

Transnet SOC Ltd

acting through its operating division, Transnet National Ports Authority

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BRIEFING NOTE NO. 07 (TNPA/2023/12/0015/51712/RFP)

05 June 2024

REQUEST FOR PROPOSALS (RFP) FOR THE APPOINTMENT OF TERMINAL OPERATORS TO FUND, DESIGN, DEVELOP, CONSTRUCT, OPERATE, MAINTAIN AND TRANSFER THE LIQUID BULK AND/OR GREEN FUEL TERMINALS FOR A CONCESSION PERIOD OF TWENTY-FIVE (25) YEARS IN THE SOUTH DUNES PRECINCT AT THE PORT OF RICHARDS BAY

BRIEFING NOTE NO. 07: Clarifications & Responses

Transnet National Ports Authority (TNPA) is hereby issuing Briefing Note no. 07 in relation to the Port of Richards Bay South Dunes Liquid Bulk or Green Fuel Terminals RFP closing on 28 June 2024.

Below are TNPA’s responses to questions received from bidders to clarify all issues raised:

No.	Clarification questions	TNPA responses
1.	Clause 46.1.4 of the RFP document says that “All Returnable Sections, as indicated in the header and footer of the relevant pages, must be signed, stamped and dated by the Respondent”. However, none of the documents that are listed in Annexure K indicate that they are returnable in their header or footer. Accordingly please advise:	
1.1.	Must every single annexure listed on pages 8 and 9 of the revised annexure K be signed, stamped and dated? If certain annexures do not need to be signed, stamped and dated, please can you advise which ones.	Yes, TNPA will accept that all annexures of the revised Annexure K be signed (electronically), and dated accordingly.

No.	Clarification questions	TNPA responses
1.2.	Must every page of each annexure be signed, stamped and dated even when there is nothing that needs to be filled in on the document and the document amounts to hundreds of pages? E.g. Annexure GG Additional information on Green Hydrogen is listed as returnable, nothing needs to be completed on it and it is 105 pages long?	In the case of Annexures that do not need to be filled in on the document, such as Annexure GG, bidders are expected to sign only the first page to acknowledge receipt thereof.
1.3.	Specifically, if Annexures CC, EE, FF, GG and HH do need to be signed stamped and dated, please can you advise if it will be sufficient to sign, stamp and date the first/last page of each document only?	Signing the first page of the Annexures CC, EE, FF, GG and HH is sufficient.
2.	Item 5 of page 7 of revised Annexure K says a mark-up of the Terminal Operator Agreement (TOA) is required and then on page 9 of the revised Annexure K it also says Annexure HH, the TOA is a returnable document. Is it necessary to submit 2 copies of the 182 page TOA – one marked up and one not? Or can one marked up TOA be submitted and reference to this document given in the "RFP Reference" column for both these items in Annexure K?	Only one marked-up TOA (Annexure HH) needs to be submitted as a returnable document.
3.	Annexure Z on page of the RFP document says "(as contained in separate PDF document uploaded on National Treasury website)". There is no Annexure Z on the website. Please can you provide a copy of this document or can our own format be used?	Annexure Z (Lenders Support letter) refers to a letter from a financing institution that is to be submitted by the bidder on their own template if applicable. Please ignore the part that says "as contained in separate PDF document uploaded on National Treasury website".
4.	With reference to the response to Question 14 in Briefing Note 4, we have reviewed the table in Clause 63.4.2.3.4, however we have some additional queries as follows:	

No.	Clarification questions	TNPA responses
4.1.	The criteria for 'Excellent' in the table under Clause 63.4.2.3.3. of the RFP states that "The Operating Model covers in exceptional detail and demonstrates how the Targeted Performance will be achieved". However there is no mention of Targeted Performance or what it involves in the table in Clause 63.4.2.3.4. Please can you advise if targeted performance is an element that will be taken into account in the evaluation of the Operating Model or not?	<p>Only the elements included in the Table as per Clause 63.4.2.3.4 will be evaluated for the Operating Model.</p>
4.2.	If Targeted Performance is an element that will be used in the evaluation of the Operating Model, please can you advise exactly what is meant by Targeted performance and what it involves/covers?	
4.3.	The description of the Operating model in 63.4.2.3.1 includes references to "the approach to the execution of the Project", "performance targets", and risk management systems to mitigate "insurable risks". However there is no mention of any of these elements in the table in Clause 63.4.2.3.4. Please can you advise if these elements will be taken into account in the evaluation of the Operating Model or not?	
5.	With reference to Question 15 and the response by TNPA in Briefing Note 4, please advise what milestones/ items TNPA requires to be covered by a Level 3 Schedule?	<p>The milestones should be relevant to the bidder's proposed project development plan. These milestones should include, but are not limited to, specific project deliverables within the various phases, including Concept Design phase, Detailed Design, Consents and Approvals, Construction, and Commissioning.</p>
6.	Where or on which document must we indicate what our second choice of site for the project is as Annexure X only has space for the bidder to indicate their preferred site?	<p>The bidder is required to indicate their preferred and second choice of site on Annexure X. Preferred sites should also be indicated in the Business Case. If alternate sites are applicable, no separate forms are required to be submitted.</p>

No.	Clarification questions	TNPA responses
7.	<p>At this stage, it is anticipated that the Bidder will be an unincorporated consortium having 2 members. The Bidder intends to appoint a wholly owned subsidiary of one of its members as the Operator in terms of the TOA. Please confirm that the technical evaluation requirements of the RFP will be met if the Bidder provides documents showing the experience and existing operational documentation of the proposed Operator?</p>	<p>The experience and the existing operational documents of the proposed operator will be accepted as long as that consortium is incorporated at the time of negotiating the TOA. If that entity is not incorporated as committed in the RFP, the bidder is at risk of losing the Preferred Bidder status.</p>
8.	<p>TNPA distributed its requirements in respect of local procurement and subcontracting to potential bidders on 30 May 2024. Briefing Note 5 requires bidders to submit signed contracts with service providers or suppliers or subcontractors. The deadline for submission of the tender is less than a month away. The requirement that contracts be submitted to meet the requirements set out in Briefing Note 5 are being imposed less than a month before the bid submission deadline. Our procurement is subject to a competitive/comparative process with quotes required from multiple suppliers – just like TNPA undertakes their procurement. We cannot identify which suppliers we may subcontract to without going through this process meaning that even entering into an agreement with suspensive conditions is not practical at this stage as we cannot identify the appropriate subcontractors/suppliers. Furthermore, it is impossible for us to ask potential suppliers and subcontractors to scope and price the services or goods to be provided until we know which site may be awarded to us should our bid be successful. In addition, the RFP clearly provides for the detailed scoping of the Project after the TOA (see clause 8.1 of the RFP which allows the terminal operator 5 months after signature of the terminal operator agreement to prepared detailed design and construction specifications). Against this background:</p>	

No.	Clarification questions	TNPA responses
8.1.	Please explain how TNPA envisages this new requirement being fulfilled at a practical level?	This is not a new requirement as it was clearly communicated and explained during the Briefing meeting and therefore Bidders are expected to submit signed contracts with their sub-contractors. This RFP was issued on 06 December 2023 and Bidders were afforded more than enough time to respond to all requirements and comply fully. The RFP submission date can no longer be extended further as it was extended already.
8.2.	Please confirm that the local procurement and subcontracting requirements only affect a Bidder's points in the tender evaluation process?	YES, it will be evaluated when Specific Goals are considered as per the Table in Clause 65.2.4 in the RFP document.
8.3.	Does the 30% need to be subcontracted to 1 party only or can the 30% be split across multiple parties providing a variety of services?	It can be subcontracted to as many sub-contractors as possible, in fact the more subcontractors given the opportunity the better in terms of the spread of work.
9.	With regards to the value of the subcontracting requirement in order to be awarded the 4 points, please can you clarify the following:	
9.1.	Is 30% of the total value of all the costs spent on construction AND maintenance AND operations over the entire 25 year duration of the concession? Or is it 30% of the value of the costs spent on construction OR maintenance OR operations?	Is a minimum of 30% of the total value of the contract or cost spend on construction and other development phases / activities i.e. Concept Designs during the execution of the Project.
9.2.	Does the value of operational costs include the cost of salaries/employees?	Yes, as it is part of the total value of the contract undertaken e.g., construction/renovations and maintenance while developing or maintaining the concession site.
10.	The construction period is limited to a maximum of 24 months in the RFP. Please clarify whether this should be 48 months to allow for the 24 months period permitted for obtaining Consents in clause 22.3.4 of the RFP? Or will the Consents	Time period for Consents are separately defined, hence the 24 months period for construction only starts after the Consents period is complete.

No.	Clarification questions	TNPA responses
	<p>period be a separately defined period and the construction period only starts after the Consents period is complete?</p>	
11.	<p>Please advise, in the case where a Bidder is a consortium/JV, are there any of the returnable Annexures that need to be completed separately by each party in the Consortium/JV? If so, please can you specify exactly which of the Annexures need to be completed separately by the members of the Bidder?</p>	<p>If the incorporated consortium/JV is responding to the RFP, then the entity is required to complete the set of annexures, however if consortium/JV is unincorporated then the Lead Member is required to complete the set of annexures.</p>

Yours sincerely,

Project Office