

TRANSNET NATIONAL PORTS AUTHORITY an operating division of TRANSNET SOC LTD

EXPRESSION OF INTEREST (EOI) IN RESPECT OF SMALL TO MEDIUM SCALE LIQUIFIED NATURAL GAS (LNG) IMPORT FACILITY FOR THE PORT(S) OF DURBAN, EAST LONDON, MOSSEL BAY, CAPE TOWN AND/OR SALDANHA

EOI NO: TNPA/2023/10/0013/46575/RFI

ISSUE DATE: 24 OCTOBER 2023

BRIEFING SESSION: 08 NOVEMBER 2023

VIA MICROSOFT TEAMS LINK: <u>Click here to join the meeting</u>

CLOSING DATE: 26 JANUARY 2023 @17:00



Contents

1	Disclaimer
2	Definitions and Interpretation5
3	Background7
4	TNPA Small to Medium Scale LNG Import – Overview9
5	Expression of interest11
6	Information to be provided by the Respondent in this EOI Response
7	Format and Submission of EOI Responses17
8	Contact with the Project Officer
9	Formal Briefing
10	Requests and Clarifications
11	Confidentiality
12	Offering of Commission or Gratuity22
13	Ports Indicative Sites/Areas



1 Disclaimer

While all reasonable care has been taken in preparing this Document, the information has been prepared by Transnet National Port Authority (TNPA) as an operating division of TransnetSOC Ltd ("Transnet") in good faith, based on information obtained from various sources. However, neither Transnet nor any of its advisors accept any liability or responsibility for theadequacy, accuracy or completeness of any of the information or opinions stated herein.

Save where expressly stipulated otherwise, no representation or warranty (whether express or implied) is or will be given by TNPA or any of its officers, employees, servants, agents, advisors or any other person with respect to the information or opinions contained in this Expression of Interest (EOI), or in relation to this EOI.

TNPA reserves the right to amend, modify or withdraw this EOI or any part of it, or terminate or amend the plans for its Small to Medium scale LNG import facility, at any time, without prior notice and without liability to compensate or reimburse any person pursuant to such amendment, modification, withdrawal, or termination.

The terms and conditions set out in this EOI are stipulated for the express benefit of TNPA and, save as expressly stated to the contrary, may be waived at TNPA's sole discretion at any time.

TNPA reserves the right to at any time include such responses to this EOI in any further procurement documents which may or may not be made available at such later stage, without the obligation or liability to pay any compensation or reimbursement of any nature to any person pursuant to such use.

This Document is provided solely for the purpose set out herein and is not intended to form any part or basis of any investment decisions by the Respondent, its shareholders, members or its lenders.

Expression of Interest in respect of small to medium scale Liquified Natural Gas (LNG) Import at the Port(s) of Durban, East London, Mossel Bay. Cape Town and/or Saldanha



Each person that accesses this EOI must make its own independent assessment of the information provided, taking such advice (whether professional or otherwise) as it deems necessary.

No Respondent, its shareholders, members, contractors, suppliers or lenders shall have any claim against TNPA and or, its officers, employees, servants, agents or Transaction Advisors, under any circumstances whatsoever, arising out of any matter relating to this EOI of any nature whatsoever, including where such claim is based on any act or omission by TNPA and or, or any of its officers, employees, servants, agents or Transaction Advisors of any nature whatsoever, or where such claim is based on the content of, or any omission from, this Document of any nature whatsoever.



2 Definitions and Interpretation

In this Document, except as otherwise defined herein, the following terms shall have the following meanings:

- 2.1 Bidder any entity or consortium that submits a Bid Response, which must be either aProject Company or a consortium of legal entities, all of whom shall become shareholders (either themselves or through an intermediary entity) in a Project Company, who submits a Bid Response;
- 2.2 **Bid Response** any bid submitted by a Bidder in response to the invitation contained in the RFP to be issued by TNPA within its sole and absolute discretion;
- 2.3 **Commercial Close -** the date on which the Implementation Agreement is duly executed by the Seller and the buyer (TNPA);
- 2.4 **Commercial Operation Date** the date after which all testing and commissioning of the Small to Medium Scale LNG Facility has been completed;
- 2.5 **Consents** all consents, permits, clearances, authorisations, approvals, rulings, exemptions, registrations, filings, decisions, licences, required to be issued by or madewith any Responsible Authority in connection with the performance of any of the Construction, Operation and maintenance of the Facility by the Project Company;
- 2.6 **Dispatchable -** refers to Small to Medium Scale LNG that can be used on demand and dispatched at the request of gas to power industry and any other isolated industrial users, according to market needs.
- 2.7 Document this explanation and expression of interest document for the Small to Medium scale LNG Programme for the Ports of Durban, East London, Mossel Bay, Cape Town and Saldanha;
- 2.8 **Energy Yield / Energy Output -** the gas-to-power generation and expressed in megawatt-hours ("MWh"), delivered to the Power Delivery Point;
- 2.9 **Financial Close -** means the time when the Project Agreement and all financing and other agreements related to the Project have been executed and delivered and all conditions to the effectiveness of the Project Agreement and Project financing agreements have been satisfied;

Expression of Interest in respect of small to medium scale Liquified Natural Gas (LNG) Import at the Port(s) of Durban, East London, Mossel Bay. Cape Town and/or Saldanha 5



- 2.10 **NERSA** the National Energy Regulator of South Africa, established pursuant to Section3 of the National Energy Regulator Act No. 40 of 2004;
- 2.11 **PPA** the Power Purchase Agreement to be entered into between a Buyer and the Selleron or before Commercial Close;
- 2.12 **Preferred Bidder** any Bidder that is selected by TNPA pursuant to the issuing of a RFP for the Small to Medium Scale LNG Power Purchase Programme following qualification and evaluation of the Bid Response submitted by the Bidder;
- 2.13 Project the support an existing power generation facility or power generation facility developed, designed, engineered, financed, owned, leased, constructed, commissioned, operated, maintain, and decommissioned by Respondent;
- 2.14 **Project Company** the special purpose company that a Bidder proposes using as the vehicle to undertake the Bidder's Project, that is the subject matter of a Bid Response;
- 2.15 **Project Officer** the person appointed by TNPA as the project officer in respect of the Small to Medium Scale LNG importation;
- 2.16 **Project site** the site(s) upon which the power generation Facility are to be constructed and operated;
- 2.17 **Respondent** any entity or consortium that submits a EOI Response in response to this Document;
- 2.18 **EOI** this Expression of Interest document to which Respondents are required to submit an EOI response to.
- 2.19 **EOI Response** the completed Response Form, together with all necessary supporting documentation; and
- 2.20 **RFP** the request for qualification and proposals to be issued in respect of the TNPA Small to Medium Scale LNG importation facility in due course.



3 Background

- 3.1 Transnet National Ports Authority TNPA
 - 3.1.1 Transnet National Port Authority (TNPA) as an operating division of Transnet SOC Ltd ("Transnet"), (registration number 1990/000900/30), was established through the National Ports Act, No. 12 of 2005 ("the Ports Act") and provides regulatory service in terms of its proclamation as defined in the National Ports Act;
 - 3.1.2 South Africa (SA) is diversifying its electricity supply resources and technology. SA's peaking power capacity is mainly powered by diesel, which is expensive and has high carbon emissions. There is an opportunity for Liquified Natural Gas (LNG) to replace diesel, particularly as it is cheaper and has lower emissions levels. LNG can also be used to fuel new power stations that will assist with SA's energy requirements;
 - 3.1.3 LNG is a valuable source of energy due to its versatility, and has many uses including transportation, primary process energy for heating, combustion application with minimum carbon, sulfur and nitrogen oxide footprint;
 - 3.1.4 The provision of LNG facility in small to medium scale will provide flexibility for various industry users including areas/region where there is minimum gas infrastructure (pipelines, explorations, etc);
 - 3.1.5 As such, TNPA intends to launch a Small to Medium Scale LNG import facility for uses in power generation, commercial as well as industrial use; and
 - 3.1.6 It is in this context that TNPA has decided to invite interested parties to submit an expression of interest as part of its corporate strategy to introduce small to medium scale LNG into the port system.



- 3.2 Transnet key initiatives to drive the introduction of small to medium scale LNG Importation through TNPA ports.
 - 3.2.1 In terms of Section 11 (1) of the National Ports Act No 12 of 2005, the function of the Authority is to own, manage, control, and administer ports to ensure their efficient and economic functioning;
 - 3.2.2 TNPA's strategy to invest in marine infrastructure and associated pipelines presents an opportunity for volume and revenue growth;
 - 3.2.3 TNPA's desired end state includes ensuring financial sustainability through the infrastructure strategy and this leads TNPA achieving its objective; and
 - 3.2.4 TNPA, as part of its corporate environmental responsibility, is constantly seeking to limit contributions toward global warming. This, amongst others, include improving its cleaner energy footprint by reducing greenhouse gas and other emissions related to energy usage. The integration of Small to Medium Scale LNG facilities into the port system allows TNPA this opportunity to respond positively to change, in line with its adopted strategies.

4 TNPA Small to Medium Scale LNG Import – Overview

- 4.1 At an operational level, TNPA occupies a strategic position in the country's transport logistics chain, managing South Africa's eight commercial seaports, namely Cape Town, Richards Bay, East London, Mossel Bay, Ngqura, Port Elizabeth, Durban, and Saldanha, as shown in Figure 1 below;
- 4.2 The energy constraints that have been persistent in the country would be assisted with the use of natural gas in gas-to-power (GTP) plants, which would also enable a penetration of Small to Medium Scale LNG in the power industry by providing the flexible capacity to supply electricity;
- 4.3 This also complements the Gas Masterplan Base Case Report (2022), with the impasse in growing the gas sector in the country is that the demand and supply of natural gas must be simultaneously brought on stream. The development of gas importation infrastructure is needed to support the need to meet the electricity demand; and
- 4.4 This will also attract the much need additional revenue/income for TNPA. The project's goal is to therefore provide small to medium scale natural gas importation, and this will be achieved through procurement process that seeks to secure LNG using the technologies of choice by the bidders and the safe evacuation of molecules considering that the Ports have no LNG infrastructure.



Figure 1: Transnet National Ports Authority 8 Commercial Ports

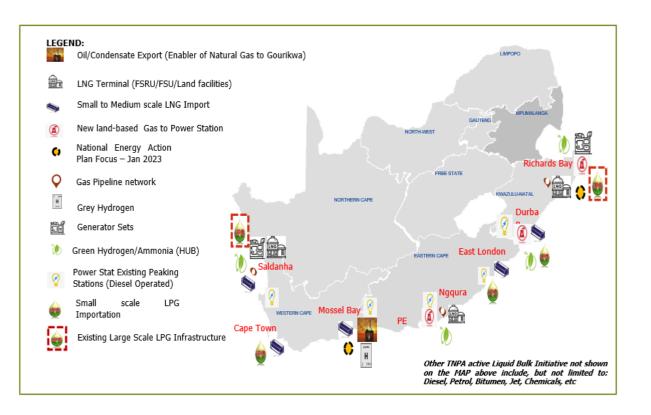


Figure 2: Transnet National Ports Authority Oil and Gas Strategy MAP

Shown in Table 1 below, are the preferred ports for the importation of small to medium scale LNG based on TNPA strategic Oil and Gas plans.

Port	Current situation	Business Model	Planned issue date	Planned commercial operation
Durban	Small to medium scale	Short to medium	EOI in	FY -24/25
East London	LNG opportunities	term importation	September	
Mossel Bay	development (import,	of small to	2023	
Cape Town	evacuate and own	medium scale		
Saldanha	use); and	LNG through the		
	Ports readiness	preferred Ports		
	assessment			

Table 1: Preferred Ports

5 Expression of interest

- 5.1 Objectives Of The EOI
 - 5.1.1 The objective of this EOI is to introduce small to medium scale LNG Importation that can be implemented across South Africa's five commercial seaports, namely Cape Town, East London, Mossel Bay, Durban and Saldanha Bay;
 - 5.1.2 This EoI intends to solicit technical information on potential LNG niche market for small to medium scale LNG off-takes. The supply of small to medium scale LNG **will not conflict** with TNPA's planned strategic large scale Floating Storage and Regasification Units (FSRU) in the Port of Richards Bay and Port of Saldanha;
 - 5.1.3 TNPA acknowledges the high demand for LNG in South Africa. This is based on gas industry, power generation, transport industry etc. There exists a niche market opportunity to deliver LNG in small to medium scale to off-takers currently isolated from existing and future gas infrastructure such as the Lilly pipeline, Port of Richards Bay, Port of Ngqura and the Port of Saldanha;

- 5.1.4 This expression of interest is intended to support investigations by TNPA for opportunities available in the niche market for LNG supply for gas to power generation, alternative fuel, etc. This is to alleviate the current high cost of fuel and diesel use in the industry;
- 5.1.5 Requested information is intended to reduce above mentioned burden on the basis of potential cheaper cost to electricity solution that can be implemented in the shortest possible lead time to commercial operation;
- 5.1.6 It is therefore in this context, Transnet intends to:
 - 5.1.6.1 Gain a better understanding of the small to medium scale LNG import market, particularly for gas to power, transportation, commercial use and other industrial use;
 - 5.1.6.2 To gain understanding on the technologies available in the market to facilitate the importation of LNG in small to medium scale;
 - 5.1.6.3 Market appetite for a commercial offering for the TNPA's small to medium scale LNG importation; and
 - 5.1.6.4 Refine the commercial assumptions for the initiative and design an appropriate procurement framework for the initiative roll-out.
- 5.1.7 As such, Transnet encourages and requests all entities and/or organization that may wish to submit a Bid Response in the future under a possible importation of small to medium scale LNG to submit an EOI Response in terms of this Document. Submission of a EOI Response is, however, not a compulsory requirement.

6 Information to be provided by the Respondent in this EOI Response

- 6.1 General Respondents request:
 - 6.1.1 The EOI Response submitted should be as comprehensive as possible and include the information requested below and any supporting documentation in respect thereof.
- 6.2 Description of the Project
 - 6.2.1 Respondents are required to provide as much detail as possible about their proposed project solution including the necessary commercial arrangements which have been put in place or still need to be put in place. Such information will assist Transnet in determining the readiness of the market for a possible small to medium scale LNG importation and may inform the design of a procurement process;
 - 6.2.2 The Respondent will be required to provide the following information about it's Project:
 - 6.2.2.1 Name of the Respondent;
 - 6.2.2.2 The main business of the Respondent, with regards to the energy project e.g., trader or generator of energy;
 - 6.2.2.3 Which projects has the respondents implemented whether in a municipal, national or other context;
 - 6.2.2.4 Name of the Project (a separate EOI Response should be submitted for each proposed location, which would be regarded to be a separate Project); and
 - 6.2.2.5 The name and contact details of the person appointed by the Respondent as its representative in the event that the Project Officer wishes to engage on the Project.

6.3 Information relative to Project Overview

The Respondent is, in respect of the LNG importation required to provide the following details:

- 6.3.1 Provide overview of the Project scope, background and expected cost;
- 6.3.2 Describe identified project site location (port) and area (where applicable);
- 6.3.3 Indicate expected capacity or quantities of LNG importation per annum based on market assessment;
- 6.3.4 Provide details on an indicative berth or quay utilisation, cost of operation and maintenance for proposed facility;
- 6.3.5 Provide safety considerations & best industry practices, proposed technology for the importation of small to medium scale LNG by the bidder and necessary or expected logistic requirements;
- 6.3.6 Indicate expected minimum and maximum hours of operation;
- 6.3.7 Indicate the projects' contribution to economic development including job creation during construction and operations, skills development, local content value, and use and development of SMMEs; and
- 6.3.8 What is the current or anticipated BBBEE ownership for the project.
- 6.4 Information relevant to the Project Status
 - 6.4.1 Comment on the current status of the project regarding project lifecycle stage (concept, design complete, construction commenced, construction complete). Detail to also be provided where relevant on the status of discussions / agreements for land security purposes, whether the project requires any permits or environmental authorisation in terms of the National Environmental Management Act, No. 107 of 1998 and, if so, the progress made in obtaining any outstanding regulatory approvals / authorisation and anticipated timelines;

- 6.4.2 Provide details on whether this is an existing Small to Medium Scale LNG Facility or not. In the event that the Power Generation Facility is existing details required on the anticipated refurbishment or expansion (if any) to be undertaken of the existing facility including a detailed project plan for such refurbishment as well as the duration of the plant outage if any to perform the refurbishment or expansion;
- 6.4.3 Provide details of the status of discussions/agreement with any potential suppliers of such Small to Medium Scale LNG. Furthermore, provide confirmation of timelines to finalise arrangements with potential suppliers of the power generation equipment; and
- 6.4.4 Provide relevant details of any interactions with the relevant network owner regarding the connection options for the Project.
- 6.5 Information relevant to the Project LNG Importation facility

In respect of the proposed small to medium scale LNG facility, the Respondent is required to provide the following information, as appropriate:

- 6.5.1 Provide, bidder's or interested parties' indicative feasible business case projections for a project tenure of a maximum of 10 years in the Port of Saldanha and a project tenure of 10 years with an option to justify longer tenure for the Ports of East London, Durban, Cape Town and Mossel Bay; and
- 6.5.2 The Respondent to provide any additional information where relevant on its project regulatory requirements and licenses where relevant which it may deem necessary to bring to the attention of TNPA regarding Small to Medium Scale LNG importation and/or distribution;
- 6.6 Information relevant to the Project Timing

Following release of the RFP, the Respondent is required to state:

6.6.1 Provide the anticipated time (in months) that the Bidder requires to be

able to submit a Bid Response to a possible Small to Medium Scale LNG importation;

- 6.6.2 Provide the anticipated time (in months) to achieve Commercial Operation Date for the Project following Financial Close of the Project;
- 6.6.3 What is the current or anticipated project debt or equity funding and if the debt is funded, what are the outstanding terms of the debt agreements;
- 6.6.4 Its anticipated critical path between Financial Close and commercial operation date for the Project;
- 6.6.5 Evaluate project complexity [low/medium/high] and identify any key risks relevant to implementation of project; and
- 6.6.6 Disclose any key issues relevant to timing of the submission of a Bid Response for this Project that the Respondent would like to bring to the attention of TNPA.
- 6.7 Information relevant to the Project Financing

The Respondent is required to provide a general background on how the Respondent intends to finance the overall Project, including as much detail as possible with respect to:

- 6.7.1 How the Respondent proposes to finance the Project; and
- 6.7.2 Proposed debt/ equity mix for the Project;
- 6.8 Additional Information
 - 6.8.1 The Respondent is required to provide capability statements demonstrating;
 - 6.8.2 The Respondent's previous experience;
 - 6.8.3 The Respondent is required to indicate the project spatial requirements (on water and/or land) as well as any need for bulk services from TNPA

or other entity to bring about the proposed project;

- 6.8.4 The Respondent is required to indicate any specific access and/or construction requirements at the port to construct and operate the proposed facility; and
- 6.8.5 The Respondent is required to indicate any exclusion or safety zones applicable as a result of the proposed facility.

7 Format and Submission of EOI Responses

- 7.1 Submission of EOI Responses
 - 7.1.1 The EOI Responses must be submitted to TNPA by no later than 17h00 on 26 January 2023;
 - 7.1.2 EOI Responses reaching TNPA later than the date and time specified will not be considered by TNPA;
 - 7.1.3 All costs incurred by a Respondent in connection with this EOI and the preparation of its responses hereto shall be borne by the Respondent;
 - 7.1.4 The Respondent will not have to pay any monies in order to submit an EOI Response;
 - 7.1.5 The Respondent is encouraged to submit any additional information that, in its view, would assist TNPA in the further development of the Small to Medium Scale LNG importation;
 - 7.1.6 Microsoft Word format, version 2007 or later, save where the document cannot be accessed by Microsoft Word, in which event it must be provided in a PDF format, or in Microsoft Excel format, version 2007 or later;
 - 7.1.7 Properly indexed, readable and capable of being opened;

- 7.1.8 Transnet has implemented a new electronic tender submission system, the e-Tender Submission Portal, in line with the overall Transnet digitalization strategy where suppliers can view advertised tenders, register their information, log their intent to respond to bids and upload their bid proposals/responses on to the system; and
- 7.1.9 Respondents are to upload their EOI response proposals onto the Transnet system against each EOI selected; and
- 7.1.10 The Transnet e-Tender Submission Portal can be accessed as follows:
 - Log on to the Transnet eTenders management platform website/ Portal ((<u>transnetetenders.azurewebsites.net</u>) Please use Google Chrome to access Transnet link/site);
 - Click on "ADVERTISED TENDERS" to view advertised tenders;
 - Click on "SIGN IN/REGISTER for bidder to register their information (must fill in all mandatory information);
 - Click on "SIGN IN/REGISTER" to sign in if already registered;
 - Toggle (click to switch) the "Log an Intent" button to submit a bid;
 - Submit bid documents by uploading them into the system against each tender selected.
 - No late submissions will be accepted. The bidder guide can be found
 on the Transnet Portal <u>transnetetenders.azurewebsites.net</u>
- 7.2 Format of EOI Response
 - 7.2.1 The Respondent is requested to complete the EOI Response and provide all the information required in terms of this EOI and to address every item in paragraph 6;
 - 7.2.2 All pages should be numbered consecutively from beginning to end and there should be an index to the entire EOI Response; and

7.2.3 The EOI Response can be contained in more than one document and with

annexures as the Respondent may consider appropriate to provide the information requested. All documents comprising the EOI Response must be visible from the index to the EOI.

- 7.3 Language of the EOI Response
 - 7.3.1 The EOI Response and all documents forming part of it must be in English;
 - 7.3.2 Any printed literature submitted with the EOI Response may be in another language so long as it is accompanied by an English translation (made by an accredited translator) of the entire document;
 - 7.3.3 For the purpose of interpretation of the EOI Response, TNPA will rely on the English translation provided; and
 - 7.3.4 All correspondence and any other documentation and oral communication exchanged between the Respondent and TNPA shall be in English.
- 7.4 Signing of the EOI Response
 - 7.4.1 The Respondent is requested to provide a signed letter with its EOI Response.
- 7.5 Further Information
 - 7.5.1 TNPA reserves the right to seek additional information from the Responded regarding its EOI Response, as it may, in its sole discretion, determine, whether such information has been requested under this EOI or otherwise, and may request the Respondent to present supplementary information, in respect of its EOI Response; and
 - 7.5.2 The Respondents may, following the submission of an EOI Response, be requested to engage with TNPA and / or other relevant Government

stakeholders to discuss matters relevant to its EOI Response. Any meetings will take place via MS Teams, unless otherwise arranged.

8 Contact with the Project Officer

- 8.1 The Respondent must give the name and contact details of the person whom it appoints to undertake all contact with the Project Officer in its EOI Response, as provided for above (Information to be provided by Respondents in their EOI Responses);
- 8.2 After the submission of its EOI Response, the Respondent may only communicate with TNPA through such person and TNPA shall be entitled, at its sole discretion, to disregard any communication from the Respondent, which does not come from such contact person, and that does not go directly to the Project Officer. Once the Respondent has been issued with a unique identification number this is to be used in all communications with TNPA; and
- 8.3 Where engagement is required with the Respondent as highlighted above, other representatives of TNPA and the Respondent will be requested to be available for such engagement.

9 Formal Briefing

9.1 A compulsory briefing session meeting will be conducted via Microsoft Teams on 08 November 2023 @ 10h00. Interested parties will be able to join the briefing session by using provided link; and

> Join on your computer, mobile app or room device. <u>Click here to join the meeting</u> Meeting ID: 366 991 785 876 Passcode: qbWVvr <u>Download Teams</u> | Join on the web

9.2 Interested parties who wish to submit an EOI Response and who did not participate in the non-compulsory briefing session will not be excluded from submitting an EOI Response.

10 Requests and Clarifications

- 10.1 The Respondent may request clarification on any item contained in this EOI by not later than 17 November 2023;
- 10.2 All enquiries, queries, and requests for clarification in respect of this EOI must be in writing and addressed to the Project Manager and emailed to <u>SMALLTOMEDIUMSCALELNGEOI@TRANSNET.NET</u>; and
- 10.3 TNPA will endeavor to respond to all reasonable written queries and requests for clarification raised by any Respondent.

11 Confidentiality

- 11.1 The information contained in this EOI is confidential and proprietary to TNPA. In accepting this EOI, "suppliers", "service provider" and/or "Agents" agree to the following conditions under applicable legislation:
 - 11.1.1 Each party recognises and agrees that the Confidential Information has been compiled, created, and maintained by special effort and expense of the other party;
 - 11.1.2 Each party recognises and agrees that disclosing or disseminating Confidential Information to a third party will have a materially adverse effect on the other party and agrees not to disclose or disseminate the Confidential Information to any third party. Except as necessary to perform its obligations hereunder;
 - 11.1.3 Each party shall not use, reproduce, or draw upon the Confidential Information or circulate it within its own organization;
 - 11.1.4 Each party shall provide notice to the other party of any demand made upon it under lawful process to disclose or provide the other party's Confidential Information;

Expression of Interest in respect of small to medium scale LNG at the Port(s) of Durban, East London, Mossel Bay, Cape Town and/or Saldanha

- 11.1.5 Each party agrees to co-operate with the other party if it elects toseek reasonable protective arrangements or oppose such disclosure, at the expense of the party that is seeking the protective arrangements or opposing the disclosure; and
- 11.1.6 Any Confidential Information disclosed pursuant to such lawful process shall continue to be Confidential Information, the access to such Confidential Information shall be limited to those persons:
 - a) only with a need to review such information for the purposes for which the disclosure was required; and
 - b) who agree in writing to keep the Confidential Information confidential.

12 Offering of Commission or Gratuity

- 12.1 If a Respondent, or any person employed by him, is found to have either directly or indirectly offered, promised or given to any person in the employ of TNPA, any commission, gratuity, gift or other consideration, TNPA shall have the right and without prejudice to any other legal remedy which it may have in regard to any loss or additional cost or expenses, to disqualify the EOI Respondent from further participation in this process and any other subsequent processes in this regard; and
- 12.2 In such an event, the Respondent will be responsible for all and any loss that TNPA maysuffer as a result thereof. In addition, TNPA reserves the right to exclude such a Respondent from future business with TNPA.

13 Ports Indicative Sites/Areas





