



The Presidency, Republic of South Africa  
Department of Performance Monitoring  
and Evaluation

Terms of Reference for the Implementation evaluation of the Effectiveness of Environmental  
Governance in the Mining Sector

**RFP / Bid number:**

**Compulsory briefing session**

**Date:** 14 March 2014  
**Time:** 11.00-13.00

**Venue:** To be Confirmed, East Wing, Union Buildings

Please note that security procedures at the Union Buildings can take up to 30 minutes.

**Bid closing date:** 28 March 2014 with provision of electronic and 6 hard copies.

**Date for presentation by shortlisted candidates:** 03 April 2014, Time: 10.00 – 15.30

**Venue:** To be confirmed East Wing, Union Buildings, Pretoria

Please note that security procedures at the Union Building can take up to 30 minutes and that positive proof of identity (RSA identity document) is required for entrance to be granted

## 1. Background information and Rationale

The objective of the environmental impact management governance regime for the mining sector is to ensure that the impacts of mining activities are effectively mitigated or managed to a level that is acceptable to South Africa.

The environmental impacts related to exploration, prospecting, mining and mineral production activities have historically been regulated in terms of mining legislation rather than environmental legislation – the Mines and Works Act (Act 27 of 1956), the subsequent Minerals Act (Act 50 of 1991) and since 2002, the Mineral and Petroleum Resources Development Act, 2002 (Act no. 28 of 2002, the MPRDA). A recent agreement between the Ministers of Water and Environmental Affairs and Mineral Resources aimed at ensuring a single environmental impact management governance regime under the National Environmental Management Act (Act No.107 of 1998, the “NEMA” which will now include mining will change this practice. However, unlike any other sector (eg transport, energy, trade and industry, etc), the implementation of the environmental legislative and

- 3.4. Are the current institutional mechanisms for environmental performance appropriate and effective in achieving and promoting good governance in the mining sector? If not, what changes can be made?
- 3.5. To what extent are mining-related environmental liabilities covered by the State? Could these costs have been significantly reduced through efficient and effective environment governance in the mining sector?
- 3.6. Is the anchoring of implementation and enforcement of mining related environmental governance within the Department of Mineral Resources appropriate? If not, what would be the appropriate department?

### 3.2 Potential Users of the Evaluation

The following diagram depicts potential users of the evaluation results and how they may use them:

Diagram 1

Potential Users of the Evaluation	How they will use it?
Department of Environmental Affairs	<ul style="list-style-type: none"> <li>For reviewing regulations of financial provision and mine closure</li> <li>Legislative reform</li> <li>For developing and reviewing guidelines</li> <li>Setting norms and standards</li> <li>Capacity building</li> <li>Improve co-ordination between stakeholders</li> <li>Reduce the mining related liabilities to the State</li> <li>Enforce the environmental provisions</li> <li>To inform the departmental M&amp;E of the environmental function</li> <li>To report on the relevant outcomes</li> </ul>
Department of Mineral Resources	<ul style="list-style-type: none"> <li>To promote sustainable mining</li> <li>To assist in the effective implementation of the financial provision</li> <li>To improve decision-making on mining applications</li> <li>To enforce the environmental provisions</li> <li>To improve capacity building</li> <li>To improve co-ordination between stakeholders</li> <li>To Reduce the mining related liabilities to the State</li> <li>To inform the departmental M&amp;E of the environmental function</li> <li>To report on the relevant outcomes</li> </ul>
Department of Performance Monitoring and Evaluation,	<ul style="list-style-type: none"> <li>Improving environmental management in mining communities</li> <li>To develop an M&amp;E Framework for environmental management in mining communities</li> <li>To monitor the management of the reducing</li> </ul>

## 5. Methodology / Evaluation Approach

- Possibly a workshop with stakeholders to discuss the draft report;
- The final evaluation report, both full and in 1/3/25 format, in hard copy and electronic;
- Proposed changes to the intervention design if needed - if the design is found to be inadequate then the evaluators will need to suggest what revisions to the logic model are needed, and the theory of change. The department may then need to redesign the intervention. This may be part of the final report.
- Provision of all datasets, metadata and survey documentation (including interviews) when data is collected.
- A Power-point or audio-visual presentation of the results.

The prospective service provider should propose an appropriate methodology to respond to evaluation questions in section 3 above. The evaluator is expected to use both qualitative and quantitative methods to respond to the evaluation questions. Amongst others, the approach should include the following:

### 5.1 Document Review

Collect data based on, amongst others, mine environmental management monitoring reports. Sources will also include quarterly monitoring reports, document reviews and profiling data at national level and in 3 selected case study provinces. The team should include a high level person with security clearance so they can use this data. Legislation review, academic material, data on mining, data on rehabilitation costs, cost models,

### 5.2 Benchmarking

Do a comparative literature review of the implementation of the environmental governance programme between South Africa and another country implementing a similar programme and analyse evidence from the literature reviews. This should result in a suggested analytical framework to be used in the evaluation, guiding the report outline, and development of research instruments.

### 5.3 Interviews

This will include interviews with the senior managers responsible for the implementing the environmental governance model in the relevant departments, relevant NGOs and CBOs.

### 5.4 Case Studies

Case studies to assess the effectiveness of environmental governance, have been selected from Mpumalanga (Emalaheni and Piet Retief), Gauteng (Witwatersrand and West and East Rand), Northern Cape (Priska) and North West (Rustenburg).

### 5.5 Learning processes

Facilitate in a stakeholder workshop to reflect on the lessons and emerging findings on how the system can be strengthened.

### 5.6 Review the design of the Environmental Governance

- 5.6.1 Before undertaking the evaluation, facilitate in a stakeholder workshop to develop the theory of change and logical framework for the intervention.

Domain/descriptor		Demonstrated ability to
1.1 Contextual knowledge and understanding	Have intimate and high level knowledge of relevant sectors and government systems in relation to the 12 priority outcomes and can appropriately relate the evaluation to current political, policy and governance environments	Perform appropriately in cross-cultural roles with cultural sensitivity and attends appropriately to issues of diversity
	Understand ethical issues relating to evaluation, including potential or actual conflict of interest, protecting confidentiality/anonymity, and obtaining informed consent from evaluation participants.	
	1.2 Ethical conduct	
1.3 Interpersonal skills	Lead an evaluation and its processes using facilitation and learning approaches, to promote commitment and ownership of stakeholders	
	2 Evaluation leadership	Lead and manage an evaluation team effectively
3 Evaluation craft		
3.1 Evaluative discipline and practice	Use knowledge base of evaluation (theories, models including logic and theory based models, types, methods and tools), critical thinking, analytical and synthesis skills relevant to the evaluation and apply this in high-level, complex and politically sensitive evaluations, in quality, time and budget	Design specific research methods and tools that address the evaluation's research needs. This may include qualitative, quantitative or mixed methods.
	3.2 Research practice	Systematically gather, analyse, and synthesise relevant evidence, data and information from a range of sources, identifying relevant material, assessing its quality, spotting gaps.
4 Implementation of evaluation		
4.1 Evaluation planning		
Theory of change		Develop clear theory of change with quality programme logframes with good programme logic and indicators
Design		Design and cost an appropriate and feasible evaluation with appropriate questions and methods, based on the evaluation's purpose and objectives.
4.2 Managing evaluation		Manage evaluation resources to deliver high quality evaluations and related objectives in politically sensitive areas on time and to appropriate standards
4.3 Report writing and communication		Write clear, concise and focused reports that are credible, constructive, useful and actionable, address the key evaluation questions, and show the evidence, analysis, synthesis, recommendations and evaluative interpretation and how these build from each other

attributes:

- Team players and analytical and lateral thinkers;
- Have excellent communication skills with the ability to listen and learn;



3	Activity-based evaluation plan (including effort for different researchers per activity and time frame linked to activities – it is particularly important that effort levels for key national and international resources are clear)
4	Detailed activity-based budget (in South African Rand, including VAT)
5	Competence (include list of related projects undertaken of main contractor and subcontractors, making clear who did what, and contact people for references)
6	Team (team members, roles and level of effort for each member of the team)
7	Capacity development elements (building capacity of partner departments and PDI/young evaluators)
8	Quality assurance plan (to ensure that the process and products are of good quality)
<b>Attachments</b>	
Examples of reports of 2 politically sensitive and complex evaluations undertaken	
CVs of key personnel	
Completed supply chain forms attached herewith (including updated tax clearance)	

## 11. Information for service providers

The service provider should provide a proposal following the structure above. In addition short-listed candidates will be asked to come and present their proposals on January 2013/4 as part of the selection process. Tenders should be submitted by 12.00 on Friday, 28 March 2014 with electronic and 6 hard copies.

### 11.1 Key background documents

A list of key documents will be provided at the bidders briefing meeting.

### 11.2 Evaluation criteria for proposals

This refers to the criteria for assessing the received proposals and the scores attached to each criterion. There are standard government procurement processes. Two main criteria are functionality/capability and price. Functionality/capability factors must cover the competences outlined in **section 8** as demonstrated through:

- Quality of proposal;
- Service provider's relevant previous experience including of any subcontractors;
- Qualifications and expertise of the proposed evaluation team members.

### 11.3 Pricing requirements

All prices must be inclusive of VAT. Price escalations and the conditions of escalation should be clearly indicated. No variation of contract price or scope creep will be permitted. Price proposals should be fully inclusive to deliver the outputs indicated in these terms of reference.

### 11.4 Evaluation of proposals

**11.4.1 Administrative compliance**  
Only proposals and quotations that comply with all administrative requirements will be considered acceptable for further evaluation. Incomplete and late bids / quotes will not be considered. The following documentation must be submitted for each quote/bid:

- Documents specified in the tender documents (distributed separately from this TOR)
- Any other requirement specified in the TOR

	<ul style="list-style-type: none"> <li>Perform appropriately in cross-cultural roles with cultural sensitivity and attends appropriately to diversity issues – at least 30% of team are PDI</li> </ul>	2			4
1.2 Ethical Conduct	<ul style="list-style-type: none"> <li>Understand ethical issues relating evaluation, including potential or actual conflict of interest, protecting confidentiality/anonymity, and obtaining informed consent from evaluation participants.</li> </ul>	2			4
2. Evaluation Leadership	<ul style="list-style-type: none"> <li>Lead an evaluation team effectively to project completion, using facilitation to promote commitment and ownership of evaluation.</li> </ul>	4			8
3. Evaluation Craft					
3.1 Evaluative discipline	<ul style="list-style-type: none"> <li>Use knowledge base of evaluations of evaluation (theories, models including logic and theory based models, types, methods and tools) critical thinking, analytical and synthesis skills relevant to the evaluation, applying this in complex and political sensitive interventions.</li> </ul>	3			6
3.2 Research Practice	<ul style="list-style-type: none"> <li>Ability to systematically gather, analyse, data and information from a range of sources, identifying relevant material, assessing its quality, spotting gaps.</li> </ul>	4			8
4. Implementation of Evaluation					
4.1 Evaluation Planning Theory of Change	<ul style="list-style-type: none"> <li>Ability to develop clear theory of change with quality programme logframes with good programme logic and indicators</li> </ul>	3			6
4.2 Managing Evaluation	<ul style="list-style-type: none"> <li>Ability to manage evaluation resources to deliver high quality evaluations and related objectives on time and to appropriate standards</li> </ul>	4			8
4.3 Report writing and communication	<ul style="list-style-type: none"> <li>Ability to write constructive, clear, concise and focused reports that are credible, useful and actionable and address the key evaluation questions</li> </ul>	4			8
<b>Total</b>		50			100