

Transnet SOC Ltd

Acting through its operating division, Transnet National Ports Authority

Registration Number

1990/000900/30

www.transnet.net

BRIEFING NOTE NO. 10 (TNPA/2022/12/0005/18825/RFP)

25 July 2023

REQUEST FOR PROPOSAL FOR THE POSSIBLE APPOINTMENT OF A TERMINAL OPERATOR TO DESIGN, DEVELOP, FINANCE, CONSTRUCT, OPERATE, MAINTAIN AND TRANSFER A LIQUIFIED PETROLEUM GAS (LPG) TERMINAL FOR THE HANDLING OF LIQUIFIED PETROLEUM GAS FOR A TWENTY-FIVE (25) YEAR CONCESSION PERIOD AT ISLAND VIEW PRECINCT IN THE PORT OF DURBAN.

EXTENSION OF BID SUBMISSION DATE

In light of Transnet National Ports Authority ('TNPA') having received requests for an extension of the Bid Submission Date, TNPA hereby exercises its discretion to extend the Bid Submission Date as per Clause 24 of the RFP. The Bid Submission Date has now been extended by a period of one (1) month from 28 July 2023 at 16:00 PM (CAT) to 31 August 2023 at 16:00 PM (CAT).

This briefing note therefore confirms the new bid submission closing date as **31 August 2023 at 16:00 PM (CAT)**.

Please be guided accordingly.

Yours sincerely,

Project Manager

Transnet SOC Ltd

acting through its operating division, Transnet National Ports Authority

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BRIEFING NOTE NO. 11 (TNPA/2022/12/0005/18825/RFP)

25 July 2023

REQUEST FOR PROPOSAL FOR THE POSSIBLE APPOINTMENT OF A TERMINAL OPERATOR TO DESIGN, DEVELOP, FINANCE, CONSTRUCT, OPERATE, MAINTAIN AND TRANSFER A LIQUIFIED PETROLEUM GAS (LPG) TERMINAL FOR THE HANDLING OF LIQUIFIED PETROLEUM GAS FOR A TWENTY-FIVE (25) YEAR CONCESSION PERIOD AT ISLAND VIEW PRECINCT IN THE PORT OF DURBAN

BROAD-BASED BLACK ECONOMIC EMPOWERMENT:

1. Through this Briefing Note, Transnet National Ports Authority (TNPA) corrects and clarifies the Broad-Based Black Economic Empowerment requirements as provided for in the Request for Proposal (RFP) for the appointment of a Terminal Operator to undertake the Project (as defined in the RFP) in relation to the to design, development, finance, construction, operation, maintain and transfer a Liquified Petroleum Gas (LPG) terminal for the handling of Liquified Petroleum Gas for a twenty-five (25) year concession period at Island View precinct in the Port of Durban.
2. In accordance and compliance with recent legislative developments and requirements the TNPA hereby amends and corrects the RFP as follows:

2.1. General Clarification

- 2.1.1. The requirements of the RFP in relation to the submission of a Broad-Based Black Economic Empowerment (B-BBEE) Contribution Level Certificate as qualification criteria as set out in the RFP are hereby removed.
- 2.1.2. The RFP requirements in respect of Substantive Responsiveness, Mandatory Returnable, and Preference Point Allocation as provided in the relevant clauses of the RFP must be amended as set out below.

2.2. This Briefing Note 11 amends the RFP as follows:

- 2.2.1. Clause 26.1.3: The second sentence in this clause is hereby deleted;
- 2.2.2. Clause 26.1.8: The entire clause is hereby deleted;
- 2.2.3. The first sentence of clause 26.1.14 is hereby deleted;
- 2.2.4. Clause 27.3: The entire clause is deleted;
- 2.2.5. Clause 65: The Table in Clause 65.1.2 is replaced with the Table below:

PART II QUALIFICATION CRITERIA	
<ul style="list-style-type: none"> <i>Qualification Criteria 1: Administrative Responsiveness</i> <ul style="list-style-type: none"> <i>Timely Submission of Bid Response</i> <i>Bid Response Duly Signed</i> <i>Submission of all Mandatory Returnable</i> 	
	<i>Bidders who do not comply with the Administrative Responsiveness requirements will not be eligible for evaluation under Part III Evaluation Criteria."</i>

- 2.2.6. All references to "Substantive Responsiveness" in the RFP are deleted; the rest of the clauses/paragraphs in which this term appears, should still be read in the context of the content of the paragraph, but where the term "Substantive Responsiveness" is read as not applicable.
- 2.2.7. Clause 66.1.3.1: The entire clause is deleted, and the submission of a B-BBEE Contributor Level Certificate is no longer a mandatory returnable.
- 2.2.8. The entire table contained in Clause 11.2.1 of Annexure K is deleted.
- 2.2.9. The submission of a B-BBEE Contributor Level Certificate is now an Essential Returnable.

2.2.10. Clause 72.2.4: Points awarded for B-BBEE Status Level Contribution are hereby amended and will be scored as follows:

Summary of Preference Criteria	Points	RFP Reference
B-BBEE Status Level Contributor	90/10	Clause 72.2 of Part III of this RFP
1	10	
2	9	
3	6	
4	5	
5	4	
6	3	
7	2	
8	1	
Non – Compliant Contributor	0	

3. Please note that the formula for calculating points allocation for the Concession Fee Offer as set out in Clause 72.1.2.5 of the RFP is incorrect, the correct formula is:

$$Ps = 90 (1 + (Pt - Pmax) / Pmax)$$

4. Kindly take note, for the avoidance of doubt, that the closing date for the submission of bids is **31 August 2023 at 16:00:00 PM (CAT)**.

Yours sincerely

Project Office

Transnet SOC Ltd

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BRIEFING NOTE NO. 12 (TNPA/2022/12/0005/18825/RFP)

25 July 2023

REQUEST FOR PROPOSAL FOR THE POSSIBLE APPOINTMENT OF A TERMINAL OPERATOR TO DESIGN, DEVELOP, FINANCE, CONSTRUCT, OPERATE, MAINTAIN AND TRANSFER A LIQUIFIED PETROLEUM GAS (LPG) TERMINAL FOR THE HANDLING OF LIQUIFIED PETROLEUM GAS FOR A TWENTY-FIVE (25) YEAR CONCESSION PERIOD AT ISLAND VIEW PRECINCT IN THE PORT OF DURBAN.

- Through this Briefing Note 12, Transnet National Ports Authority (TNPA) corrects and clarifies the Non-negotiable clauses listed in the Draft Terminal Operator as provided in the Request for Proposals (RFP) for the appointment of a Terminal Operator to undertake the Project (as defined in the RFP) in relation to the Port of Durban LPG Project **TNPA/2022/12/0005/18825/RFP**.
- Clause 21.6. is hereby amended and is replaced with the table below:

No.	Clause number	Description
1	Clause 1	Definitions and Interpretation
2	Clause 2	Introduction
3	Clause 3	Appointment of Terminal Operator and grant of rights
4	Clause 6	Ownership and return of the Project Site and the Terminal
5	Clause 7	Indemnity
6	Clause 8 (save for Clause 8.2 (single purpose company with no subsidiaries))	Terminal Operator's warranties and undertakings
7	Clause 10	Compliance with D&C Specifications and Operating Specifications

8	Clause 12	Environmental
9	Clause 17	Port Users and Port Rules
10	Clause 18	Shareholding in the Terminal Operator
11	Clause 20	TNPA's Assistance and Rights and Limitations on Liability
12	Clause 22	Provision of the Port
13	Clause 23	Project Site
14	Clause 24	Key Personnel and Removal of Personnel
15	Clause 25	Health and Safety
16	Clause 26	Security
17	Clause 33	Rights of Access
18	Clause 39	Foreign exchange risk
19	Clause 40	Default Interest
20	Clause 41	Consequences of a Compensation Event
21	Clause 42	Force Majeure
22	Clause 42	Terminal Operator Default
23	Clause 47	Invalidation in terms of section 67 of the National Ports Act
24	Clause 50	Corrupt gifts and fraud
25	Clause 53	Dispute Resolution
26	Clause 55.15	Information and audit access
27	Clause 56	Miscellaneous matters

Yours sincerely,

Project Manager

BRIEFING SESSION QUESTIONS AND ANSWERS

NO:	Clause number	Topic	Question	Responsible Department	Response	Comments
1		Non-Disclosure Agreement	Having searched for an NDA from the RFP list of documents we found none. Is it possible to have a separate and more elaborate NDA added to the RFP list of documents? (Example attached)	NBD	The Non-Disclosure Agreement form is on the RFP from page 167 to 173.	
2		concession Period	The concession Period = 25 years, does this mean that the IV Precinct is not impacted by Durban Hub? The bid also indicates that a longer tenure can be proposed.	NBD	The proposed LPG site (Lot 100) in the Island View Precinct will not be impacted by the proposed Port of Durban Master Plan developments.	
3			The RFP refers to LPG and LNG, why was LNG not included and the bid issued as a LPG/LNG bid?	NBD	LNG was cited clause 14 as part of the high level market analysis that TNPA had conducted on various Liquid bulk commodities.	
4		Market analysis	The RFP refers to the PWC study and confirms demand for LPG. Will TNPA share the relevant sections of that study with bidders?	NBD	This was an internal study commissioned by TNPA for internal consumption. However clause 14 of the RFP does provide high level overview of the key findings.	
5		Market analysis	There is a table with cargo capacities in the RFP – Lot100 indicated at a capacity of 30 000 tons. How should this be interpreted?	NBD	The figures cited on clause 14.6.5 were part of internal projections on what is possible on the site and should not be taken as final throughput. Each bidder will submit their actual throughput based on their designs.	
6			The RFP was published in December 2022, but the briefing session was delayed until 19 January 2023. The remaining timeline of approximately 3 months is not sufficient to prepare a response to the RFP, taking into account that any prospective bidder "SPV" will need to identify and enter into the necessary "agreements" with a Terminal Operator, Gas Supplier, Construction Company, possible customers, Funders. This excludes regulatory matters such as understanding the requirements of NERSA's tariff application, various NERSA licences that the Terminal will need to obtain and environmental applications that will be needed. It also does not allow for proper time to assess the site and do any further geotechnical or other ground studies to familiarise the bidder(s) with the current site conditions.	NBD	There is an RFP clarification request form on page 190 that is available to propose extension time frame.	
7			Submission deadline, looking at the amount of work that one needs to be done within 3 months if you start counting from today (the day of the briefing session), that doesn't seem to be an adequate period to put a firm bid that is binding, Is TNPA amenable to extend that to an adequate time?	NBD	TNPA may consider requests for extension if they are submitted within reasonable time and supporting reasons to substantiate the request.	
8			The first question relates to the evaluation criteria, it states that the bidder has to design an operating model. Given that there are no dedicated berths, how do you expect the bidder to deal with issues of inefficiency and also to ensure that they are complying with the terminal operator performance standards as well as ensuring that because it is linked to the financial model?	NBD	Yes an operating model is required and would be informed by the bidders terminal layout and design. Yes, the Berths are Common User. The Terminal Operator Performance Standards (TOPS) are negotiated with the preferred bidder as part of the Terminal Operator Agreement during the contracting and negotiation stage.	
9			Is the MPT going to have some implications on this RFP tender? I know an RFI was issued for MPT, but we are still waiting for outcomes in terms of timing when will the RFP go out to market, with that maybe overlap or have some implications on this LPG tender. And I have heard that you are looking to move your commodities to Port of Richards bay, so with the background in wining and all the small guys blocked out from the part and only the majors can get there, any policy, procedure/ focus from Transnet point of view to point that out to let the small guys come in and share in that facility.	NBD	There are no implications regarding the Multipurpose Terminal or the recent RFI on this LPG RFP. In terms of the master plan, the relocation of the dry bulk terminal at Bluff is to enable the container hub in the Port of Durban, this is the real context of the master plan. TNPA is planning to increase the container throughput and to do that we need to open space somewhere to relocate some of the commodities, but all those are still plans that are being verified, there is engagement between all these entities that are impacted. The success of the engagements will depend on the discussions taking place with the terminal operators and the engineering services needed to be done.	
10			It was not clear enough on the question about successful bidders owning cargo. Can you please clarify if it is the case that the concessionaire which becomes the terminal operator will be allowed to import, own and trade cargo through the terminal, and will this be recorded in the concessionaire?	NBD	Yes, the concessionaire will be allowed to operate as a cargo owner and as a Terminal Operator however TNPA is going to have very strong oversight in the Terminal Operator Agreement with regard to the adherence with the NERSA regulations on open access in line with the gas act.	
11			Did TNPA in terms of demand, conduct a study from port economics to say what was the trend in the last 10 years, if you look at the energy mix in the country like my colleague said, in the dynamic environment has that study been done?	NBD	In 2019, TNPA commissioned a study on the liquid sector, both nationally and globally. We did a comprehensive study of the liquid bulk market of all the various commodities in the market, various disruptors like renewables, the closing of refineries, international factors, etc. We have done short-term, and medium to long-term to 40 years forecasts taking into account the impacts of the various ports, and how the different ports would work from a complementary and comparative position. So we have taken all those studies at our disposal for our use, and that is why we positioning certain terminals in certain ports to handle certain commodities. This is one of our actions from the study.	

12			Will the legal entity be allowed to put throughput volume and is the terminal operator allowed to be a cargo owner as well?	NBD	Yes, whether you are a cargo owner or not you are allowed to put your own volumes. However, TNPA is taking quite a firm stance in ensuring that the NERSA regulations are adhered to and open access with common user is being applied. There is going to be strong oversight from the operations department to ensure that there is fair play and no anti-competitive behaviour by the Terminal Operator, that may result in shutting out smaller players and new entrants in the market. This is the same principle that is applied in the petroleum sector and is also applicable in the gas sector.	
13			Given the fact that the company that will be responsible, will put its capital to build the infrastructure. Who will be responsible for applying at NERSA, concessionaire or TNPA?	NBD	TNPA will be awarding a successful bidder a chance to operate the terminal so the bidder will have to follow a regulated discussion with NERSA, different entities, and government. TNPA's tariff is a separate matter. From the TNPA perspective, the tariff book is published to give Port users all tariffs that are applicable. So, one would have to adhere to that in terms of port related tariffs. Other regulatory bodies have their own tariff methodologies.	
14			As a niche constructor with many people talking to one company the comment on you have to be exclusive in one bidder is that the total pre-requisite?	NBD	There are certain clauses within the RFP that don't allow parties like legal firms to consult with multiple consortiums that are responding to the RFP. The Construction company must ensure that there is no conflict of interest when they are designing the consortium. There are restrictions on transaction advisors and their involvement with multiple consortiums, as there would be a conflict of interest. The terminal operator will be responsible for the appointment of the construction company for this particular concession.	
15			Does the 25 year concession period start from the Terminal commissioning date?	NBD	The Terminal Operator Agreement has various definitions of start dates. Further clarification will be provided during the negotiation stage.	
16	6.1.		6.1: Does the bidder have to submit detailed designs during the project or during the bid?	NBD	The detailed design are submitted after signing the TOA, however the preliminary concept designs are expected at bidding stage.	
17	6.1.2.		6.1.2: What do TNPA mean by "possible"?	NBD	Depending on received responses and the due diligence that will be conducted, TNPA may or may not appoint a preferred bidder.	
18	21.3.4.4.		21.3.4.4: What would be the consequences in case of a delay? Are there any applicable penalties?	NBD	The Terminal Operator Agreement will determine all conditions that need to be established between the parties.	
19	70.2.1.1.		70.2.1.1: What must the bidder have to understand by "provide a high-level Environment Risk Assessment with Mitigation/control"? Must this document come from a third party?	NBD	Bidders are encouraged to source services from authorised Environmental Risk Specialist.	
20	70		70: Must the bidder have to demonstrate something about the current situation or the future one?	NBD	Clause 70 TNPA is evaluating the bidder's experience and track record.	
21	70.5.2.4.4.		70.5.2.4.4: Must these studies be done at high level or should it be detailed?	NBD	Comprehensive detail is advised.	
22	70.5.2.5.3.		70.5.2.5.3: What is considered as level 3 schedule?	NBD	Detailed schedules generated to demonstrate all operations identified on the programme from the starting date to Completion.	
23	70.5.2.5.5.		70.5.2.5.5: The 18 months to construct the tanks, where this date is coming from? What will happen if the project is not completed by the due date?	NBD	This is a suggested timeframe from past similar projects.	
24		ANNEXURE J	Appendix J: Can TNPA explain why gate-to-gate time is important for TNPA? This one is dependent on the truck design not on the pump design. So limited to 90 m3/h.	NBD	Annexure J is intended to guide bidders in respect to the TOPS definition, measures and calculations. The Terminal Operator Performance Standards (TOPS) are negotiated with the preferred bidder as part of the Terminal Operator Agreement during the contracting and negotiation stage.	
25			Will the berth unloading equipment and the pipe to terminal be built by TNPA, or should it be included in the bidders' scope of works?	NBD	It must be included in the bidder's scope of work.	
26			When you want to visit Lot100 for site assessment, will the bidder be granted access, how does the bidder send a request to access or visit the site?	NBD	Bidders have to contact the Cutler complex group which is in charge of access to the Precinct. Contact details are as follows: Contact person: Permit Officer Manager email : permitoffice@cutlerfund.co.za contact no : 031 826 0102	
27		Power	Is there existing power infrastructure?	Engineering	There is no power available at the site currently.	
28			If so, what is the size of power capacity available?	Engineering	Information not available	

29			Can we have a diagram outlining the power supply structure available to the site?	Engineering	Information not available	
30			The power substation, to whom does it belong, TNPA or the Municipality?	Engineering	The Terminal at LOT100 will get power supply from eThekwini Municipality. As the Landlord, we will facilitate the application process on behalf of the preferred bidder, at the preferred bidder's cost	
31			Is there an existing up-to-date diagram showing actual dimensions?	Engineering	An agreement plan was provided showing all the lengths, co-ordinates and the total area	
32		Height	Are there any height restrictions?	Engineering	Yes.	
33			If yes what are the height restrictions?	Engineering	Height restriction is 25 m	
34			Besides the seawater, is there any existing water piping infrastructure available at the site?	Engineering	Water piping is available outside the site Lot 100.	
35			Does the port allow for the use of a flexible deepwater subsea cable/pipeline?	Engineering	From the Harbour Master's view this is not allowed. We have not used such in any of our 8 commercial ports.	
36			Is the rail line adjacent to LOT 100 active?	Engineering	The is an active rail line adjacent to Lot 100 site servicing other Island Terminals	
37			Is there an existing underground water report for LOT 100?	Environment	Yes there is a Decommissioning Environmental site assessment that will be shared.	
38			How deep is the berth area?	Engineering	The berth area design depth ranges from 12.8 to 13m.	
39			Is there a seawater level issue at the port?	Engineering	The water table in the port ranges from 0.6 to 1.5m and varies with the tide	
40			Are there any challenges currently being faced at the port that are caused by changing climatic conditions?	Engineering	The 2017 and the 2022 heavy rainfalls caused severe damages to port infrastructure.	
41		Berth	The Site Map did not indicate any berth connectivity, which berths will serve this site?	Engineering	The berths earmarked for berth connectivity is from Berth 5 to 8. It must be noted that connection will be allowed on one berth.	
42			Will TNPA share the berth occupancy, vessel working restrictions and allowable drafts at the berths, as well as any other operational requirements (that may not have been captured in the berthing guidelines)?	Engineering	The berth draft is 12.2m. Berth occupancy is from OPS.	
43		Infrastructure	The RFP indicates that road/rail access is possible adjacent to the site. The Site Map does not indicate this, can the site map please be amended with these inclusions and any technical details of such?	Engineering	The rail drawing has been shared which indicates the existing rail infrastructure in the port. Lot 100 is be bounded by 3 roads Wharfside Road, Hainan Road and Fomosa Road.	
44		Infrastructure	Will the new terminal have access to any Truck staging areas outside the Terminal?	Engineering	Island View does not have a truck staging area, there is a truck parking bays for access permit processing only.	
45		Site map	At the briefing session, it was mentioned in response to a question regarding congestion in the precinct that alternative access roads and entry plaza have been/are in the process of being provided. Can TNPA share a map where these are indicated and also advise on the requirements and estimated waiting/processing time to gain entry at these new "points"?	Engineering	The new road has not been commissioned yet.	
46			The RFP refers to access to existing pipelines and loading arms (clause 6.1.2) in consultation with existing port users, can TNPA confirm which any existing port users have such infrastructure that may be shared for LPG?	Operations	At IV 7 there is loading arm for discharging and loading which belongs to Sapref However they don't have storage for LPG ,lines available connect direct to refinery.	
47			Since the decommissioning and rehabilitation, the Island View precinct continued to handle liquid bulk adjacent to Lot100. Subject to the availability of the most recent site/monitoring reports which may pronounce on the status of the site; Is TNPA willing to guarantee that the site is still free of any contamination and will then accept liability when the preferred bidder commences construction activities and this may not be accurate? This includes TNPA having to cover any additional project costs/delays to ensure that the site meets the minimum standards required before construction can commence.	Environment	TNPA will request bidder to conduct own environmental site assessment.	
47.1			If there are no recent monitoring studies available, will TNPA consider doing such groundwater/geotech studies that will be made available as part of the RFP process? If not, is TNPA expecting bidders to do this work at risk without compensation?	Engineering	No geotech available.	

47.2			If neither of the above points, can TNPA comment on whether bidders can make this a condition precedent subject to a proper investigation at Lot100 to ensure that the site is in an acceptable condition, before they will sign the required Terminal Operator Agreement?	Operations/NBD/Legal	The preferred bidder and TNPA will need to negotiate on this issue.	
48			Is there any Upper or Lower capacity restriction for sizing of the proposed LPG import Terminal?	Engineering	Height restriction is 25 m	
49			We are expecting: The site layout and perimeter dimensions for LOT 100 for design feasibility.	Engineering	An agreement plan was provided as Annexure B (Site Map)	
50			The Plot plan showing the nearest berths and facilities surrounding LOT 100	Engineering	Annexure MM (LOT 100 Aerial View) will be provided on the briefing note.	
51			The Berth occupancy rate for the nearest berths for the last past 2 years.	Operations	Annexure NN (Berth Occupancy Rate 2020 - 2022) will be provided on the briefing note.	
52			The Draft and other technical parameters, Firefighting details available at the proposed Berths	Engineering	Annexure LL (Technical Information Provided by the Port of Durban) will be provided on the briefing note.	
53			The congestion that we all know about in the Port of Durban, what is the plan for this LPG facility, are you for example looking at a new berth or a dedicated berth for LPG? If also in the context of all the refineries importing the product that use to manufacture locally which has made the situation worse in the port.	Engineering	TNPA has a number of initiatives to address the issue of congestion namely: 1. Construction of a new bypass road at Ambrose Park which is going to try and assist with the congestion in the port. 2. Collaboration with the city to build a new second access road into the port which is going to connect from the port at the corner of Langerburg and Bayhead Rd into N2 or N3. 3. Fencing of the port 4. Truck staging facility with entry plazas No dedicated berth for LPG, all berths at tanker basin are common user facility. Berthing Guidelines are also made available to assist with berth planning procedures.	
54			I just want to get clarity with regards to Building a structure that would connect to the site, would we be allowed to build infrastructure to connect to the vessels on berths 5-8 or should we base our design on a particular berth maybe 5,6,7 do we choose or can we use all of them in our planning or our technical design?	Engineering	Berths 5-8 allows for connectivity, the common user berth principle applies. Bidders must consider studying the berth occupancy data provided for in Annexure NN (Berth Occupancy Rate 2020 - 2022) will be provided on the briefing note.	
55			What is the maximum height that can be constructed in the Island View Precinct?	Engineering	Height restriction is 25 m	
56			What is the maximum load capacity power that can be provided to the site?	Engineering	The Terminal at LOT100 will get power supply from eThekweni Municipality. As the Landlord, we will facilitate the application process on behalf of the preferred bidder, at the preferred bidder's cost	
57			Are there any existing building lines or servitudes on the site?	Engineering	There are no servitudes on the site.	
58			Were any geotechnical studies done?	Engineering	No Geotechnical studies available. An Environmental Site Assessment was completed and will be shared in the briefing note Annexure OO (Environmental Site Assessment).	
59		4.2.3.15.2	Are there railway tracks on the site considering that 4.2.3.15.2 explains that rail is adjacent to the site? If yes, could the bidder have a drawing of their locations? If not, is it possible to add it on-site?	Engineering	Annexure LL (Technical Information Provided by the Port of Durban) will be provided on the briefing note.	

60			Does TNPA have a ground study of the land to know the type of ground that the bidder will be working with, i.e., bearing capacity?	Engineering	No.	
61			Can the bidder have Autocad LT drawings of the land?	Engineering	Annexure MM(LOT 100 Aerial View) will be provided on the briefing note.	
62			What are the flow, the pressure and the capacity of the city Fire Water system?	Engineering	It is 2 Bars	
63			Where is located the electrical power supply point?	Engineering	The Terminal at LOT100 will get power supply from eThekweni Municipality. As the Landlord, we will facilitate the application process on behalf of the preferred bidder, at the preferred bidder's cost	
64	4.2.3.15.3		4.2.3.15.3. explained that the site is connected to berths via a pipe. Can the bidder have technical data about this pipe (pressure, material and diameter)?	Engineering	The terminal has no existing pipe connection to the berths currently. The design and installation of the pipe connectivity to the berth will be the responsibility of the bidder.	
65	6.1.1.		6.1.1: What does TNPA mean by "pipelines"? Is it internal piping or external piping to transport product to Gauteng via pipeline?	NBD	TNPA is refering to infrastructure that will be installed by the Terminal Operator for handling LPG.	
66		ANNEXURE LL	Appendix LL: Can the bidder have more technical data?	Engineering	Annexure MM(LOT 100 Aerial View) will be provided on the briefing note.	
67			In view of the current situation with respect to LPG supply infrastructure in the Durban area, the necessity of pipeline capacity seems questionable ; in view of the land constraints on Lot 100, will TNPA consider technical proposals that do not include pipe capacity for the intended terminal	Engineering	All proposals will be considered and must be compliant with standards and regulations of operating LPG terminal. Connection to the berth pipeline is non-negotiable.	
68		Lease	Is the land available for lease within close proximity to/ just outside the Port Area?	Real Estate	The land for the leasing is limited to the Lot 100 site	
69			Is it possible to share fire water protection system with the other industrial sites?	Real Estate	No, each Terminal must have its own fire water protection system	
70			Is there some assistance conventions with other industrial sites?	Real Estate	Yes	
71		Systems	Should the terminal operator want to integrate systems with the TNPA, is this possible?	ICT	Yes, TNPA is open to intergrate with the TOS and share data. However it will also depend on data sensetivity. Confidantial data won't be shared with the Terminal Operators.	
72			Which system does the TNPA currently use?	ICT	IPMS which handles the seaside operation (external facing) and Hybris to pass customer orders online (external facing).	
73			What functions would be useful to the operator?	ICT	TNPA is currently in the process of expanding its eLTE network to share some bandwth with the Port Community.	
74			Is there any representation from the technology department here, in terms of integration of operating the terminal from a technical point of view?	ICT	Yes there are currently couple of projects that are currently running which requires some level of intergration with terminal operators. 1) Overarching Traffic Management System 2) System to System intergration with TOS for KPI purposes.	
75			Is it compulsory that the bid must include all three distribution options?	operations/engineering	The best operating model will be reviewed and scored as outlined in the evaluation criteria.	
76			Who will be responsible for the consultation process with existing port users, as TNPA is the landlord to these users and there are confidential agreements in place between TNPA and these port users? There may be clauses in these agreements that will be impacted by adding more users to a berth.	Legal	Berths 5-8 allows for connectivity, the common user berth principle applies. TNPA has existing platform/forums for consultative engagements with existing Terminal Operators and port users.	

77			Will engagements with port users regarding access to existing berth(s) be resolved prior to bid submission as the designs that need to be submitted will have to be costed and unless there is certainty about which berth(s) the new Terminal will use, this leads to variable costs and inconsistency in comparing different bids.	NBD/Engineering	Berths 5-8 allows for connectivity, the common user berth principle applies. Bidders must consider studying the berth occupancy data provided for in Annexure NN (Berth Occupancy Rate 2020 - 2022) that will be provided as a briefing note.	
78	12.1.1.		Does the common-user principle and open access and the inclusion of clause 12.1.1 refer to equality of access to the Terminal and loading facilities to Terminal users/potential users?	Operations/NBD/legal	Yes, The Terminal, including the Terminal Infrastructure and Terminal Equipment such as the loading facilities shall be used, managed and operated on a common-user open access basis and on an equal footing in terms of the NERSA Regulations	
79	6.1.2.		TNPA must elaborate how they see this in a scenario of shared access (clause 6.1.2 refers to existing pipelines and loading arms of other port users)? Who is the final decision-making entity as any such request cannot be pronounced on by the LPG Terminal Operator, as it impacts the berth occupancy, berth utilisation and access of other port users connected to the berth? Most of these berths may have appointed a joint housekeeper that manages vessel arrivals and sequencing of loading/discharge at the berth(s).	Operations	Berth planning is done by TNPA, Harbour Masters Office in collaboration with all relevant stakeholders such as vessel shipping agents and terminal operators. There is a daily planning meeting where all stakeholders are invited. A bar chart is produced by the berth planning office under Harbour Master (Port Control). Any disagreement or failure to reach an agreement, a final decision maker to all matter relating to berth planning and vessel movement within the port and is limited the Harbour Master. Annexure D (Port of Durban Berthing Policy).	
80			The applicable legislation is the Petroleum Pipelines Act which addresses access to unused storage capacity and interconnectivity, however, this Act refers to interconnectivity to pipelines (not loading arms) if it is technically feasible and cost effective. Can TNPA please comment on what is then expected from bidders?	Operations/Legal/NBD	According to the Petroleum Pipelines Act [No:60 -2003] paragraph d, e, and g (d) licensees must provide the prescribed information to the Authority on the commercial arrangements regarding the participation of historically disadvantaged South Africans in the licensees' activities; (e) the petroleum loading, pipeline and storage activities of vertically integrated companies may be required to be managed separately with separate accounts and data and with no cross-subsidisation; (g) shippers of petroleum must have access to petroleum pipelines and a pipeline's capacity must be shared among all users and prospective users thereof in proportion to their needs and within the commercially reasonable and operational constraints of the pipeline, subject to paragraph (f) and an appropriate payment to reserve the required capacity as a condition of service.	
81			Can TNPA confirm if bulk services are available at the site?	Engineering	Bulk services such as water and stormwater exist out the Lot 100 boundary. The power supply application will need to be made to the eThekweni Municipality. TNPA will facilitate the process as the Landlord. The Terminal Operator shall bear all the cost associated with power supply application.	
82			The RFP indicates that the Terminal Operator must maintain the surface in accordance with standards and this includes cleaning of surface. The Island View berths are common user (as has been pointed out at the briefing session), mostly shared by different tenants. Cargo Dues is charged for the upkeeping/maintenance of berths. Can TNPA clarify this inclusion, or does this mean that the Terminal Operator will be responsible only for cleaning of the berth surface, but not maintenance? Alternatively, can TNPA please comment on how the LPG Terminal Operator will be responsible for maintenance of a common user berth for which it only enjoys a part use?	Operations/NBD/Legal	Cleaning of berths is currently shared amongst the Terminal Operators. Terminal Operators will do their maintenance in terms of infrastructure on berth. Not unless the infrastructure belongs to TNPA.	
83	26.1.3. 28.2.1.		BBBEE – 26.1.3 refers to a minimum certificate in accordance with BBBEE codes as per October 2013 rating. Clause 28.2.1 indicates that no minimum black ownership has been prescribed. 28.1. Is this consistent with the provisions of the Port Regulations?	Legal/NBD	TNPA has aligned the qualification criteria (Substantive responsive) of a minimum B-BBEE certificate in the RFP with the latest BBBEE codes of good practice regulations issued by National Treasury on 16 January 2023.	
84			How many tank turns does TNPA envisage taking into account that LPG is usually transported by road into the hinterland?	Operations	This depends on the market demand of the handled commodity	
85			Does TNPA have any preference / views on a unitary design versus a design with third party access as one versus the other increases the costs of construction and maintenance?	Operations/Engineering	TNPA is looking for concept designs that will optimise the space	
86			Rental has a bearing on the overall NERSA tariff and cost to end users. What are TNPA's views or has TNPA smoothed the tariffs of new builds with NERSA?	NBD/Real Estate	TNPA primarily focuses on rentals that are determined by the market (market-related rentals) based on the location of the Terminal.	
87			What is the process for commissioning and is it subject to prior approval by NERSA?	Operations/NBD/Engineering	Yes a NERSA license is required.	
87.1			Has the time been factored for same?	Operations/NBD/Engineering	TNPA has no influence nor control over approval times by NERSA, bidders should use RFP Clarification request form to propose any extensions that may be needed.	
88			Can TNPA clarify whether the Terminal Operator is also allowed to be a cargo owner?	NBD/Legal	Yes, the concessionaire will be allowed to operate as a cargo owner and as a terminal operator.	
89		concept designs	For purposes of clarity, can it be confirmed that any tanks on the site will be considered as moveable?	Real Estate	The current leases all tanks are movable.	
90			Is there any provision for allocation of certain storage capacity for exclusive use of the successful Bidder for import and handling of own cargo.	Real Estate	Storage belongs to the Terminal Operator not TNPA, meaning TNPA cannot allocate storage to any Terminal Operator.	

91			Will there be any limitations or restrictions on the allocated Power load for the proposed facility from the Port side?	Engineering	There is no power available at the site currently.	
92			At the Port of Richards Bay, TNPA issued a RFP for a LNG facility. Is there any restriction on the same company submitting a bid for both facilities or if the same company may be a shareholder in the SPV/consortium for either LPG or LNG?	Operations/NBD/Legal	Prospective bidders are able to submit bids proposal for both projects.	
93			Will TNPA consider small-scale LNG input as a holding facility and as a primary bid instead of an alternative bid?	NBD/Legal	<p>In terms of commodity, the RFP that has been put out is for the LPG and has been circulated to our internal port team that's the only commodity that we have currently permissible for the RFP, not LNG.</p> <p>The RFP is drafted in a way that you have to adhere to the primary bid that is in line with what we have required and what we asked for, so we did specify the commodity, generally, we could have the open RFP and we could say liquified bulk, then you would add a preference to put that as a main bid unfortunately because we specified the commodity you have to meet the requirements first before you propose an alternative bid, but you are more than welcome to propose LNG but it can only come in the form of an alternative bid and not the primary bid.</p> <p>The rules in the RFP also clearly state that you can only propose an alternative bid if you submitted a primary bid, which means that you cannot say I don't have a primary bid but I am giving you an alternative bid for LNG, you have to tell us that if you can handle LPG and try to meet those requirements to consider your alternative bid.</p>	
94			I heard the comment in terms of the terminal operator being allowed to be a user, on the one hand, you going to have rules to regulate that. I find that challenging going down the line with all the rules in place, on the flip side you commented your lawyer is going to advise one and not the other. I think the same should apply in terms of the user and the concessionaire.	NBD/Legal	When looking at the structure of the RFP, TNPA is looking at getting new entrances into the space, and smaller guys are edged to participate, it is an opportunity where they come into the space within the port or in the entire port system.	
95			The LPG industry has a problem of concentration in terms of infrastructure, which sidelines a bigger chunk of the industry and joining with your drive to transformation, I read that you have been making a strong emphasis on transformation. What is the emphasis in terms of this particular RFP in terms of achieving that we don't replicate the same hands/ same infrastructure?	NBD	The transformation agenda is something that TNPA is encouraging, even in our Terminal Operator Agreement when negotiating. There is a Broad Base Black Economic Empowerment plan that needs to be developed as part of the Terminal Operator Agreement, TNPA encourage transformation submissions that actually comply with the relevant components of the RFP.	
96			Is there any priority given to containers or oil tankers in the Port of Durban, if that's the case how so?	Harbour Master/Operations	In terms of prioritization of vessels, you need to look at berthing guidelines it gives you a rundown. There is a section that gives clarity in terms of which vessel gets to be prioritised, for instance, passenger vessels are not allowed to wait outside.	
97			Could the bidder have drawings about the thermic effects of the tanks located close to the proposed land?	Engineering	The design of the LPG terminal is limited to the Lot 100 site and connectivity to the berth.	
98	70.5.2.6.2.3.		70.5.2.6.2.3: If the reference is for the exclusion zone, the bidder would like to know where the exclusion zone is coming from, neighbours? Could the bidder have this information? This part requires a calculation note or using of API 2510 part A. Which one does TNPA want the bidder to use?	Engineering/NBD	No exclusion For underground storage designs, the Terminal Operator should know that the water table is very close.	
99			Is the land located in high lightning area?	Engineering	The lightning density is flash standard for Durban.	
100			Does the concession on Lot 100 come with berthing rights?	Operations/NBD	Common-user principle is applicable on all berths.	
101			Based on what we spoke about on decommission liability, it is said there was a previous concessionaire on LOT 100. Did you activate decommission liability as its insurance?	Environment	It was decommissioned, rehabilitated and converted to green field.	
102			It was pointed out at the briefing session that the site was completely decommissioned and rehabilitated and has been vacant since. Can TNPA please comment/advise re the following: What is its status and when was the site decommissioned/rehabilitated?	Environment	It was decommissioned in March 2013.	
103			Whether all relevant documents/studies/findings from the previous decommissioning/rehabilitation will be shared?	Environment	An Environmental Site Assessment was completed and will be shared in the briefing note Annexure OO (Environmental Site Assessment).	
104			Can TNPA share the most recent site/precinct monitoring reports with bidders?	Environment	There are no recent monitoring reports, the site has not been occupied.	

105			Does TNPA have a cap in terms of the decommissioning insurance that the bidder has to propose?	Environment	The terminal operator is required to have as per the TOL insurance cover for Loss, damage or destruction of the Assets of the Terminal; insured against the risk of fire, lightning, explosion, storm, flood, earthquake, riots (including political riot), strikes and malicious damage, public liability, business interruption as well as all risks cover and against any other risk selected by the Authority, including insurance for environmental risks, including sudden and accidental environmental risks. The insurance must also cover the environmental insurance for long-term gradual pollution risks. This is dependent on the nature of the business. The Terminal Operator's operational and business risk assessment will determine the most credible worst-case scenario and the impact of such on the environment. The cost of rehabilitation will be determined by the terminal and their insurers based on risk.	
106			Could the bidder have access to hazard and risk studies of the sites close to the proposed land?	Safety	The adjacent site next to LOT 100 is an MHI facility, we unfortunately cannot hare the lease holder's property.	
107			Does TNPA have a ground study of the land to know if there was some pollution.	Environment	Yes there is a Decommissioning Environmental Site Assessment that will be shared.	
108			Is the land located in seismic area?	Environment	N/A	
109		MULA	Is there any provision made for the Marine Unloading Arm (MULA) at the proposed berths?	Harbour Master	No provision made by TNPA, that should be for the Terminal Operator.	
110			Will it be possible to construct the MULA foundations on the existing Berth?	Harbour Master	Yes	
111			If there is any MULA available at the berths which is technically suitable for the LPG unloading?	Harbour Master	Berth 6,7 & 8	
112			Are there any vessel restrictions on the berths? E.g. draft and size	Harbour Master	The current maximum draft is 12.2 m.	
113			Please confirm drafts, and vessel working restrictions at the Island View berths (day/night)	Harbour Master	TNPA currently don't have a restriction for vessels coming in daylight for this particular operation, so it can come in even at night. When the LPG comes closer we need to work on making sure that everything is addressed in terms of our berthing guidelines which were included in the documents that were shared. Operators then need to familiarize themselves with the berthing guidelines because they will give you more clarity in terms of what is allowed and what is not allowed.	
114			With the current situation, we are in the import mode in terms of petroleum, Engen and Sapref being off and the berth usage currently is looking at that as a worse case scenario, so our planning for berth movements, because in my understanding the vessels caring diesel, petrol and one carrying LPG, I believe that the one carrying diesel takes the priority. In terms of the traffic management of the vessels how that one is covered?	Harbour Master	No, TNPA don't have prioritisation in terms of the cargo, however, there are some stages where you change the first come first serve principle, but it is only in the approval of the harbor master.	
115			What is the turnaround time required for a vessel at port/berth?	Harbour Master	Average is 60hrs	
116			What size vessel can the port accommodate?	Harbour Master	LOA 190m Avarage, 12.2m draft.	
117			Can the bidder know the type of product stored in tanks closer of the proposed land?	Operations	Petroleum products are stored	
118			Clause 11.1.5 indicates that the Termonal Operator is responsible for the distribution of LPG inland to customer through rail, road, pipeline. Can TNPA please share the port drawings that indicate the pipeline route to port boundary that must be used or clarify whether the bidder will be granted access to an existing servitude for purposes of constructing a pipeline?	Operations	The rail access outside the port limit is owned and maintained by TNPA sister company Transnet Freight Rail (TFR). The rail within the Port limit is owned and maintained by TNPA. All rail stock and operations are managed by TFR. The technical evaluation criteria will be scored, and the three distributions will be considered.	

119			Contractor exclusivity to each bidder is a difficult ask when the construction of an LPG Terminal of the envisaged size is limited to so few entities with the necessary experience required?	NBD	There are certain clauses within the RFP that don't allow parties like legal firms to consult with multiple consortiums that are responding to the RFP. The Construction company must ensure that there is no conflict of interest when they are designing the consortium. There are restrictions on transaction advisors and their involvement with multiple consortiums, as there would be a conflict of interest. The terminal operator will be responsible for the appointment of the construction company for this particular concession.	
120			Which berth/s for import/export and details of DWT, Draft, Freeboard, recent bathymetric surveys studies, etc?	Harbor Master	Berth 5,6,7 & 8 12.2m draft Annexure RR (Dead Weight Tonnage & Freeboard Details) will be provided on the briefing note. Annexure QQ (bathymetric surveys studies) will be provided on the briefing note.	
121			Questions still not answered regarding rail and roads gantries of the site.	Engineering/Operations	The site is bounded by 3 roads, and gantries, there is a TNPA pipe rack along the wharfside and which is along our berths and you will get a servitude. It is your responsibility to have a pipe rack in your terminal, there is rail access from the terminal however there are constraints but those constraints can be overcome by reconfiguring some obstructions that would be there to prevent you from having rail access.	
122			<p>We are finalising our documents for the bid submission and there is one urgent request regarding "Appendix Z". The tender document made reference to this document being available as a separate annexure and I could not locate the template from the set of documents I downloaded on the TNPA portal and from the briefing notes documents you shared.</p> <p>The title of the document, Appendix Z is " Lenders Support Letter"</p> <p>I hereby would request that you please send me this template, I am concerned because this letter requires detailed information from the parties to present to banks – it is, therefore, an important and urgent request. Thank you.</p>	NBD	The "Lenders Support Letter" is letter has to be provided by the Bidder. The contents of the letter to include its Members or Shareholders for debt funding sourced from and with recourse to either the Bidder, its Members or Guarantor, as appropriate, which may be raised against the Bidder's balance sheet or the balance sheet of its Members or Guarantor and made available to the Bidder for the financing of the Project including under the form of a shareholder loan, intercompany loan or other form of advance to the Bidder and as set out in the Corporate Financing.	
123			Just to further clarify, Annexure "I", makes reference to an R2.5m deposit or Guarantee amount whereas Annexure "KK" makes reference to R5m. Please advise which amount is applicable?	NBD	The guarantee amount is R5 000 000.00 (five million Rand). The omission will be followed by a briefing note.	
124			With regards to the above mentioned tender number I see that there was a non-compulsory briefing session on the 19th January 2023 in Durban; are we perhaps still able to tender; as we did not attend the briefing session as I just picked up the tender now.	NBD	The revised closing date is 31 August 2023. Tenders are welcomed to be lodged as per the revised closing date.	
125			<p>Please could you send me all responses to all of the questions which have been raised as I have not received these clarification emails.</p> <p>Please could you also share the updated tender bid submission closing date</p>	NBD	Noted. A list of questions and responses will be loaded on the National Treasury website.	
125			May I please ask for your contact details or at least the address for me to come over??	NBD	Kindly follow the RFP requirements	
126			<p>Mark-up of the Terminal Operator Agreement:</p> <p>a. We note that the list of non-negotiable clauses set out in section 21.6 (p. 50) of the RFP differs from the actual clauses and titles found in the draft Terminal Operator Agreement. Could you please clarify which clauses of the Terminal Operator Agreement are in fact non-negotiable?</p> <p>b. Could you please confirm whether we may make non-substantive comments/mark-ups on the non-negotiable clauses of the Terminal Operator Agreement? If so, please confirm whether this may be done directly in the draft Terminal Operator Agreement or whether we should submit a separate schedule with our non-substantive comments on the non-negotiable clauses.</p>	NBD	<p>a) The table contained in clause 21.6 of the RFP has been corrected and will be issued through a briefing note.</p> <p>b) Bidders can mark-up the TOA provided as annexure K of the RFP, and provide any additional documentation that will assist with tracking suggested amendments and clauses for negotiation.</p>	