

**REQUEST FOR PROPOSAL [RFP] No TNPA/2023/11/0015/49564/RFP**

**DESCRIPTION: ESTABLISHMENT OF AN APPROVED PANEL OF SERVICE PROVIDERS TO BE APPOINTED AS OPERATOR(S) OF LAST RESORT OF TNPA PORT TERMINAL/FACILITY OPERATIONS FOR A PERIOD OF THREE (3) YEARS AS AND WHEN REQUIRED, AS A TRANSITIONAL MECHANISM UNTIL NEW TERMINAL OPERATOR(S) ARE APPOINTED THROUGH THE SECTION 56 PROCESS**

**BRIEFING NOTE 3 OF 3**

<b>Questions Posed After Briefing Session</b>	
<b>Question</b>	<b>Answer</b>
<p>1. Annexure A, Technical Criteria, Item 3. Under the 'Scoring Guidelines' reference is made to "<i>plan does not address Risk Assessment</i>". Please can you clarify what you require in terms of Risk Assessments for this element? Eg do you require:</p> <p>a) The actual specific and detailed Risk Assessments for risks that have been identified in our existing operations? OR</p> <p>b) The plan/procedure for identifying risks and hazards and undertaking the risk assessments?</p>	<p>The plan must address the actual specific and detailed Risk Assessments for risks that have been identified in existing operations and indicate the plan/procedure for identifying risks ,hazards and risk assessments undertaking</p>
<p>2. Annexure A, Technical Criteria, Item 3. For item (j) "<i>Mandatory Health and Safety Appointment Letters and training for Safety Health Appointees, on site duties training, induction</i>". Please can you confirm if for this element you require:</p> <p>a) The current signed Mandatory Appointment Letters for our existing operations? OR</p> <p>b) The plan/procedure for how Mandatories are appointed and the requirements surrounding this etc?</p>	<p>Bidders must provide signed Mandatory Health and Safety Appointment Letters for existing operations and proof of training.</p>
<p>3. Below is the list of these forms to fill and sign for this bid submission, please confirm this list is complete and accurate: SECTION 1: SBD1 Form SECTION 5: Proposal Form and List of Returnable documents SECTION 6: Certificate of Acquaintance with RFP, Terms &amp; Conditions &amp; Applicable Documents SECTION 7: RFP Declaration and Breach of Law Form SECTION 9: Protection of</p>	<p>Bidders are required to complete all section of the RFP document and return the full RFP document.</p> <p>The below documents are for acknowledgement; Annexure B: Master Agreement ANNEXURE B1: Schedule of Requirements ANNEXURE C: Transnet General Bid</p>

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<p>Personal Information SECTION 10: Port and Commodity Selection Form.</p> <p>If the above is correct, this means that the following sections ONLY require acknowledgement, and NOT to be filled and signed at this RFP stage: SECTION 2 : Notice to bidders SECTION 3 : Background SECTION 4 : Pricing and delivery schedule SECTION 8 : RFP clarification ANNEXURE B: Master Agreement ANNEXURE B1: Schedule of Requirements ANNEXURE C: Transnet General Bid Conditions ANNEXURE D: Supplier Integrity Pact ANNEXURE E: Non-Disclosure Agreement</p>	<p>Conditions ANNEXURE D: Supplier Integrity Pact ANNEXURE E: Non-Disclosure Agreement.</p> <p>SECTION 8: RFP clarification is for submission of enquiries if any.</p>
<p>4. Please clarify which returnable documents will constitute a binding document (i.e. RFP terms, Master Agreement, Schedule(s) of Requirements, General Bid Conditions, Letter of Award, subsequent exchange of correspondence, Supplier Integrity Pact, Non-Disclosure Agreement, or others.).</p>	<p>These documents are for noting.</p>
<p>5. Please clarify the documentation hierarchy, i.e., which document governs in case of any conflict between the documents</p>	<p>Should a suspension and or termination of a Terminal Operator Licence and or Agreement, TNPA will conclude an agreement with an entity who has been appointed to the Panel. In such instances the terms of the agreement will be binding.</p>
<p>6. Please clarify the purpose of "SECTION 4 : Pricing and delivery schedule", as we understand from its Clause 1 that it is not applicable at this stage</p>	<p>Section 4 comprises of clause 1 for pricing (which is not applicable on this RFP) and clauses 2 to 6 which bidders are required to complete for this stage.</p>
<p>7. SECTION 5 includes the following declaration : "I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of prices in accordance with the terms set forth in the documents listed in the accompanying schedule of RFP documents.". As the Schedule of Prices in SCHEDULE 4 states : " The pricing schedule is not applicable at this stage", please clarify the following : (i) Does the Proposal Form of SECTION 5 need a signature at this stage or is it only for acknowledgement purposes? (ii) If it requires a</p>	<p>Section 5 must be completed and signed.</p> <p>This stage of the procurement process is for Bidders to qualify for appointment on the Panel of Operators and Bidders and not required to price their services. Pricing will be dealt with, when the TNPA seeks to appoint an entity from the Panel to provide the services on its behalf.</p> <p>Therefore, bidders may cancel reference to "I/We hereby offer to supply/provide the abovementioned Goods/Services at the prices quoted in the schedule of</p>

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signature, please clarify how it is expected for a bidder to already accept to offer services in exchange of prices not yet disclosed at this stage	prices in accordance with the terms set forth in the documents listed in the accompanying schedule of RFP documents." which was in error.
8. SECTION 5 requires that we identify an "authorised representative in the Republic of South Africa who has the power of attorney to sign any contract which may have to be entered into in the event of their Proposal being accepted and to act on their behalf in all matters relating to such contract". Please confirm if all "contracts" referred to are relating to this RFP or future RFPs for the operation on specific terminals (RFXs).	This clause refers to this RFP not future RFXs.
9. SECTION 5 refers in many instances to "expenses" and "penalties". Please quantify these expenses and penalties.	Expenses and penalties will be determined on stage where defined port scope is made available.
10. SECTION 7, Clause 3 states : "We have been provided with sufficient access to the existing Transnet facilities/sites and any and all relevant information relevant to the Goods/Services as well as Transnet information and Employees, and have had sufficient time in which to conduct and perform a thorough due diligence of Transnet's operations and business requirements and assets used by Transnet". We do not consider this declaration to be possible at this stage as a thorough due diligence could not have been done on all terminals listed in SECTION 10. Please clarify the following: (i) Does the Proposal Form of SECTION 7 need a signature at this stage or is it solely for acknowledgment purposes? (ii) If it requires a signature, please clarify how it is expected for a bidder to already certify it has done full due diligence on all relevant terminals at this stage.	Section 7 must be completed and signed. Bidders may indicate "n/a" the clause referencing to port excess.
11. Security Clearance: Please confirm that security clearance, referred to in RFP clause 12, is not necessary	Security Clearance will be required upon award in phase 2.

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prior to being awarded the operation of a terminal in a RFX, and not for submitting a bid to this RFP.	
12. The Master Agreement refers to many terms which have not been defined, or documents which have not been shared. Examples of this are references to a "Detailed Design" (Clause 9.3.5) and an "Operational Plan" as well as "Terminal Operator Performance Standards" (Clause 9.2.2). Will these be clarified during the RFX?	The final terms of the master agreement will be negotiated and agreed to when the actual appointment is made to provide services to the TNPA.
13. The Master Agreement defines the price to be paid by Transnet by reference to Purchase Orders, whereas the RFP Schedule 1 – Schedule of Requirements defines the "contract value" by reference to the terms of payment to be agreed upon in the Master Agreement. Please clarify how this should be understood.	See response above.
14. Please confirm if the declarations in SECTION 7 will have to be resubmitted periodically by the terminals operators on the panel, as well as for the submission of bids in future RFXs.	Completion of Section 7 is required for this bid and for future RFXs issued.
15. We note Clause 7 of the RFP stating that : "All information related to this RFP is to be treated with strict confidence." However, please confirm that this statement is applicable to both the bidders and Transnet. Indeed, as the submission of a bid for this RFP requires that we provide certain confidential (non-public) information, such as financial statements and personal information of our directors, we would like to ask you to confirm that Transnet will keep all such information confidential and will not disclose such information to any unauthorized persons.	All submissions will be kept confidential and utilized for bidding purposes unless disclosure is required by law and respondent will be notified. Personal information will be treated in line with the RFP's Section 9: Protection of Personal Information.
16. We intend on bidding as a foreign entity. We further understand, given the information contained in your most recent mail, that in Phase 2 a BEE certificate will form a part of the points system as well as COIDA letter of good standing. Could you perhaps share some insight into the expected weighting of these accreditations in phase 2?	The specific goals and points for B-BBEE Status Level of Contributor will be determined at Phase 2 when a defined scope is made available.

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	COIDA Letter of Good Standing with Department of Employment and Labour will be form part of the weighting but a mandated document.
17. Could you please confirm that signatures are not required for the master agreement, schedule of requirements and general bid conditions for stage 1 and these are purely for review purposes?	The document is provided for review at this stage of the RFP process.
18. Our understanding is that the financial model of the successful phase 2 bidder will run as follows: the bidder will, in their phase 2 submission, include an amount which Transnet will pay the successful bidder for the port operation. The port operator will also be able to charge shipping lines for services rendered at the port. During the contract period all opex (including maintenance) to be covered by the operator. Could you please confirm or correct our understanding?	<p>The appointed company will be providing services to TNPA and will only invoice TNPA for services rendered.</p> <p>TNPA will in turn invoice shipping lines and other users of the Terminal.</p> <p>This may vary and may be the subject matter of negotiation at the time the need arises for the TNPA to make the appointment.</p>
19. Since the bidder operates many terminals, can the bidder provide 3 reference letters meeting the technical evaluation criteria for the submission of its proposal?	Yes, however must ensure to meet the years of experience as per scoring guideline.
20. SECTION 5, "Names and addresses / Addresses of Directors or Members", requires that the bidder provide the Directors' ID numbers. The bidder is not comfortable with sharing this level of personal information at this RFP stage. The bidder also notes that, to its knowledge, ID numbers were not asked in previous Transnet bids. The bidder however understands that such information should be provided during RFX stage. Please advise if not providing ID numbers in this RFP proposal is acceptable to Transnet.	Bidders are required to fully complete the RFP document issued.
21. Referring to the Technical Evaluation Criteria: Company Experience, how is the rating calculated? are the number of years of experience based on each reference letter or an accumulation of the number of years of all reference letters?	The number of years will be determined by accumulative years of experience in the reference letters.

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22. Referring to both Phase 1 and Phase 2, should the bidding entity bid via a foreign holding company, will this be accepted or is there a requirement to bid via a local, BBBEE accredited entity?	The B-BBEE certificate will not be scored at this stage. However, Non submission of a B-BBEE Certificate or Sworn Affidavit in Phase 2 will not disqualify a bidder, but a score of zero will be allocated on the specific goal for B-BBEE Status Level of Contributor. Therefore an international company may also bid on their own.