration of the fact that there municipal and province based EHPs who will have to apply the by-laws in their respective geographical areas of deployment.</li> </ul>	Service provider

## 6. Project Team

Successful service provider / team of experts should include, but not be limited to, the following qualifications and experience:

- Legal and Environmental Health experts (Environmental Health experts to be registered with HPCSA and such registration must be up to date)
- Proven ability to successfully draft by-laws
- Public health experience
- Public participation and social facilitation skills, with knowledge of the local community.
- Access to relevant specialist consultants, including EHP's (if not part of the company) having expertise in the same field.
- Report writing skills
- Administrative skills and support
- Research skills

Curriculum Vitae (CV's) for each member on the team, detailing their qualifications and experience, must be included in the proposal submitted. Each member of the team must give written consent that he/she will be working in the project team for the entire duration of the project. In the event of any member withdrawing from the team or being unable to continue, the project manager must be informed of such withdrawal in writing, and that such had been beyond the control of the service provider.

## 7. Meetings

- The successful service provider must make himself available for regular meetings with the project management team and Ugu management structures. Such will be communicated and agreed upon between the service provider and the project management team.
- Action based minutes of the project meetings must be taken by **the service provider** and forwarded to members of the team within 10 working days after

each meeting. Minute taking does not include meetings held with Ugu senior internal structures.<sup>2</sup>

## **8. General**

- The plan of work is to include detailed tasks to be carried out and persons allocated to each task.
- Any deviations from the plan of work must be mutually agreed upon by the project management team and the service provider.
- No presentations to or publication (of the reports and by-laws) with external parties for any purposes other than public participation without the prior permission of the Project Manager.

## **9. Copyright**

All information/documents obtained during the course of this project remains the property of Ugu DM and may not be distributed or re-produced by the service provider, without prior permission of the municipality.

## **10. Time frames**

The drafting of the by-laws must be finalized by June 2011, i.e. from the date of signing of a service level agreement between the service provider (service provider), and the Municipality.

## **11. Payments**

Payments will be made per deliverable/milestone achieved and upon satisfactory recommendation by the project management team.

---

<sup>2</sup> Service provider to communicate with the project manager on this matter to ensure that there is no misunderstanding