

**TRANSNET SOC Ltd**  
**ACTING THROUGH ITS OPERATING DIVISION**  
**TRANSNET NATIONAL PORTS AUTHORITY**  
**("TNPA")**

**REQUEST FOR INFORMATION ON POSSIBLE  
APPOINTMENT OF A CRUISE TERMINAL OPERATOR TO  
DESIGN, DEVELOP, FINANCE, CONSTRUCT, OPERATE,  
MAINTAIN AND TRANSFER THE CRUISE TERMINAL AT  
THE NEWARK PRECINCT IN THE PORT OF RICHARDS  
BAY**

**December 2022**

<b>Information Request Description</b>	Request for Information on possible appointment of a Cruise Terminal Operator to Design, Develop, Finance, Construct, Operate, Maintain and Transfer the Cruise Terminal at the Newark Precinct in the Port of Richards Bay, Province of Kwa-Zulu Natal.
<b>RFI Number</b>	TNPA/2022/12/0009/18886/RFI
<b>Issue &amp; Collection Date</b>	06 December 2022
<b>Bid Fee and Banking Details</b>	Not Applicable – Issued Free
<b>Non-Compulsory Briefing Session</b>	12 December 2022 at 10am
<b>Requests for Clarification Close</b>	27 January 2023 at 16h00pm (CAT)
<b>RFI Closing Date</b>	28 February 2023 at 16h00pm (CAT)

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## 1. Disclaimer

Whilst all reasonable care has been taken in preparing this Request for Information (RFI), the information herein contained has been prepared by the Transnet National Ports Authority ("TNPA") in good faith, based on information obtained from various sources. Neither TNPA nor any of its advisors accept any liability or responsibility for the adequacy, 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 hereby 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 RFI.

TNPA reserves the right to amend, modify or withdraw this RFI in whole or in part, and/or to terminate or amend the plans for the introduction of a concession for the proposed Port of Richards Bay Cruise Terminal at the Newark Precinct, 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 RFI are stipulated for the express benefit hereof. Save as expressly stated to the contrary, the terms and conditions herein set out may be waived at TNPA's sole discretion at any time.

TNPA reserves the right to adopt any proposal made by any person, juristic or otherwise, responding to this RFI, at any time and to include such proposal in any documents which may or may not be made available at any stage to any other persons responding to this RFI, without the obligation or liability to pay any compensation or reimbursement of any nature to any person pursuant to such adoption.

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

Each person that accesses this RFI 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, its officers, employees, servants, agents or Transaction Advisors, under any circumstances whatsoever, arising out of any matter relating to this RFI of any nature whatsoever, including where such claim is based on any act or omission by TNPA, 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 RFI of any nature whatsoever.

## 2. Definitions and Interpretation

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

- 2.1 **"Concession"** - the proposed design, development, construction, financing, operation, maintenance and transfer of the Cruise Terminal in the Port of Richards Bay that may be granted by TNPA to the Preferred Bidder pursuant to a Request for Proposal that may be issued in terms of section 56 of the National Ports Act 12 of 2005;
- 2.2 **"Concessionaire"** – the legal entity who is awarded the right, by the TNPA, to undertake the design, development, construction, financing, operation, maintenance and transfer of the Cruise Terminal in the Port of Richards Bay and with whom, the TNPA will be concluding a Terminal Operator Agreement;
- 2.3 **"National Ports Act"** - the National Ports Act No. 12 of 2005;
- 2.4 **"Port"** - the Port of Richards Bay;
- 2.5 **"Project Officer"** - the person appointed by TNPA as the project officer for the purpose of the administration of the process contemplated in this document;

- 2.6 **"Respondent"** - any entity or consortium that submits an RFI, responding to this document;
- 2.7 **"RFI"** - this Request for Information document to solicit information from the market relating to the planned Project in relation to the Cruise Terminal at the Richards Bay port;
- 2.8 **"RFI Response"** - the submission made by an entity or organization in response to this Document, together with all necessary supporting documentation referred to in paragraph 7 of this RFI;
- 2.9 **"RFP"** - the request for proposals contemplated to be issued in terms of section 56 of the National Ports Act for a Concession of a Cruise Terminal in the port;
- 2.10 **"Site"** - the land space, within the Port on which the Terminal is to be located in terms of the Concession as more fully described in paragraph 5.1 of this RFI;
- 2.11 **"Newark Precinct"** – As depicted in **figure 2: Port of Richards Bay Master Plan** where Cruise Terminal will be developed;
- 2.12 **"Transnet National Ports Authority (TNPA)"** - An operating division of Transnet responsible for the safe, effective, and efficient economic functioning of the national port system, which it manages in a landlord capacity and who provides port infrastructure and marine services at the eight commercial seaports in South Africa in accordance with the provisions of the National Ports Act;
- 2.13 **"Transnet"** - Transnet SOC Ltd, registration number 1990/000900/30. A state-owned company under the Department of Public Enterprises incorporated in the Republic of South Africa and which is the custodian of South Africa's freight logistics public infrastructure, which supports economic growth and development by providing efficient rail, port and pipeline infrastructure and services.

### 3. Background

#### 3.1 Transnet National Ports Authority

3.1.1. Transnet National Ports Authority (National Ports Authority or TNPA), an operating division of Transnet SOC Ltd, (registration number 1990/000900/30) was established through the National Ports Act, No. 12 of 2005 (“the Ports Act”) to be a landlord port responsible for the safe, efficient, and economic functioning of the national ports system, which it manages, controls, and administers on behalf of the State;

3.1.2. Section 11 of the Ports Act prescribes the core functions of TNPA as follows:

- a) To plan, provide, maintain, and improve port infrastructure;
- b) To promote the use, improvement and development of ports and control land use within the ports, having the power to lease port land under conditions that it determines;
- c) To promote greater representation, in particular to increase participation in port operations of historically disadvantaged people;
- d) To provide or arrange marine-related services, i.e., pilotage services, tug assistance, berthing services, dredging and hydrographic services;
- e) To ensure that adequate, affordable, and efficient port services and facilities are provided, including regulatory oversight of all port activities; and
- f) To provide aids to assist the navigation of vessels within port limits and along the coast.

3.1.3. 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 Bay as reflected in Figure 1 below;

3.1.4. The ports under the control of the TNPA span the South African coastline, which measures approximately 2 800 km. TNPA's asset base consists of port land, basic port infrastructure and marine fleet at the eight commercial ports. TNPA manages port land of approximately 43,4 million m<sup>2</sup> and about 750 leases across the port system;

3.1.5. Operating within the port industry, TNPA provides its services to port users, namely terminal operators, shipping lines, shipping agents, Passenger owners and the clearing and forwarding industry. TNPA also carries a distinctive feature of being self-sustaining, unlike most other landlord port authorities that rely on national or provincial governments for financial support.

### National Port System

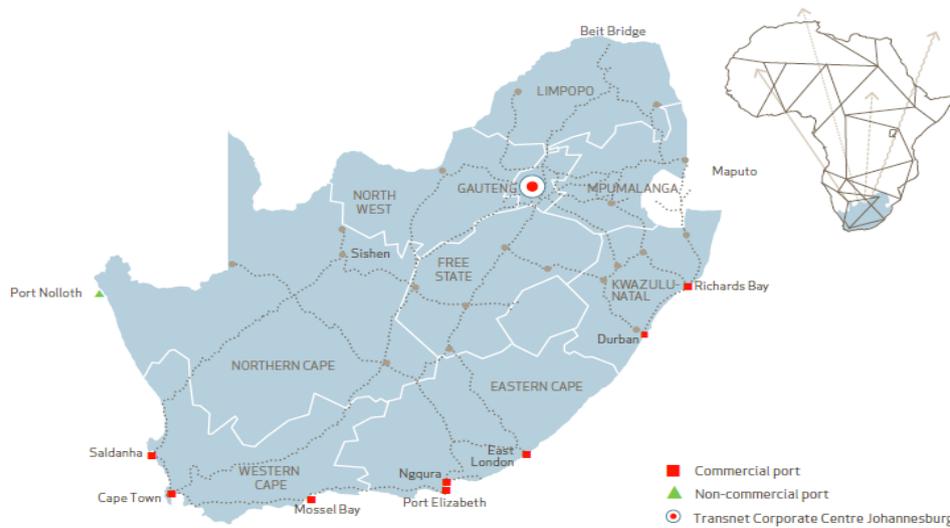


Figure 1: South African Commercial Ports

#### 4. Port of Richards Bay Master Plan



Figure 2: (Port of Richards Bay Master Plan)

Source: TNPA KZN Logistics Hub

- 4.1 The proposed Cruise Terminal site within the Newark Precinct is aligned to the Master Plan for the Port of Richards Bay as description number 18 in Figure 2 above.
- 4.2 The proposed Cruise Terminal site will have a berth for cruise vessels as per the Port of Richards Bay Master Plan.
- 4.3 This RFI aims to provide TNPA the necessary information regarding the proposed Cruise Terminal with respect to the market appetite in the Port of Richards Bay.
- 4.4 It is within this context that TNPA deems it prudent to issue this RFI to establish market appetite for a possible appointment of a concessionaire to undertake the project.



Figure 3: Cruise Terminal Site Plan

Source: TNPA

## 5.2 Port Authority Role in Enabling Cruise Tourism

- 5.2.1 The South African Department of Home Affairs Immigration Infrastructure has designated SA Harbours as International Ports of Entry.
- 5.2.2 The Port Authority is therefore required to make provision for the following:
  - 5.2.2.1 Adequate Immigration Building within each Harbour Port of Entry,
  - 5.2.2.2 Permanent customised Passenger Terminals,
  - 5.2.2.3 Communication channels during cruise operations between all relevant stakeholders,
  - 5.2.2.4 Facilitation of rapid response mobility of Immigration Officials and vehicles within Harbour Precincts.
- 5.2.3 In aligning to the Department of Tourism Cruise Strategy, TNPA's Strategic Position is to offer new and modern cruise terminals that will provide an ideal gateway to a unique South African experience through its eight commercial ports.
- 5.2.4 The value proposition is to provide modern reception facilities with safe, reliable, and efficient marine services to enhance the experience into the wonders of South Africa and the African Continent.
- 5.2.5 Cruise Terminals provide a Multi-Modal Connectivity to the region and the world, thus contributing to the growth of the tourism industry.
- 5.2.6 The 2022/2027 Integrated Development Plan (IDP) of Umhlathuze Municipality is attached as "Annexure A" which respondents are advised to read as it provides the necessary information on the development strategy of the Municipality, covering all economic sectors including tourism.

## 6. REQUEST FOR INFORMATION

### Objectives of the RFI

6.1.1 The objectives of this RFI are to confirm the extent of market appetite for undertaking the Concession and to obtain specific information to implement the project.

6.1.2 TNPA intends, through this RFI to:

- a) better understand the Respondents' Cruise Terminal demand for the Port of Richards Bay and northern parts of KZN tourism offering;
- b) Understand respondents' appetite to develop and operate the Cruise Terminal;
- c) Understand respondents cruise vessel sizes expected to call at the Port of Richards Bay;
- d) Respondents view on implications on other South African ports with respect to Cruise Terminal Operations;
- e) Market appetite for a Concession;
- f) Formulate the scope and extent of the Concession;
- g) Structure the RFP to ensure that it responds to market demand; and
- h) Determine the appropriate risk allocation between the TNPA and the Concession in undertaking the Concessionaire.

6.2 TNPA requests that all entities or companies that may wish to submit bids in response to a possible RFP in future, in respect to the Concession, to respond to this RFI in the manner and form herein specified. The submission of an RFI Response is not and will not be a compulsory requirement for responding to the RFP in future.

6.3 Respondents are to note the following:

6.3.1 TNPA is not prescriptive with regards to the proposed solution. The information gathered will assist in the event that it progresses to the RFP stage of the Project.

- 6.3.2 The Sites identified by the TNPA for the Concession, is definitive.
- 6.3.3 Respondents are requested to provide any other information in respect of their Project which they deem necessary to bring to TNPA's attention.

## **7 Information to be provided by the Respondent in its RFI Response**

Respondents are required to submit the following information in the RFI Response, which information should include the information requested below together with supporting documentation in respect thereof.

### **7.1 Respondent's Company / Consortium Profile**

- 7.1.1 The name of the Respondent, and its full registration details;
- 7.1.2 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 with the Respondent on any aspect of the RFI Response;

### **7.2 Cruise Terminal Market Analysis**

- 7.2.1 What type of passenger volumes and/or cruise liners per cruise season are likely to call at this preferred site?

### **7.3 Port Requirements**

- 7.3.1 The Respondent is required to provide the following information with respect to the TNPA preferred site as per the Port of Richards Bay Master Plan:
  - 7.3.1.1 Proposed length of the cruise berth required (metres);
  - 7.3.1.2 Required depth of the cruise berth (metres);
  - 7.3.1.3 Respondents' information in relation but not limited to the following:
    - 7.3.1.3.1 Type of bollards

7.3.1.3.2 Bollards safe working load (SWL)

7.3.1.3.3 Distance between bollards

7.3.1.3.4 Type of fenders

7.3.1.3.5 Width/diameter of fenders

7.3.2 What is the Respondents' appetite with respect to investment in upgrading items mentioned in Clause 7.3.1.3 above?

#### 7.4 **Terminal Design**

7.4.1 Respondents to provide innovative terminal concept designs (high level) that accommodates the flow of operations including the requirement for a parking, if required (area in sq.m);

7.4.2 What type of terminal infrastructure will the Respondent have appetite to invest with respect to the Port of Richards Bay ie terminal building, tent structure, containers or blank pier, etc?;

7.4.3 Will there be public areas in the terminal? e.g., shops, cafes, bars etc.;

#### 7.5 **Terminal Operations**

7.5.1 Respondents to indicate how the Port of Richards Bay complements the cruise industry and hinterland attractiveness for cruising passengers;

#### 7.6 **Commercial Transaction Structure & Timelines**

7.6.1 What is the expected investment and anticipated return on investment in relation to the project capital expenditure?;

7.6.2 The Respondent is required to provide a general background on how they intend to finance the Project i.e., debt or equity;

7.6.3 What are the projected timelines to operationalise the Cruise Terminal?

## 8 **Format and Submission of RFI Responses**

### 8.1 **Submission of RFI Responses**

- 8.1.1 The RFI Responses must be submitted to TNPA by no later than **28 February 2023 at 16h00pm (CAT)**.
- 8.1.2 RFI Responses reaching TNPA later than the date and time specified above may, at TNPA's sole discretion, not be considered by TNPA.
- 8.1.3 All costs incurred by a Respondent in connection with this RFI and the preparation of its responses hereto shall be borne by the Respondent.
- 8.1.4 The Respondent will not have to pay any monies to submit an RFI Response.
- 8.1.5 The Respondent is encouraged to submit any additional information that, in its view, would assist TNPA in the further development of the Concession and the introduction of the Cruise Terminal in the Port of Richards Bay.

## 8.2 **Copies of the RFI Response**

- 8.2.1 Each RFI Response is required to be submitted electronically to TNPA by emailing of the entire RFI Response, and the documents contained therein to the email address below:

- 8.2.1.1 Emailed to: [Richardbaycruiseterminalrfi@transnet.net](mailto:Richardbaycruiseterminalrfi@transnet.net)

- 8.2.1.2 In 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; and

- 8.2.1.3 Properly indexed, readable and accessible.

## 8.3 **Format of RFI Responses**

- 8.3.1 The Respondent is requested to complete the RFI Response and provide all the information required in terms of this RFI and to address every item in paragraph 7.
- 8.3.2 All pages should be numbered consecutively from the beginning to the end and there should be an index to the entire RFI Response.
- 8.3.3 The RFI Response can be contained in more than one document together with annexures as the Respondent may wish to provide the information requested and/or supplementary information. All documents comprising of the RFI Response must be included in the index of the RFI.

#### 8.4 **Language of the RFI Response**

- 8.4.1 The RFI Response and all documents forming part of it must be in English.
- 8.4.2 Printed literature submitted with the RFI Response may be in another language providing that it is accompanied by English translation of the entire document compiled by an accredited translator.
- 8.4.3 For the purpose of interpretation of the RFI Response, TNPA will rely on the English translation provided.
- 8.4.4 All correspondence and any other documentation and oral communication exchanged between the Respondent and TNPA shall be in English.

#### 8.5 **Signing of the RFI Response**

- 8.5.1 The Respondent is requested to provide a signed letter with its RFI Response.

#### 8.6 **Further Information**

8.6.1 TNPA reserves the right to seek additional information from the Respondent regarding its RFI Response, as it may, in its sole discretion, determine whether such information has been requested under this RFI or otherwise, and may request the Respondent to present supplementary information, in respect of its RFI Response;

8.6.2 The Respondents may, following the submission of an RFI Response, be requested to engage with TNPA and / or other relevant government stakeholders to discuss matters relevant to its RFI Response. Meetings will take place via MS Teams, unless otherwise advised.

## **9 Contact with the Project Officer**

9.1 The Respondent must provide the name and contact details of the person whom it appoints to undertake all contact with the Project Officer in its RFI Response, as provided for above (Information to be provided by Respondents in their RFI Responses).

9.2 After the submission of its RFI Response, the Respondent may only communicate with TNPA through such person. TNPA shall be entitled, at its sole discretion, to disregard communication from any unstipulated contact person/s, and who does liaise directly with the Project Officer. Once the Respondent has been issued with a unique identification number this is to be used in all communications with TNPA;

9.3 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.

## **10 Non-Compulsory Briefing Session**

10.1 A non-compulsory briefing session will be conducted via Microsoft Teams on **Monday 12 December 2022 @ 10h00.**

- 10.2 Interested parties are required to RSVP to join the briefing session by requesting a MS Teams link by **09 December 2022** at the following email address: [Richardbaycruiseterminalrfi@transnet.net](mailto:Richardbaycruiseterminalrfi@transnet.net)
- 10.3 Interested parties who wish to submit an RFI Response and who did not participate in the non-compulsory information sharing session will not be excluded from submitting an RFI Response.

## **11 Requests and Clarifications**

- 11.1 The Respondent may request clarification on any item contained in this RFI by not later than **27 January 2023 at 16h00pm (CAT)**;
- 11.2 All enquiries, queries, and requests for clarification in respect of this RFI must be in writing and addressed to the Project Officer and emailed to [Richardbaycruiseterminalrfi@transnet.net](mailto:Richardbaycruiseterminalrfi@transnet.net)
- 11.3 TNPA will endeavour to respond to all reasonable written queries and requests for clarification raised by any Respondent.

## **12 Confidentiality**

- 12.1 The information contained in this RFI is confidential and proprietary to TNPA. In accepting this RFI, "suppliers", "service provider" and/or "Agents" agree to the following conditions, under applicable legislation:
- 12.1.1 Each party recognises and agrees that the Confidential Information has been compiled, created, and maintained by special effort and expense of the other party;
- 12.1.2 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, each party shall not use, reproduce, or draw upon the Confidential Information or circulate it within its own organisation;

12.1.3 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. Such party agrees to co-operate with the other party if it elects to seek reasonable protective arrangements or oppose such disclosure, at the expense of the party that is seeking the protective arrangements or opposing the disclosure; and

12.1.4 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.

### **13 Offering of Commission or Gratuity**

13.1 If a Respondent, and/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 RFI Respondent from further participation in this process and any other subsequent processes in this regard;

13.2 In such an event, the Respondent will be responsible for all and any loss that TNPA may suffer as a result thereof. In addition, TNPA reserves the right to exclude such a Respondent from future business with TNPA.

