Annexure B

Terms of Reference for a Capital Expenditure Framework for Matzikama Municipality

1. **INTRODUCTION**

The following sets out the scope for the development of a Capital Expenditure Framework to be developed as part of the Matzikama Municipal Spatial Development Framework (MSDF).

1.1. BACKGROUND

Whilst a "capital investment framework" has been a requirement of Municipal Spatial Development Framework's (MSDF's) since 2001, as set out in the Municipal Planning & Performance Management Regulations (2001), it is only with the advent of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ('SPLUMA') that increased focus has been placed on the need for municipalities to develop Capital Expenditure Framework's (CEF's) as part of their council-approved MSDF's.

Section 21(n) of the SPLUMA requires municipalities to develop Capital Expenditure Frameworks (CEF) as a key component of their Spatial Development Frameworks (SDF). Specifically, section 21(n) states that *a municipal spatial development framework must – determine a capital expenditure framework for the municipality's development programmes, depicted* spatially.

The CEF is a planning tool that aims to ensure that capital infrastructure planning and municipal budgeting is aligned to the spatial strategies and proposals set out in the MSDF. Specifically, the outcome of a CEF process will be a 10-year capital portfolio of infrastructure investments that are prioritised according to the municipality's spatial, engineering, and financial objectives; affordable to the municipality; and spatially aligned to the MSDF. The implementation of this portfolio of infrastructure investments will assist the municipality in achieving the implementation of the MSDF, inclusive of spatial transformation.

This scope of work is aligned to the approach in the Department of Cooperative Governance & Traditional Affairs' Guide to Preparing Capital Expenditure Frameworks.

2. KEY OUTPUTS OF THE PROJECT

The key outputs of the assignment include:

1) **Information Gathering Stage + Development of a Comprehensive List of Infrastructure Projects based on engineering master and sector plans:** To list all infrastructure projects derived from all infrastructure master plans, sectors plans, the MSDF and other infrastructure planning sources into a single consolidated table indicating infrastructure needs, wants and interdependencies per functional area over at least a 10-year period for municipal capital investments.

2) **Infrastructure Demand Quantification:** To translate or quantify the MSDF proposals into an understanding of social facilities, land, and infrastructure needs / implications per functional area. This includes a detailed spatial analysis of the existing and projected population, and household and economic growth trends of the municipality, per functional area over a 10-year period. The anticipated growth in population, households, and economic growth, must translate into a land budget indicating the demand for residential, commercial, industrial, and institutional land-uses for the next 10 years. This articulation of the growth plan will need to be translated or quantified in terms of the associated infrastructure investments needed per functional area, with reference to the municipality's infrastructure master plans.

3) **Consolidated Infrastructure Portfolio of Projects:** Set out an infrastructure portfolio of projects which reconciles the comprehensive list of infrastructure projects (from engineering master plans, municipal IDMS, capital project plans, sector plans etc.) with the infrastructure demand quantification of the MSDF proposals, checking for duplication.

4) **Affordability Envelop determination and confirmation of Long-Term Financial Plan:** Review and confirm the findings of the LTFP, or adjust the LTFP with updated information, which sets out clearly the expected revenue, expenses, and capital expenditure available to the municipality over a 10-year period. This may require financial modelling that models future expenditure and revenue based on historical trend analysis, changes in the external environment and policy choices. The outcome of which should be the funding envelop for capital expenditure over the next 10-years, and a basis upon which the municipality will be financially sustainable.

5) **Long Term Financial Strategy:** Develop a Long-Term Financial Strategy (LTFS) for the municipality based on the LTFP projected revenue and expenses. The LTFS should also provide guidance on the optimal funding strategy to follow that would enable the municipality to rehabilitate where needed, and maintain, replace, and extend its municipal infrastructure asset base. The LTFS should provide a view of the gap between revenue and needed capital expenditure, identify the emerging or systemic issues arising and devise policy and strategy responses to address these.[1]

[1] It is noted that a LTFP and LTFS could be a serious cost-driver for the development of a CEF, especially if a municipality does not have one. Ideally, a municipality should draw on the work that it has done in the past, undertaking adjustments or extrapolations to the original product, where required. The need to develop a new LTFP and LTFS should be carefully considered with the Finance office and budgeted for accordingly. See Annexure B in the Matzikama ToR for the MSDF

6) **Prioritised Capital Expenditure Programme:** the infrastructure required to implement the MSDF and supporting sector plans is brought together and integrated into a sequenced portfolio and then, in this step, prioritised based on a set of criteria defined within the process to develop a CEF in order to define a 10-year programme that should be implemented through the MTREF and inform future Long Term Financial Planning. The prioritised municipal capital expenditure programme should be linked to the spatial vision, demand quantification, and LTFS. The product and tables that are developed for the 10-year programme should be structured in such a way that it will assist the municipality in project identification in the integrated development planning process, programme and project prioritisation, capital expenditure budgeting, and implementation monitoring, and must be provided to the municipality in excel format, and in a format that will assist the municipal Budget Steering Committee in the annual budget development process.

Note 1: The relationship between CEF and MSDF proposals.

- The CEF must take its lead from the MSDF proposals. In order for the CEF to be compiled, the MSDF proposals must clearly categorise spatially, both at municipal and town scale, the future form that development should take in particular areas and prioritise these areas, in order that the CEF can establish the nature and quantity of infrastructure needed (and the concomitant cost) to support the development of these areas as envisaged.

- Therefore, prior to the commencement of the CEF, the **spatial proposals from the SDF proposals maps** must be articulated both at the municipal-wide scale and the town-wide scales in order to derive the **Spatial Category for Investment Planning maps** which will illustrate **Priority Investment Areas, Restructuring Zones, Consolidation Areas**, **Densification Encouragement Areas, New Development Areas** and any **other spatial category** before delving into the implications for infrastructure planning and financial planning of the municipality. Please see section 6.2 of the CEF Practice Note 1: An Introduction to CEF's (DEA&DP, 2021) for further detail on what content the MSDF needs to contain for a CEF to be developed.

Note 2: The importance of validating findings with top management and technical officials at key points in the project

- In all phases of the method, findings must be validated with key stakeholders. Specifically, **technical staff from the planning, engineering, finance and IDP offices must be involved in and consulted in all phases of the projects**, and at least the executive management of the municipality must be appraised of progress at least at the end of phase 3 in the process, as well as when draft phases 4 and 5 are available for discussion. The municipality may also decide to include the Municipal Council in various phases of the projects. Specifically, it is critical that the Municipal Council be given an opportunity to provide input on phase 4 (Prioritization Criteria Determination) which determines which projects will be prioritized.

3. ACTIVITIES

The primary scope of this assignment is the preparation of a Capital Expenditure Framework and is informed by the requirements for the preparation of a CEF as per the "Guideline to Preparing a Capital Expenditure Framework" prepared by the Department of Cooperative Governance, as well as the method set out in the CEF Practice Note 1 of the Western Cape Department of Environmental Affairs and Development Planning (2021). To achieve the desired outcomes of this assignment, to meet the objectives set out above, the following phases will be undertaken as shown in the method diagram below (Figure 1).

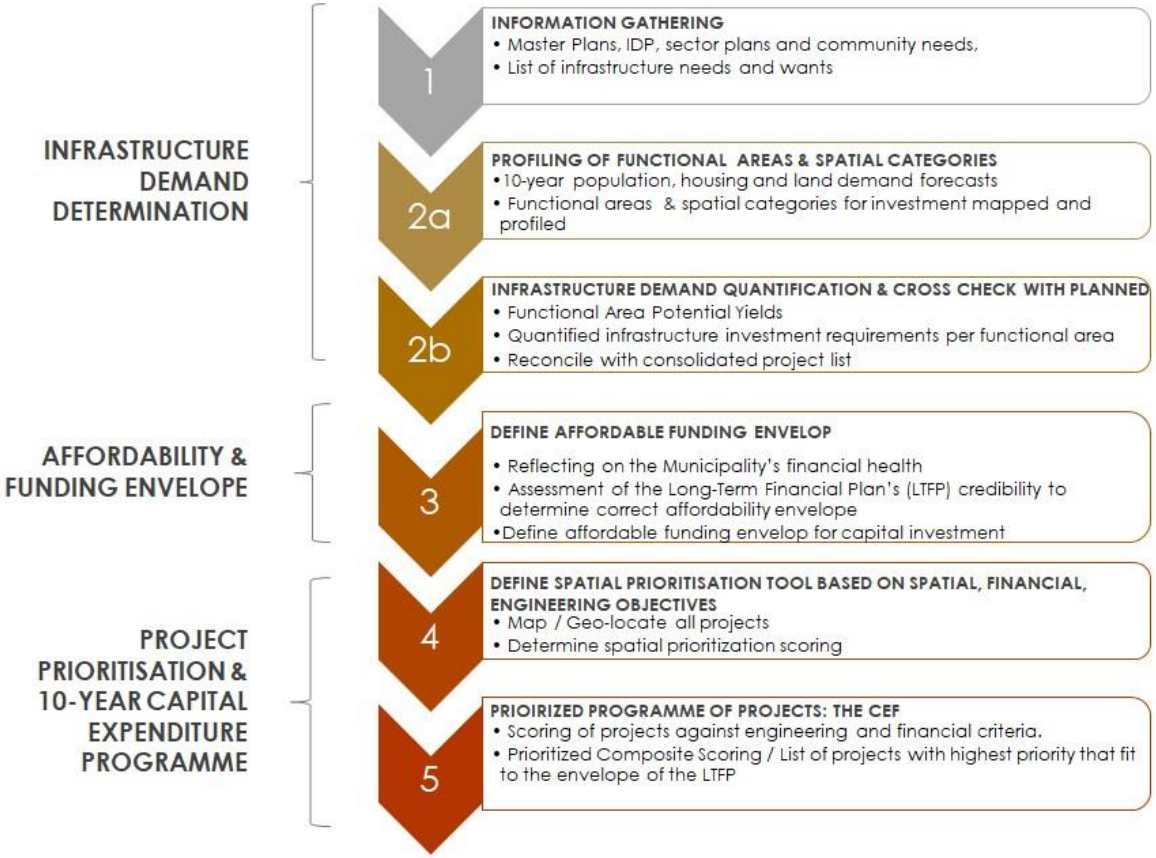

Figure 1: A five phase method for the development of a CEF

3.1. PHASE 1: INFORMATION GATHERING

Aim:

- To document all infrastructure investment projects identified as needed (new, renewal and maintenance) for a 10-year period into a single consolidated table.

Activities:

- Get copies of the latest **Engineering master plans** & **sector plans**:
  i) Water Services Development Plan ii) Water & Sanitation Master Plan iii) Integrated Waste Management Plan iv) Electrical Network Plan v) Roads and Storm water masterplan vi) Human Settlement Plan / Pipeline vii) Integrated Transport Plan viii) Long Terms Financial Plan ix) MIG 3-year capital plan / municipal IDMS/ capital project plan

- Produce **consolidated list of infrastructure projects** per infrastructure type and per financial year, including spatial location / spatial impact for the next 10 years using mSCOA format of tabulating budget and project information (derived from masterplans, IDP, sector plans).

Note: When assessing each infrastructure plan, and resultant list of infrastructure projects, a checklist of questions should be considered:

- What population projection estimates informed the plan? Were these under or overestimated and do they align with the latest / SDF projections?
- What is the infrastructure sequencing being proposed and does this fit within the SDF development priorities?
- What are the risks and dependencies of and/or between infrastructure projects being proposed?
- Have infrastructure projects been implemented as scheduled or have new or different priorities and projects emerged?

Deliverable:

- A consolidated table of all infrastructure projects categorized per infrastructure type, over a 10-year period.

Key Participants in this phase are the technical and engineering services departments of the municipality, as well as the Department of Local Government: Municipal Infrastructure Directorate.

3.2. PHASE 2A: FUNCTIONAL AREA AND SPATIAL CATEGORY FOR INVESTMENT PLANNING PROFILING & DEMAND QUANTIFICATION

Aim:

- To develop a socio-economic and spatial profile of the local municipal area, highlighting the features that will impact on long-term growth within the municipality.
- To develop a similar socio-economic and spatial profile of each of the Functional Areas identified for the municipality.
- To determine the population and household growth trends per functional area based on a ten-year horizon for the local municipal area.
- Anticipated land required across land uses to meet this demand.

Activities:

- Confirm / identify / **map functional areas** (see Definition in CEF Practice Note 1).
- Confirm / identify / **map Spatial Categories for Investment Planning**.[2]
- Confirm or define & map **hierarchy and typology** of settlements, nodes, and priority development areas.

For **each functional area**[3]:

- Current and future population & household growth projections.
- Determine MSDF proposals seeking spatial transformation & consider impact on demand.
- Set out the **anticipated land required** across **land uses** to meet population, household and MSDF demand **per functional area.**
- **Identify** the **land available** for development (current and future) in each functional area.
- Land use mixes and **development yields** linked to this projected household growth demands in each functional area must be reconciled with the land identified to accommodate future development (which includes densification, brownfield, and greenfield development) as well as the spatial directives articulated by the MSDF proposals and spatial categories for investment planning. Specific attention should be paid to ensuring that the phasing of the proposed developments and yield uptake must align to the spatial strategy intent articulated in the MSDF.
- **Backlogs** must be determined **per infrastructure type and per functional area** (community services, facilities, infrastructure needs).
- Profile **existing customer base:** residential & non-residential customers to show **existing access to services** & levels of service.
- **Determine** how much **land is available**, as per MSDF, to accommodate growth.
- **Zoning map** per town: **determination of what "full utilization of rights"** would mean from service provision perspective and conversely, what reserve capacity should be set aside for under-utilized rights[4].

Deliverables:

- Functional areas map and spatial categories for investment planning map (at both municipal-wide and settlement scales).
- Current and projected population, household, and land needs per functional area, split between land uses, aligned to MSDF.
- Identification of sites in each functional area that will accommodate increased households or increased rights.

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[2] This would either be done in the MSDF proposals section if the CEF is being developed as part of a MSDF or done at the commencement of the CEF chapter if a standalone CEF is being developed (after the development of the MSDF).

[3] Functional areas need to be wall to wall (for the entire municipal area) to ensure that population counts, projections and engineering needs are determined for the full municipality.

[4] This is a "nice to have" aspect of the CEF, to ascertain what the infrastructure and bulk implications would be if a full utilization of rights of the zoning scheme was exercised.

- Total development yields per functional area, based on identified sites and projected household growth, underpinned by MSDF.[5]

[5] **Key Participants** in this phase is the spatial planning department of the municipality, as well as the Department of Environmental Affairs and Development Planning: Spatial Planning Directorate.

3.3. PHASE 2B: INFRASTRUCTURE DEMAND QUANTIFICATION – IDENTIFY INVESTMENT REQUIREMENTS

Aim:
Based on the land yield demand (from phase 2a), determine:
- what land needs to be acquired to accommodate the future growth.
- the infrastructure investment requirements over a 10-year period.
- the bulk infrastructure demand per service type over a 10-year period.

Activities:
- Compile / confirm **land demand for 10-year period** as per yields per land use (aligned to MSDF).
- Ascertain **land acquisition / land release** requirements for 10-year period (aligned to MSDF).
- Model and ascertain **infrastructure investment / capital expenditure requirements for 10-year period** (aligned to MSDF) which must include growth, backlogs, asset renewal or replacement, based on phase 2a's demand quantification (check against IDP, MSDF, master plans). This can be done using the Western Cape Government's (or municipality's own) Development Contribution Calculator.
- Identify **operational and maintenance** expenditure requirement over a 10-year period.
- Allocate demand and expenditure between municipality, other government, and private sector.
- Consider to what extent findings from this phase require attention or validates MSDF.
- Clarify phasing and sequencing requirements of infrastructure investments (looking at dependencies between infrastructure investments or sectors).

Based on the above, compile a **spatially referenced capital project portfolio** (10-year horizon) which:

- Draws from the **infrastructure investment** need that is linked to the land yields (from phase 2b).
- Draws from the **consolidated table of all infrastructure projects** that are derived from infrastructure master plans (from phase 1).
- Compares the outputs from phase 1 and phase 2b and **reconciles this municipal capital project portfolio with what was identified in phase 1** (drawn from engineering master plans/ municipal IDMS/ capital project plans).
- Identify **capital project portfolio** of other **government departments**/ entities.
- Identify **capital project portfolio** per **Functional Area**.

3.4.

- Identify **capital project portfolio** per **Spatial Category for Investment Planning**.

Deliverables:

- **Infrastructure investment** (and cost of infrastructure) per **infrastructure type per functional area** identified over a 10-year period.
- A **reconciled municipal capital project portfolio**, comparing infrastructure investment derived from land yields, as well as engineering master plans.
- **Map all infrastructure investment requirements**, overlaid with Spatial Category for Investment Planning & Functional Areas.

Key Participants in this phase are the technical and engineering services, and spatial planning departments of the municipality, as well as the Department of Local Government: Municipal Infrastructure Directorate and Department of Environmental Affairs and Development Planning: Spatial Planning Directorate.

PHASE 3: DEFINE AFFORDABLE FUNDING ENVELOP (including Long Term Financial Plan preparation or corroboration AND the development of Long-Term Financial Strategies to fund the infrastructure investments required)

Aim:

- To ascertain the forecast municipal revenue and expenses over a 10-year period and **forecast capital available for infrastructure** investment.
- Develop a Long-Term Financial Strategy (LTFS) for the municipality based on the LTFP projected revenue and expenses.

Activities:

- Develop (or utilize an existing) populated and calibrated base long-term financial planning model with the latest audited financial statements from the municipality providing a status quo, as well as a projected revenue and expenditures for the municipality.
- Forecast revenue, operational expenditure & capital expenditure for the municipality for the next 10 years.
- Municipal financial health status quo assessment.
- Undertake a Long-Term Financial Strategy (LTFS) options assessment which provides guidance on the optimal funding strategy to follow that would enable the municipality to rehabilitate where needed, and maintain, replace, and extend its municipal infrastructure asset base. The LTFS should provide a view of the gap between revenue and needed capital expenditure, identify the emerging or systemic issues arising and devise policy and strategy responses to address these.

Deliverable:

- A table forecasting revenue, operational expenditure, and capital expenditure, hence defining the "funding envelope" for capital expenditure.
- Determine the financial parameters for the implementation of the 10-year capital expenditure programme.
- Identify strategies and financial policies that should be used to fund the capital expenditure and infrastructure investment of the municipality, based on the LTFS developed.

3.5.

PHASE 4: DEFINE SPATIAL PRIORITIZATION TOOL

Aim:

- Develop a capital project portfolio **project prioritization tool**, based on spatial, financial, and engineering and municipal strategy imperatives, which will be used to score, rank, and list the prioritized portfolio of infrastructure investments.

Activities:

- Agree on multiple **prioritization criteria** against which the capital project portfolio can be assessed and ranked. This tool will assist in prioritizing the 10-year infrastructure project portfolio and hence the criteria must as a minimum consider alignment with the MSDF, the affordability for the municipality, promotion of long-term financial sustainability, and alignment to engineering needs and objectives. See example below of a binary prioritization tool. The criteria can be weighted and altered as needed to create a more nuanced prioritization tool.
- The capital project portfolio prioritisation tool may also include Environmental, Social and Governance (ECG) impact criteria as well, which can extend its use to other programmes that require infrastructure project prioritisation or scoring (such as the alternative infrastructure financing facilities).

Deliverables:

- A project prioritization tool for infrastructure project prioritisation.

PRIORITISATION TOOL FOR INFRASTRUCTURE INVESTMENT

		Project A	Project B	Project C
SPATIAL STRATEGY PRIORITISATION CRITERIA	Criteria 1: Project Falls within a Municipal Scale: Priority Investment Area? (Y = 1, N = 0)	1	1	0
	Criteria 2: Project Falls within a Settlement Scale Priority Investment Area? (Y = 1, N = 0)	1	0	0
	Criteria 3: Project Falls within a settlement scale Priority Investment Area, Upgrade Area, Densification Encouragement Area or Informal Settlement Upgrading Area? (Y = 1, N = 0)	1	0	0
	Criteria 4: Project directly related to enabling the implementation of a MSDF Spatial Policy or Strategy, such as Spatial Transformation? (Y = 1, N = 0)	1	0	1
ENGINEERING PRIORITISATION CRITERIA	Criteria 5: Is this addressing a backlog? (Y = 1, N = 0)	1	0	1
	Criteria 6: Is this project giving effect to services required in terms of a statutory or legal requirement? (Y = 1, N = 0)	0	1	1
	Criteria 7: Will this project unlock new investments, attract new economic activities or generate new rates income for the municipality? (Y = 1, N = 0)	0	1	1
	Criteria 8: Is the project implementation ready? (Y = 1, N = 0)	1	1	1
	Criteria 9: Is this infrastructure a net Asset or net Liability for the municipality? (Y = 1, N = 0)	1	0	1
FINANCIAL PRIORITISATION CRITERIA	Criteria 10: Will this infrastructure be revenue generating? (Y = 1, N = 0)	0	0	0
	Criteria 11: Will this infrastructure be affordable to the municipality from a capital investment perspective? (Y = 1, N = 0)	0	0	0
	Criteria 12: – Is the project an asset renewal / replacement project? (Y = 1, N = 0)	0	1	0
	Criteria 13: Will this infrastructure be affordable to the municipality from an operational / maintenance perspective? (Y = 1, N = 0)	1	0	0
COMPOSITE SCORE		**8**	**5**	**6**
COMPOSITE PERCENTAGE		**61.53846**	**38.46154**	**46**

Note: Too many criteria in the prioritization tool limit its impact to effectively prioritize and rank the infrastructure portfolio. Limit the number of criteria to a maximum of 15 (ideally less), and weight non-negotiable criteria the highest.

3.6.

PHASE 5: PRIORITIZED CAPITAL EXPENDITURE PROGRAMME

Aim:

- Determine the prioritised portfolio of infrastructure investments for a 10-year period using the prioritisation tool developed, aligned to the MSDF, and within the affordability envelop as defined in phase 3.
- Develop a 3-year MTREF pipeline of projects, based on this 10-year programme.

Activities & Deliverables:

- Set out the 10-year capital project portfolio (the list of required capital infrastructure expenditure projects), per functional area, as derived **from phase 1 and phase 2b**, making sure to check for duplication of projects from these phases.
- Using the **prioritisation tool** that was developed in **phase 4**, and in collaboration with the engineering, finance and town planning municipal officials, score and **rank all infrastructure projects** against the agreed prioritisation criteria to arrive at a **prioritised list of infrastructure projects**.
- Using the **prioritised list of infrastructure projects**, together with the **defined funding envelop** from **phase 3**, fit the prioritised infrastructure projects within the 10-year funding envelop. Identify which projects fall within and which do not fall within the affordability envelop, considering **interdependencies and sequencing considerations** of infrastructure investments needed. Tailor or phase the proposed programme within the defined expenditure envelope defined by the LTFP (from phase 3).
- Compile a **spatially referenced capital project portfolio** which is prioritised and fits within the defined affordability envelop.
- Based on the proposals from the Long-term Financial Strategy, match the **funding strategies** and supporting policies needed to implement the prioritised, affordable programme of projects.
- Present a **spatial analysis** of the **Prioritised Capital Expenditure Programme** (10-year portfolio). In this, evaluate capital portfolio and identify which capital projects will contribute towards achieving MSDF spatial transformation agenda.
- **Develop a MTREF (3-year) Project Expenditure Programme for the entire municipality and per functional area.**

- Both the 10-year Prioritised Capital Expenditure Programme and the 3-year MTREF Project Expenditure Programme must be done in an excel spreadsheet which allows the information to be filtered and presented in the following ways**:**
    - Projects can be identified per sector.
    - Projects can be identified as new, upgrade, renewal, or maintenance.
    - Projects can be identified per functional area or spatial category for investment planning (for example, all projects in a particular priority investment area can be identified).
    - One can identify which projects are serving low-income households, based on where they are located.

The final CEF report will present phase 1 to 5 in a single, coherent, logically laid out and accessible document, containing key outputs of the calculations and excel spreadsheets in which the work was undertaken. The actual excel spreadsheets will be annexed to the document, and fully available and accessible to the municipality, including any equations, formulae or methods used to derive the findings that are presented in the excel spreadsheets. No black box systems, software or products will be accepted – the municipality must be able to use the tools without consultant assistance or maintenance contracts.

4. REQUIRED EXPERTISE

To execute this assignment successfully, the Professional Project team must possess the required knowledge, experience, and expertise. If the project is undertaken by external service providers, the project team should be made up of at least the following 3 core skillsets:

Municipal Infrastructure and Integrated Planning Engineering Specialist

- Registered Professional Engineer (ECSA) with a post graduate degree in Civil Engineering or related specialist engineering field (MEng or equivalent).
- Minimum of 10-years post graduate experience, including integrated infrastructure planning, capital project investment planning, analysis, prioritization, and budget planning.
- Proven experience and knowledge of the full lifecycle of infrastructure planning and design, including project conceptualization, master planning, project preparation and project readiness.
- Minimum of 10-years' experience in development analysis and planning, socio-economic profiling, infrastructure demand analysis, infrastructure investment planning and analysis, development impact assessments, local government financial planning and analysis.
- Knowledge of municipal powers and functions, service delivery and governance related legislation and issues in the South African local government sector.
- Sound understanding of the IUDF, SPLUMA, MSDF and demonstrable knowledge of the execution of CEFs in line the relevant guideline documents.

Municipal Financial Planning Specialist

- A minimum of 5-years' experience in financial modelling and the preparation of Long-Term Financial Plans in the South African local government environment.
- An understanding of National Treasury's' requirements for the preparation and finalisation of annual municipal budgets, as well as the integration of the budgeting process with the requirements of the SPLUMA.
- Minimum of 10-years' experience in development analysis and planning, socio-economic profiling, infrastructure demand analysis, infrastructure investment planning and analysis, development impact assessments, local government financial planning and analysis.
- A robust understanding of public sector development financing instruments and a good grasp of innovations in this sector
- Knowledge of municipal powers and functions, service delivery and governance related legislation and issues in the South African local government sector.
- Sound understanding of the IUDF, SPLUMA, MSDF and demonstrable knowledge of the execution of CEFs in line the relevant guideline documents.

An Urban and Regional Planner with Municipal Spatial Planning experience

3.8.

- Registered Professional Planner (SACPLAN) with a post graduate degree in City and Regional Planning.
- Minimum of 10-years post graduate experience, including integrated planning, municipal spatial planning, precinct, and layout planning.
- Proven experience and knowledge of the full integrated planning, budgeting, and implementation cycle in municipalities.
- Experience in land use planning, and specifically the application of development contributions policies and calculators in determining the infrastructure implications of land use planning investments.
- Knowledge of municipal powers and functions, service delivery and governance related legislation and issues in the South African local government sector.
- Sound understanding of the IUDF, SPLUMA, MSDF and demonstrable knowledge of the execution of CEFs in line the relevant guideline documents.

At least one team member must possess strong GIS and data analysis skills.

5. CONTRACT MANAGEMENT AND REPORTING

- The municipality will be responsible for the contract administration and the management of project finances. The delivery of project outputs will be managed by the municipality, in line with the agreed to Project Implementation Plan.

- A CEF Project Steering Committee (PSC), in the absence of a MSDF Intergovernmental Steering Committee, will be established to manage, monitor, and oversee the project, including approval of the deliverables in line with the agreed to Inception Report and Project Implementation Plan. The Professional Teams and the Project Steering Committee will also be responsible for verifying and endorsing Project Progress Reports and Disbursement Requests which will be submitted for approval.

- The Service Provider will be expected to attend all the Project Steering Committee meetings, to a maximum of 6 meetings, over 18 months.

- The contract with the successful PSP(s) will be for a period of 18 months. The project will commence upon the signing of a Service Level Agreement (SLA) between the municipality and the service provider. This SLA will govern the relationship between the municipality and the professional service provider(s).

6. COPYRIGHT, INTELLECTUAL PROPERTY, DISCLAIMER

- If the work is outsourced, the professional service provider surrenders all claims to Intellectual Property and/or Copyright in terms of any systems, methodologies, processes developed, or data collected/improved under the contract.
- All data collected or derived as a result of and during the contract period is retained and belongs to the municipality, and the Western Cape Government.
- Data collected or derived will be provided to the municipality and Western Cape Government in the appropriate format as required.
- Intellectual Property registered prior to the BID dates are excluded from this clause.
- No black box systems or non-accessible software will be accepted as part of this project, which sets the service provider up for "evergreen" maintenance or servicing contracts and the proposals to include one will disqualify bidder.
- Municipal officials must be fully empowered to use and apply the tools and systems developed as part of this project, which is why excel is the preferred tool for data presentation, analysis, and interpretation.
- GIS data will be provided in ESRI format map packages and be the IP of the municipality.
- Numerical data and analysis will be presented in Microsoft Excel format and be the IP of the municipality.