

TRANSNET PIPELINES

an Operating Division of **TRANSNET SOC LTD**

[hereinafter referred to as **Transnet**]

[Registration No. 1990/000900/30]

REQUEST FOR PROPOSAL [RFP] [SERVICES]

FOR PARTNERING WITH QUALIFYING DEVELOPERS IN THE SUBMISSION OF A JOINT BID RESPONSE IN RELATION TO TRANSNET NATIONAL PORTS AUTHORITY'S (TNPA'S) SECTION 56 CONCESSION FOR DEVELOPMENT OF THE RICHARDS BAY LIQUIFIED NATURAL GAS (LNG) IMPORT FACILITIES, TERMINAL STORAGE AND HANDLING INFRASTRUCTURE, REGASIFICATION INFRASTRUCTURE AND DOWNSTREAM LOGISTICS INFRASTRUCTURE (INCLUDING PIPELINES, BUNKERING, ROAD AND RAIL LOADING FACILITIES), AS WELL AS ANY REQUIRED UPGRADES OR CHANGES TO THE EXISTING TRANSNET PIPELINES (TPL) INFRASTRUCTURE SUCH AS THE LILLY PIPELINE FOR NATURAL GAS (NG) TRANSMISSION.

RFP NUMBER	TPL/2022/05/0163/4204/RFP
ISSUE DATE:	27 July 2022
CLOSING DATE:	19 August 2022
CLOSING TIME:	12:00 PM
BID VALIDITY PERIOD:	180 Business Days from Closing Date

Note to the bidders:

Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Please do not wait for the last hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.

SCHEDULE OF BID DOCUMENTS

Section No	Page
SECTION 1: SBD1 FORM.....	5
PART A	5
PART B	6
SECTION 2 : NOTICE TO BIDDERS.....	7
1 INVITATION TO BID.....	7
2 FORMAL BRIEFING.....	8
3 PROPOSAL SUBMISSION.....	8
4 RFP INSTRUCTIONS.....	8
5 JOINT VENTURES OR CONSORTIUMS.....	9
6 COMMUNICATION.....	9
7 CONFIDENTIALITY.....	10
8 COMPLIANCE.....	10
9 DISCLAIMERS.....	10
10 LEGAL REVIEW	11
11 SECURITY CLEARANCE.....	11
12 TAX COMPLIANCE	11
SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS	12
SECTION 4: PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS	242
SECTION 5: CERTIFICATE OF ACQUAINTANCE WITH RFP, MASTER AGREEMENT & APPLICABLE DOCUMENTS.....	26
SECTION 6: RFP DECLARATION AND BREACH OF LAW FORM.....	27
SECTION 7: RFP CLARIFICATION REQUEST FORM.....	33
SECTION 8: CERTIFICATE OF ATTENDANCE OF NON-COMPULSORY RFP BRIEFING	342
SECTION 9: PROTECTION OF PERSONAL INFORMATION	353
SECTION10: DECLARATION OF UNDERSTANDING – OBLIGATIONS OF SERVICE PROVIDER	35

RFP ANNEXURES:

ANNEXURE A: TECHNICAL SUBMISSION

ANNEXURE B: JOINT DEVELOPMENT AGREEMENT FOR THE RICHARDS BAY LNG TERMINAL PROJECT

ANNEXURE C: TRANSNET'S SUPPLIER INTEGRITY PACT

ANNEXURE D: NON-DISCLOSURE AGREEMENT

Abbreviations and acronyms

Acronym	Definition
BC	Bidding Consortium made up of Transnet Pipelines and private sector partner/s to be selected through this process
Bn	Billion
CAPEX	Capital Expenditure
COD	Commercial Operating Date
Development	All the project preparation activities from when the Joint Development Agreement (JDA) is signed up to financial close.
DMRE	Department of Mineral Resources and Energy
EA	Environmental Authorisation
EIA	Economic Impact Assessment
EME	Exempted Micro Enterprises
EPC	Engineering, Procurement, and Construction
E&S	Environmental and Social
FC	Financial Close
FSU	Floating Storage Unit
RSRU	Floating Storage and Regasification Unit
GTA	Gas Transmission Agreement
GTP	Gas to Power
IDZ	Industrial Development Zone
Implementation	Project Execution from Financial Close to commercial operating date
IPP	Independent Power Producer
IPPO	Independent Power Producer Office
IRP	Integrated Resource Plan
JDA	Joint Development Agreement to be signed TPL and selected partner/s
KZN	KwaZulu Natal
LNG	Liquefied Natural Gas
LPG	liquefied petroleum gas
MAOP	Maximum Allowable Operating Pressure
MOI	Memorandum of Incorporation
MP	Mpumalanga
MRG	Methane Rich Gas
Mtoe	million tonnes of oil equivalent
Mtpa	million tonnes per annum
MW	megawatts

NERSA	National Energy Regulator of South Africa
NTP	Notice to Proceed (given to the EPC Contractor when project finance has been confirmed). NTP usually issued at Financial close.
O&M	Operations and Maintenance
OPEX	Operating Expenditure
PFMA	Public Finance Management Act, 1999 (Act No. 1 of 1999)
PFS	Prefeasibility Study
PJ	Petajoule
PPP	Public Private Partnerships
RB	Richards Bay
RBIDZ	Richards Bay Industrial Zone
RB IPP	Richards Bay Independent Power Project
REIPPPP	Renewable Energy Independent Power Producer Procurement Programme
RFP	Request for Proposal
RFQ	Request for Quotation
ROD	Record of Decision
Section 51	Section 51 (1) (g) requires the accounting authority for a public entity to promptly inform the National Treasury on any new entity it intends to establish or in the establishment of which it takes initiative and allow the National Treasury a reasonable time to submit its decision prior to formal establishment.
Section 54	In terms of section 54 (2) of the PFMA, before a public entity concludes any of the specified transactions, the accounting authority for the public entity promptly and in writing inform the relevant treasury of the transaction and submit relevant particulars of the transaction to its executive authority for approval of the transaction. One of these is the establishment or participation in the establishment of a company (the proposed SPV)
Section 56	Section 56 of the National Ports Act mandates TNPA as landlord and ports master planner, to contract with private terminal operators to design, build, rehabilitate, develop, finance, maintain and operate port terminals or facilities.
Section 79	Through section 79 Ministerial direction, The Minister [of Transport] may, in writing, direct the National Ports Authority to perform a specified act within the Authority's power (to appoint a single party) if such direction is necessary to promote the national, strategic or economic interests of the Republic of South Africa.
SPA	Supply and Purchase Agreement
SPV	Special Purpose Vehicle
TFR	Transnet Freight Rail
TSOC	Transnet State Owned Company
TNPA	Transnet National Ports Authority
TPL	Transnet Pipelines
WULA	Water Use License Agreement

SECTION 1: SBD1 FORM

PART A
INVITATION TO BID

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF TRANSNET PIPELINES, A DIVISION TRANSNET SOC LTD							
BID NUMBER:	TPL/2022/05/0163/4204/RFP	ISSUE DATE:	27/07/2022	CLOSING DATE:	19 August 2022	CLOSING TIME:	12h00
DESCRIPTION	FOR PARTNERING WITH QUALIFYING DEVELOPERS IN THE SUBMISSION OF A JOINT BID RESPONSE IN RELATION TO TRANSNET NATIONAL PORTS AUTHORITY'S (TNPA'S) SECTION 56 CONCESSION FOR DEVELOPMENT OF THE RICHARDS BAY LIQUIFIED NATURAL GAS (LNG) IMPORT FACILITIES, TERMINAL STORAGE AND HANDLING INFRASTRUCTURE, REGASIFICATION INFRASTRUCTURE AND DOWNSTREAM LOGISTICS INFRASTRUCTURE (INCLUDING PIPELINES, BUNKERING, ROAD AND RAIL LOADING FACILITIES), AS WELL AS ANY REQUIRED UPGRADES OR CHANGES TO THE EXISTING TRANSNET PIPELINES (TPL) INFRASTRUCTURE SUCH AS THE LILLY PIPELINE FOR NATURAL GAS (NG) TRANSMISSION.						
BID RESPONSE DOCUMENTS SUBMISSION							
RESPONDENTS ARE TO UPLOAD THEIR BID RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH TENDER SELECTED (<i>please refer to section 2, paragraph 3 for a detailed process on how to upload submissions</i>): https://www.transnet.net							
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO				TECHNICAL ENQUIRIES MAY BE DIRECTED TO:			
CONTACT PERSON	Carol Khumalo			CONTACT PERSON	Carol Khumalo		
TELEPHONE NUMBER	031 361 1539			TELEPHONE NUMBER	031 361 1539		
FACSIMILE NUMBER	n/a			FACSIMILE NUMBER	n/a		
E-MAIL ADDRESS	Carol.khumalo@transnet.net			E-MAIL ADDRESS	Carol.khumalo@transnet.net		
SUPPLIER INFORMATION							
NAME OF BIDDER							
POSTAL ADDRESS							
STREET ADDRESS							
TELEPHONE NUMBER	CODE		NUMBER				
CELLPHONE NUMBER							
FACSIMILE NUMBER	CODE		NUMBER				
E-MAIL ADDRESS							
VAT REGISTRATION NUMBER							
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE	UNIQUE REGISTRATION REFERENCE NUMBER: MAAA		
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] <input type="checkbox"/> Yes <input type="checkbox"/> No		

Respondent's Signature

Date & Company Stamp

[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED FOR PURPOSES OF COMPLIANCE WITH THE B-BBEE ACT]			
1 ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES ENCLOSE PROOF]	2 ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	<input type="checkbox"/> Yes <input type="checkbox"/> No [IF YES, ANSWER QUESTIONNAIRE BELOW]
QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS			
IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A BRANCH IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION?		<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF THE ANSWER IS "NO" TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 1.3 BELOW.			

PART B

TERMS AND CONDITIONS FOR BIDDING

1. TAX COMPLIANCE REQUIREMENTS
1.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS. 1.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS. 1.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA. 1.4 BIDDERS MAY ALSO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID. 1.5 IN BIDS WHERE UNINCORPORATED CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER. 1.6 WHERE NO TCS IS AVAILABLE BUT THE BIDDER IS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD), A CSD NUMBER MUST BE PROVIDED.

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

(Proof of authority must be submitted e.g. company resolution)

DATE: _____

Respondent's Signature

Date & Company Stamp

SECTION 2 : NOTICE TO BIDDERS**1 INVITATION TO BID**

Responses to this RFP [hereinafter referred to as a **Bid** or a **Proposal**] are requested from persons, companies, close corporations or enterprises [hereinafter referred to as an **entity, Respondent** or **Bidder**].

DESCRIPTION	FOR PARTNERING WITH QUALIFYING DEVELOPERS IN THE SUBMISSION OF A JOINT BID RESPONSE IN RELATION TO TRANSNET NATIONAL PORTS AUTHORITY'S (TNPA'S) SECTION 56 CONCESSION FOR DEVELOPMENT OF THE RICHARDS BAY LIQUIFIED NATURAL GAS (LNG) IMPORT FACILITIES, TERMINAL STORAGE AND HANDLING INFRASTRUCTURE, REGASIFICATION INFRASTRUCTURE AND DOWNSTREAM LOGISTICS INFRASTRUCTURE (INCLUDING PIPELINES, BUNKERING, ROAD AND RAIL LOADING FACILITIES), AS WELL AS ANY REQUIRED UPGRADES OR CHANGES TO THE EXISTING TRANSNET PIPELINES (TPL) INFRASTRUCTURE SUCH AS THE LILLY PIPELINE FOR NATURAL GAS (NG) TRANSMISSION. [the Services]
TENDER ADVERT	All Transnet tenders are advertised on the National Treasury's e-Tender Publication Portal and the Transnet website. Should one of these media (i.e. National Treasury's e-Tender Publication Portal or Transnet website) not be available, bidders are advised to check on the other media for advertised tenders.
RFP DOWNLOADING	<p>This RFP may be downloaded directly from National Treasury's e-Tender Publication Portal at www.etenders.gov.za free of charge.</p> <p>To download RFP and Annexures:</p> <ul style="list-style-type: none"> Click on "Tender Opportunities"; Select "Advertised Tenders"; In the "Department" box, select Transnet SOC Ltd. <p>Once the tender has been located in the list, click on the "Tender documents" tab and process to download all uploaded documents.</p> <p>The RFP may also be downloaded from the Transnet website at www.transnet.net free of charge. To access the Transnet e-Tender portal, please click here (refer to section 2, paragraph 3 below for detailed steps)</p>
COMMUNICATION	<p>Any addenda to the RFP or clarifications will be published on the e-tender portal and Transnet website. Bidders are required to check the e-tender portal or Transnet website prior to finalising their bid submissions for any changes or clarifications to the RFP.</p> <p>Transnet will not be held liable if Bidders do not receive the latest information regarding this RFP with the possible consequence of either being disadvantaged or disqualified as a result thereof.</p>
BRIEFING SESSION	<p>Yes Non-compulsory</p> <p>Bidders are required to confirm their attendance and to send their contact details including the number of representatives (where applicable) to the following address: carol.khumalo@transnet.net</p> <p>This is to ensure that Transnet may make the necessary arrangements for the briefing session.</p> <p>Refer to paragraph 2 for details.</p>
CLOSING DATE	<p>12:00 pm on Friday 19 August 2022</p> <p>Bidders must ensure that bids are uploaded timeously onto the system.</p> <p>As a general rule, if a bid is late, it will not be accepted for consideration.</p> <p><i>Bidders are required to ensure that electronic bid submissions are done at least a day before the closing date to prevent issues which they may encounter due to their internet speed, bandwidth or the size of the number of uploads they are submitting. Please do not wait for the last</i></p>

	<i>hour to submit. A Bidder can upload 30mb per upload and multiple uploads are permitted.</i>
VALIDITY PERIOD	<p>180 Business Days from Closing Date</p> <p>Bidders are to note that they may be requested to extend the validity period of their bid, at the same terms and conditions, if the internal evaluation process has not been finalised within the validity period. However, once the adjudication body has approved the process and award of the business to the successful bidder(s), the validity of the successful bidder(s)' bid will be deemed to remain valid until a final contract has been concluded.</p> <p>With regard to the validity period of next highest ranked bidders, please refer to Section 2, paragraph 11.12</p>

Any additional information or clarification will be published on the e-Tender portal and Transnet website, if necessary.

2 FORMAL BRIEFING

- 2.1 A Non-compulsory Tender Clarification Meeting will be conducted via Microsoft teams for a period of ± 2 hours, date and time will be communicated. [Respondents are to indicate/send their interest to carol.khumalo@transnet.net on or before **02 August 2022** in order to be included in the briefing invitations]. The briefing session will start punctually and information will not be repeated for the benefit of Respondents logging in late. Despite the briefing session being non-compulsory, Transnet nevertheless encourages all Respondents to attend. Transnet will not be held responsible if any Respondent who did not attend the **non-compulsory** session subsequently feels disadvantaged as a result thereof.
- 2.2 Respondents are encouraged to bring a copy of the RFP to the RFP briefing.

3 PROPOSAL SUBMISSION

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.

a) The Transnet e-Tender Submission Portal can be accessed as follows:

- Log on to the Transnet eTenders management platform website (<https://www.transnet.net>);
- Click on "TENDERS";
- Scroll towards the bottom right hand side of the page;
- On the blue window click on "register on our new eTender Portal";
- 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 transnetetenders.azurewebsites.net

4 RFP INSTRUCTIONS

- 4.1 Please sign documents [sign, stamp and date the bottom of each page] before uploading them on the system. The person or persons signing the submission must be legally authorised by the respondent to do so.
- 4.2 **All returnable documents tabled in the Proposal Form [Section 5] must be returned with proposals.**
- 4.3 Unless otherwise expressly stated, all Proposals furnished pursuant to this RFP shall be deemed to be offers. Any exceptions to this statement must be clearly and specifically indicated.

- 4.4 Any additional conditions must be embodied in an accompanying letter. Subject only to clause 15 [Alterations made by the Respondent to Bid Prices] of the General Bid Conditions, paragraph 13 below (Legal Review) and Section 6 of the RFP, alterations, additions or deletions must not be made by the Respondent to the actual RFP documents.

5 B-BBEE TRANSFORMATION IMPERATIVE

Transnet's approach to Economic Transformation is deliberate, targeted and measured so that it delivers on addressing past discrimination.

To this end Transnet re-affirms the importance and relevance of B-BBEE legislation as a framework that underpins socio-economic inclusion in South Africa and will continue to:

- Address employment equity;
- Skills development;
- Preferential procurement; and
- Socio-economic development initiatives.

Transnet's supply chain contributes directly to the growth and economic transformation of South Africa and as such, can decrease income inequalities, while significantly increasing the number of previously disadvantaged individuals who manage, own and control businesses.

It is in that spirit that Transnet ensures that in all practices which cover the spectrum of the B-BBEE elements, we are fair, equitable, transparent, competitive, and cost-effective.

Transnet's commitment to Transformation and the prescripts of B-BBEE is demonstrated by our attainment of an overall Level 2 B-BBEE Rating. The SPV must plan to maintain or better this score.

6 JOINT VENTURES OR CONSORTIUMS

Respondents who would wish to respond to this RFP as a Joint Venture **[JV]** or consortium with B-BBEE entities, must state their intention to do so in their RFP submission. Such Respondents must also submit a signed JV or consortium agreement between the parties clearly stating the percentage [%] split of business and the associated responsibilities of each party. If at the time of the bid submission such a JV or consortium agreement has not been concluded, the partners must submit confirmation in writing of their intention to enter into a JV or consortium agreement should they be awarded business by Transnet through this RFP process. This written confirmation must clearly indicate the percentage [%] split of business and the responsibilities of each party. In such cases, award of business will only take place once a signed copy of a JV or consortium agreement is submitted to Transnet.

7 COMMUNICATION

- 7.1 For specific queries relating to this RFP, an RFP Clarification Request Form should be submitted onto the system and to [carol.khumalo@transnet.net] before **12:00 pm on 12 August 2022** substantially in the form set out in

Section 8 hereto. In the interest of fairness and transparency, Transnet's response to such a query will be published on the e-tender portal and Transnet website.

- 7.2 After the closing date of the RFP, a Respondent may only communicate with the Carol Khumalo (BEC chairperson), at telephone number 031 361 1539, email carol.khumalo@transnet.net on any matter relating to its RFP Proposal.
- 7.3 Respondents are to note that changes to its submission will not be considered after the closing date.
- 7.4 It is prohibited for Respondents to attempt, either directly or indirectly, to canvass any officer or employee of Transnet in respect of this RFP between the closing date and the date of the award of the business.
- 7.5 Respondents found to be in collusion with one another will be automatically disqualified and restricted from doing business with organs of state for a specified period.

8 CONFIDENTIALITY

All information related to this RFP is to be treated with strict confidence. In this regard Respondents are required to certify that they have acquainted themselves with the Non-Disclosure Agreement. All information related to a subsequent contract, both during and after completion thereof, will be treated with strict confidence. Should the need however arise to divulge any information related to this RFP or the subsequent contract, written approval must be obtained from Transnet.

9 COMPLIANCE

The successful Respondent [hereinafter referred to as the **Service provider**] shall be in full and complete compliance with any and all applicable laws and regulations.

10 DISCLAIMERS

Please note that Transnet reserves the right to:

- 10.1 modify the RFP's Goods/Services and request Respondents to re-bid on any such changes;
- 10.2 reject any Proposal which does not conform to instructions and specifications which are detailed herein;
- 10.3 disqualify Proposals submitted after the stated submission deadline [closing date];
- 10.4 award a contract in connection with this Proposal at any time after the RFP's closing date;
- 10.5 award a contract for only a portion of the proposed Goods/Services which are reflected in the scope of this RFP;
- 10.6 split the award of the contract between more than one Supplier/Service provider, should it at Transnet's discretion be more advantageous in terms of, amongst others, cost or developmental considerations;
- 10.7 cancel the bid process;
- 10.8 validate any information submitted by Respondents in response to this bid. This would include, but is not limited to, requesting the Respondents to provide supporting evidence. By submitting a bid, Respondents hereby irrevocably grant the necessary consent to Transnet to do so;
- 10.9 request audited financial statements or other documentation for the purposes of a due diligence exercise;
- 10.10 not accept any changes or purported changes by the Respondent to the bid rates after the closing date and/or after the award of the business, unless the contract specifically provided for it;
- 10.11 to cancel the contract and/request that National Treasury place the Respondent on its Database of Restricted Suppliers for a period not exceeding 10 years, on the basis that a contract was awarded on the strength of incorrect information furnished by the Respondent or on any other basis recognised in law;

10.12 to award the business to the next ranked bidder, provided that he/she is still prepared to provide the required Goods/Services at the quoted price, should the preferred bidder fail to sign or commence with the contract within a reasonable period after being requested to do so. Under such circumstances, the validity of the bids of the next ranked bidder(s) will be deemed to remain valid, irrespective of whether the next ranked bidder(s) were issued with a Letter of Regret. Bidders may therefore be requested to advise whether they would still be prepared to provide the required Goods/Services at their quoted price, even after they have been issued with a Letter of Regret.

Note that Transnet will not reimburse any Respondent for any preparatory costs or other work performed in connection with its Proposal, whether or not the Respondent is awarded a contract.

11 LEGAL REVIEW

A Proposal submitted by a Respondent will be subjected to review and acceptance or rejection of its proposed contractual terms and conditions by Transnet's Legal Counsel, prior to consideration for an award of business. A material deviation from the Standard terms or conditions could result in disqualification.

12 SECURITY CLEARANCE

Acceptance of this bid could be subject to the condition that the Successful Respondent, its personnel providing the Goods/Services and its subcontractor(s) must obtain security clearance from the appropriate authorities to the level of **CONFIDENTIAL/ SECRET/TOP SECRET**. Obtaining the required clearance is the responsibility of the Successful Respondent. Acceptance of the bid is also subject to the condition that the Successful Respondent will implement all such security measures as the safe performance of the contract may require.

13 TAX COMPLIANCE

Respondents must be compliant when submitting a proposal to Transnet and remain compliant for the entire contract term with all applicable tax legislation, including but not limited to the Income Tax Act, 1962 (Act No. 58 of 1962) and Value Added Tax Act, 1991 (Act No. 89 of 1991).


It is a condition of this bid that the tax matters of the successful Respondents be in order, or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the Respondents tax obligations.

The Tax Compliance status requirements are also applicable to foreign Respondents/ individuals who wish to submit bids.

Where Consortia / Joint Ventures / Sub-contractors are involved, each party must be registered on the Central Supplier Database and their tax compliance status will be verified through the Central Supplier Database.










Transnet urges its clients, suppliers and the general public to report any fraud or corruption to

TIP-OFFS ANONYMOUS:



Ethics Helpdesk (Pty) Ltd.
Ethics Management System™

You can choose to be **Anonymous** or **Non-Anonymous** on **ANY** of the platforms
PLEASE RETAIN YOUR REFERENCE NUMBER

				
	<p>AI Voice Bot "Jack" Speak to our AI Voice Chat Bot "JACK", you converse with him like chatting to a human, with the option to record a message and speak to an agent at anytime.</p>	<p>What's App Speak to an Agent via What's App.</p>	<p>Speak to an Agent Speak to an Agent via the platform with no call or data charge</p>	<p>Telegram Speak to an Agent via Telegram</p>
 0800 003 056	 086 551 4153	 reportit@ethicshelpdesk.com	 *120*0785980808#	

SECTION 3: BACKGROUND, OVERVIEW AND SCOPE OF REQUIREMENTS

1. Background

TNPA, an operating division of Transnet SOC Ltd, 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 South African Government. 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. 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 m² and about 750 leases across the port system.

TNPA is planning, through the Ports Act Section 56 procurement process, to procure a Terminal operator to design, develop, construct, finance, operate, maintain and transfer a liquefied natural gas (LNG) terminal in the port of Richards Bay. To this end, on 13 February 2022, TNPA issued a Request for Information (RFI), which closed on 14 April 2022, in terms of which it is envisaged that it will in due course be followed by the issuing of a Request for Proposal (RFP) process) in respect of a possible appointment of this terminal operator.

TPL, also an operating division of Transnet SOC Ltd, is the largest multi-product pipeline operator in Southern Africa with more than 55 years' experience of operating and maintaining a 3 114 km high-pressure petroleum and gas pipeline network in South Africa. The core strategic mandate of TPL is to ensure petroleum security of supply for the inland market and gas security of supply for the KwaZulu-Natal market using environmentally responsible methods while ensuring optimum efficiencies. TPL is strategically positioned to enable regional integration from pipelines to other modes of transport. TPL is regulated by the National Energy Regulator of South Africa (NERSA).

TPL has decided to participate in the TNPA's section 56 procurement process and is looking for qualifying partners to enter initially into a Joint Development Agreement (JDA) that will allow the parties to collaborate towards the submission of the section 56 bid response (as a consortium) with the ultimate objective to be selected as the preferred bidder. It is expected that upon the consortium's selection as the preferred bidder, this JDA will be used as a basis for the establishment of a Special Purpose Vehicle (SPV) that will own the section 56 concession to design, construct, commission, operate and maintain the LNG Terminal. Share subscription or purchase agreements and a shareholders' agreement to govern the relationship between the shareholders will be signed as part of the process post the award of the concession to the SPV. Partners will be required to commit to being part of the Transnet bid consortium. Withdrawal from the consortium is not allowed post bid submission unless it is permitted by TNPA's procurement process. If it is permissible, the withdrawing party will be liable for its project development contribution up to Financial Close.

However, if the consortium's bid is unsuccessful, then the JDA will lapse. All the potential partners must note that all the costs associated with the bidding processes will be for each party's own account and spent at risk.

2. TPL's Objectives

The development of a LNG import Terminal is a first for South Africa. Although TPL is experienced in liquid fuels and gas infrastructure development, operation and maintenance in South Africa, collaboration with experienced partners who have successfully delivered and operated LNG related infrastructure (such as LNG Terminals) is critical for Richards Bay.

The experience in the liquid fuels pipeline infrastructure as well as the ownership of the 580km Lilly gas pipeline from Secunda to Durban has provided the basis for TPL's ambition to expand into gas pipeline infrastructure. The existing infrastructure (the Lilly pipeline) forms the strategic basis for TPL to expand its natural gas infrastructure offering by collaborating with the private sector partners to develop and connect the LNG Terminal to the gas markets.

TPL intends to collaborate with private sector partners with experience in LNG terminal infrastructure project development, capital raising and financial capacity to contribute development funding and equity in this project. Transnet Pipelines is an infrastructure provider and therefore does intend for the bidding consortium to source, own, and use the molecules but only to provide the infrastructure to process and transmit the molecules. However, the relationship between the infrastructure provision, gas use and the LNG supply will need to be managed as an arm's length relationship (i.e. through a Terminal Use Agreement and/ or Gas Transmission Agreement).

3. TPL's Value Proposition

The figure below shows TPL's pipeline and terminal infrastructure in South Africa.



Figure 1: TPL Pipeline and Terminal Infrastructure

Terminal Management:

TPL has vast expertise in Terminal development and management (operation and maintenance). Terminals developed and currently operational are Terminal 2, Jameson Park accumulator facility, Tarlton Storage and Handling facility, Alrode accumulator etc. Expanding into the LNG Terminals is a natural step and supports our growth strategy.

The Lilly pipeline:

Transnet Pipelines owns and maintains the Lilly Pipeline. This pipeline currently supplies the Durban south basin with MRG and if reversed has the potential to supply the Gauteng market. It is also expected that when connection from the terminal is made at Empangeni, the capacity of the pipeline will double with minimal investment requirement (Refer to Gas Network code for LILLY pipeline sketch layout, public domain document.)

<https://www.transnetpipelines.net/wp-content/uploads/2018/07/annexure-b-tpl-network-code.pdf>

Operations and Maintenance, emergency response, etc:

TPL has over 55 years' experience and expertise in operations and maintenance of high-pressure pipeline systems, including refined products, Crude Oil, Jet Fuel and gas. TPL has good working relationships with upstream and downstream Gas suppliers, Gas Re-sellers and gas Users. TPL applies the ASME B31.8 specifications for maintenance and operations of the Gas pipeline network.

Understanding of the Regulatory Landscape:

Based on its operational experience, TPL understands the South African pipeline and terminal regulatory landscape. We also have good working relationship with National Energy Regulator of South Africa (NERSA) and clear understanding of the tariff calculation methodologies (including the Regulated Asset Base, amongst others). TPL will therefore add value through its experience on tariff applications for Gas, Pipeline and storage facilities. Since the fuel industry is regulated by NERSA for infrastructure, loading systems, pipelines and terminals, TPL understand the requirements for construction and operations licenses. TPL has been successful in all requests for implementation of new infrastructure, e.g. MPP 24", TM2 Jameson Park, etc and has successfully implemented the NERSA tariff modelling for its own infrastructure.

International Benchmarking:

TPL has participated in International Operational Benchmarking and is aligned with international key pipeline performance indicators and pipeline best practice. The international benchmarking comprises of circa 130 pipeline systems for over 40 pipeline companies, in North & South America and Europe. TPL ranks 25 -50 percentile for terminals and 40 - 60 percentile for pipeline systems.

Access to other Transnet Operational Divisions:

Besides its own pipeline operation expertise, there are potential synergies with other Transnet operations divisions such as rail infrastructure from Transnet Freight Rail (TFR) and Transnet Port Terminal (TPT) to enable short sea shipping of LNG via LNG Iso-containers.

4. Overview of Scope of Joint Development

The envisaged joint development partner scope will include, but not be limited to the development of the Richards Bay LNG import facilities, terminal storage and handling infrastructure, regasification infrastructure and downstream logistics infrastructure (including pipelines, bunkering, road and rail loading facilities, if required), as well as any required upgrades or changes to the existing TPL infrastructure such as the Lilly Pipeline for LNG transmission to the gas users.

The technical scope encompasses all facilities and systems to enable LNG import and transmission of natural gas, including but not limited to, Port Facilities, LNG Import, Storage and Regasification Facilities, Natural Gas Transmission System, Small scale LNG Loading at the Port. The responsibility of the consortium will be to design, develop, construct, finance, operate, maintain and transfer the Richards Bay LNG terminal back to TNPA when the concession period expires.

LNG will be imported into the Port of Richards Bay by LNG Carrier and transferred to Storage and Regasification Unit (technology to be decided by consortium partners). LNG will then be pumped through vaporizers to regasify the LNG. Small scale LNG road loading facilities will be provided at the Port to enable the distribution of LNG to locations without access to gas pipeline infrastructure. This will be done by third parties using either specialized LNG ISO containers or LNG road tankers. The LNG terminal will also include facilities to enable LNG bunkering.

The regasified LNG will be exported from Richards Bay via a new pipeline connecting the LNG terminal into the existing Lilly pipeline at Empangeni. The Lilly pipeline is currently used for transmission of Methane Rich Gas (MRG) from Sasol in Secunda to customers in KZN (up to Durban). When the MRG is discontinued in 2026 and replaced by regasified LNG, a connection of Lilly to the terminal will be created through the new pipeline from the LNG terminal to Empangeni. This is expected to double the capacity of the Lilly pipeline with minimal Lilly pipeline investment.

The TPL consortium intends to manage both the terminal and the pipeline infrastructure to ensure efficient and optimum operations. The potential partner/s should therefore have the experience of developing, implementing and owning a LNG terminal (and its associated infrastructure), preferable floating and pipeline infrastructure to transmit the gas to the rest of the market.

TPL has concluded a prefeasibility study to determine the economic viability of an LNG terminal infrastructure. This included, amongst others, the technical studies to investigate various options for LNG port and terminal facilities in Richards Bay, port layouts for various scenarios. The report will be made available to the appointed partner(s) once the JDA has been signed. The parties will then collaborate in preparation for the submission of the RFP (including all the outstanding studies required to prepare the TNPA's section 56 bid response).

In addition, a market demand analysis has been conducted including a new pipeline routing study to enable connection of the terminal to the Lilly pipeline (from Richards Bay port to Lilly pipeline in Empangeni). This will ensure that when Methane Rich Gas (MRG) supply to Lilly ceases by 2026, the infrastructure to connect the LNG Terminal to the Lilly pipeline will be available to plug that gap by enabling LNG import as well as transmission to key current gas users (along the Lilly pipeline) as well as new markets

Figure 1 below provides an illustration of Richards Bay LNG terminal with connection of the terminal to the Lilly pipeline. Note that the new pipeline connection will split the Lilly pipeline into two sections (Empangeni to Secunda as well as the Empangeni to Durban). This split (and reversal of flow towards Secunda) will enable the Lilly pipeline to carry double its current capacity.

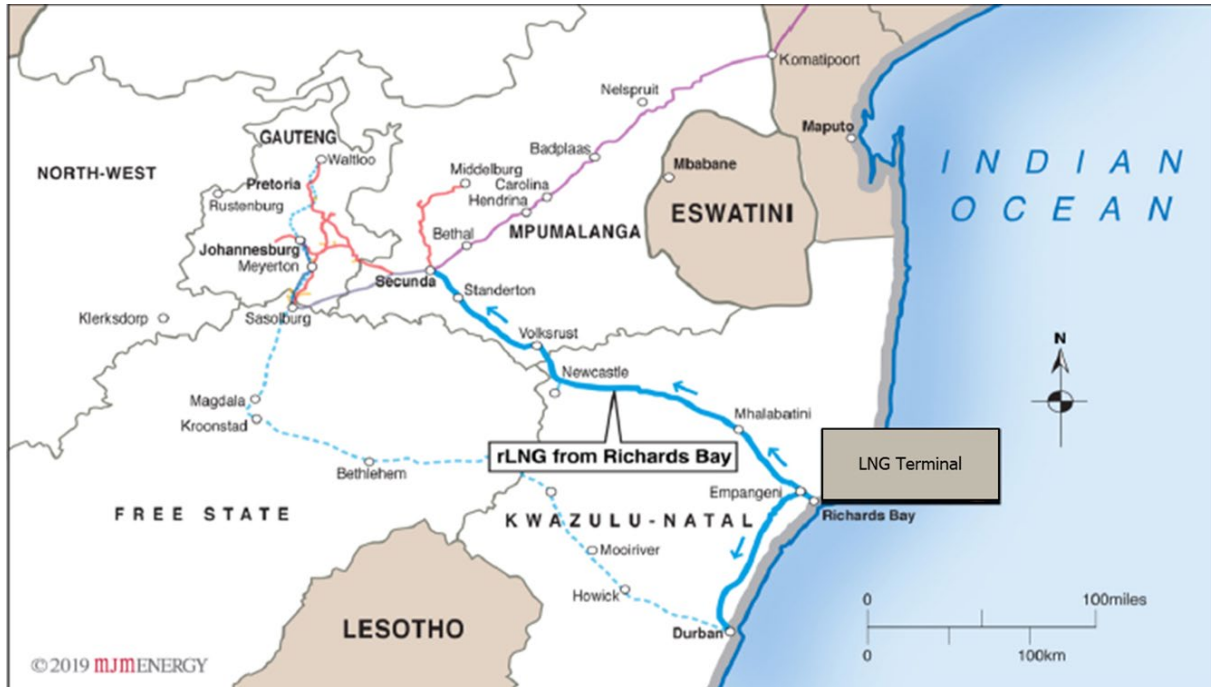


Figure 2: Transnet's Lilly pipelines

5. Project Implementation Approach

The project implementation will be executed in 4 phases as described below. This RFP is issued to appoint the qualifying partner/s into the Bidding Consortium who will participate together with TPL through these stages.

Figure 3 below summarizes the stages of development, implementation and operations.

Phase description	Project development and bidding into TNPA's section 56 process.	Project funding and conditions precedent	Detail design, construction and commissioning	Operations and maintenance
Key deliverables	<ul style="list-style-type: none"> Bankable Feasibility study Preparation Funding at risk Project resources Proposal preparation in response to TNPA's RFP Approval by each partner to submit Consortium proposal 	<ul style="list-style-type: none"> Section 51 & 54 approval (TPL) Environmental authorization EPC contractor appointment process (ITB, evaluation and award – subject to FC) 	<ul style="list-style-type: none"> Project Finance – 1st draw-down Notice to proceed – EPC contractor Construction, commissioning & start-up 	<ul style="list-style-type: none"> Licenses to operate, environmental approvals, OSH Act compliance, Commercial Operating Date Operations & Maintenance
	2022 Bankable Feasibility & bidding Phase	2023 Preferred bidder announcement, Special Purpose Vehicle & Project Finance	2024 project construction	2026 Operation and maintenance

Figure 3: Project Phases and key deliverable

Phase 1:

In the first phase, TPL will sign a JDA with the selected partner/s to form a Bidding Consortium. The Bidding Consortium will develop the project (at risk) and prepare the bid response to the TNPA's section 56 RFP invitation. The key activities for this phase include, amongst others, the bankable feasibility study, securing project finance, the bid response documentation and the relevant partner approvals for submission of the bid. It will also be critical to confirm terminal and gas transmission agreements as well as gas demand commitments (in the form of support letters, for instance) to satisfy the bankability of the LNG terminal and associated infrastructure. This will also require the commencement of all the necessary regulatory approvals including, but not limited to, environmental impact assessment (EIA) studies (where applicable), geotechnical studies, process to appoint the Engineering, procurement and construction (EPC) contractor, etc. The JDA will remain valid until TNPA's announcement of the preferred bidder, after which, it will either lapse (if bidding consortium is unsuccessful) or be updated into Shareholder Agreement (if bidding consortium is selected as preferred bidder).

Phase 2:

The second phase will come into effect when the Bidding Consortium is announced as the preferred bidder. In this phase the bidding consortium will deliver the following, amongst other requirements:

- Conclusion of the key project agreements (Concession agreement, terminal use and gas transmission agreements, securing of the environmental authorization (record of decision), the conversion of JDA into the Shareholders Agreement (SHA), etc);
- Appointment of the Operations and Maintenance Contractor on a short to medium term basis with skills transfer obligations to ensure the involvement of TPL in this role in the medium to long term.
- Work towards the conclusion of funding agreements up to Financial Close (FC);
- Establishment of the Special Purpose Vehicle (SPV) which will be responsible for the operations and maintenance;
- EPC Contractor award subject to confirmation of funding at FC.

Phase 3:

At Financial Close (FC), the bidding consortium:

- Receives the first draw down on the approved funding and payment of the equity by each party;
- Issue of the Notice to Proceed (NTP) to the EPC contractor to complete detailed design, procurement and construction of the project up to commissioning and start-up to commercial operating date (COD);
- Continues with the necessary business establishment activities (recruitments, appointment of contractors, etc); and
- Establishment of the operations and maintenance activities.

Phase 4:

This will be the operations and maintenance phase for the duration of the concession agreement with TNPA. During this phase the SPV will be managing the planning of LNG supply delivery frequency, the LNG processing inside the LNG Terminal, the transmission of LNG to loading facilities as well as regasified LNG to pipelines (including the Lilly gas pipeline) and interface with LNG suppliers as well as gas users.

6. Proposed Commercial Structure

During the bidding stage, TPL envisages a Joint Development commercial agreement. A draft copy of the Joint development agreement has been included in Annexure B of this RFP. On successful qualification of the RFP stage, the proposed commercial structure is that a special purpose vehicle (SPV) will be formed. The SPV will be established to develop, construct, operate and maintain the LNG Terminal Figure 3 below illustrates a typical commercial structure that may be implemented to ensure a successful LNG Terminal and associated infrastructure project implementation.

Figure 4: Typical commercial structure for the project

Some of the critical success factors for the consortium to secure preferred bidder status as well as ensure successful delivery for the duration of the concession include, but are not limited to, the following:

A. Project Development:

In order to deliver the facilities, there is a requirement for project preparation activities. This includes the delivery of front-end loading from preparation of the project work to enable response to TNPA's RFP, the execution of the project finance to achieve financial close and the execution activities from financial close to beneficial operation and maintenance. To that end potential partner/s must have the appetite for "at risk investment" as well as capabilities for various project development activities. This includes experienced human and financial resources to deliver and manage project development activities as well as transaction advisors (if applicable).

B. Bankable Gas Offtake supported by LNG supply:

Besides the demand created by the impending MRG discontinuation, there is also the Department of Mineral Resources and Energy (DMRE) Independent Power Producer (IPP) Office's 3000MW Gas to Power Procurement Programme, the expected conversion of existing diesel peaking power plant (such as Avon) expected to kick-off in the near future as well as the gas markets (in KZN and other provinces) which are located away from the current Lilly pipeline infrastructure which may be supplied via the road/ rail (also referred to a virtual pipeline) infrastructure

Securing long dated LNG off takers for the terminal is critical. The work undertaken by TPL has determined that there is sufficient market demand. This is driven by the fact that the region already has existing gas users who are currently being supplied by Sasol's methane rich gas (MRG) which is expected to be discontinued in 2026 (IGUA-SA, 2021). TPL is an infrastructure provider. The consortium and the ultimate SPV will therefore only focus on the provision of the infrastructure to support the transmission of Gas to the users.

LNG may be secured through either an appointment of a LNG aggregator or through Open Season approach (a call for subscriptions allowing the transparent and non-discriminatory allocation of infrastructures access capacity and the dimensioning of supply to demand if necessary). Both these options for LNG sourcing require confirmation of bankable gas demand for it to succeed.

The LNG supplier/s and/ or molecule owners will need to sign a terminal use agreement (TUA) and Gas Supply Agreement (GSA) (where applicable) with the gas users backed up by conditions such as Take or Pay as well as reservation charge. These may be Independent Power Producers (IPPs), big industrial gas users or gas traders. The potential partner/s should have LNG related project development experience, the ability to access LNG supply (either

as gas processor, gas user, LNG supplier or all of these), development of gas markets, and a proven capability to raise project development capital or project finance.

C. LNG Terminal and associated Infrastructure:

The SPV will procure all other strategic participants to complete detailed design and build the LNG Terminal and associated infrastructure (where required) such as the Engineering Procurement and Construction (EPC) Contractor, the Operations and Maintenance (O&M) contractor and other relevant service providers deemed by the consortium to be necessary.

D. Project Finance:

It is envisaged that this a limited-recourse project financed project. The SPV will raise project finance debt and equity to fund the project. The debt to equity split will be finalized during the finalization of a bankable proposal to the proposed financiers.

E. Operations and Maintenance Approach:

In order to manage the terminal operations for the mutual benefit of the consortium as well as the industry, it will be important to aggregate the gas demand to maximize the utilization of the infrastructure while also reducing the infrastructure tariff. Although the management of the relationship between the molecule and the infrastructure owners will be through a Terminal Use Agreement (TUA), it will be important to ensure understanding and managing the frequency of LNG cargo deliveries, sharing of the LNG between Terminal users (if more than one users) as well as the reliable and on-time delivery of the gas to the market (gas users). It is thus important that an O&M contractor who has technical, operations and maintenance experience for similar projects in other jurisdictions be engaged for the development and initial operational phases of the LNG terminal inclusive of mandatory requirements on skills and knowledge transfer over a defined period.

7 GENERAL PARTNER(S) OBLIGATIONS

- 7.1 The partner(s) shall be fully responsible to Transnet for the acts and omissions of persons directly or indirectly employed by them.
- 7.2 The partner(s) must comply with the requirements stated in this RFP.

8 EVALUATION METHODOLOGY

Transnet will utilise the following methodology and criteria in selecting a preferred Service provider:

8.1 STEP ONE: Test for Administrative Responsiveness

The test for administrative responsiveness will include the following:

Administrative responsiveness check	RFP Reference
<ul style="list-style-type: none"> Whether the Bid has been lodged on time 	<i>Section 1 paragraph 3</i>

<ul style="list-style-type: none"> Whether all Returnable Documents and/or schedules [where applicable] were completed and returned by the closing date and time 	<i>Section 5</i>
<ul style="list-style-type: none"> Verify the validity of all returnable documents 	<i>Section 5</i>
<ul style="list-style-type: none"> Verify if the Bid document has been duly signed by the authorised respondent 	<i>All sections</i>

The test for administrative responsiveness [Step One] must be passed for a Respondent's Proposal to progress to Step Two for further pre-qualification

8.2 **STEP TWO: Test for Substantive Responsiveness to RFP**

The test for substantive responsiveness to this RFP will include the following:

Check for substantive responsiveness	RFP Reference
<ul style="list-style-type: none"> Whether the Bid materially complies with the scope and/or specification given 	<i>All sections including: Section 2 paragraphs, 10.2,</i>
<ul style="list-style-type: none"> Whether any Technical criteria set by Transnet have been met. 	<i>Section 3 – Scope of Work</i>

Respondent's Signature

Date & Company Stamp

Entity's financial stability: (Prequalification)**Financial Criteria**

Respondents must show that they have sufficient financial capacity to attract the required funding for the envisaged investments. Each Respondent must submit its most recent five (5) years audited, consolidated financial statements (including auditor's report and notes).

A Respondent is deemed to have sufficient financial capacity, when the following criteria are met (at latest financial year end):

1. Solvency is equal to or exceeds 0.4, as calculated by the following formula:

$$\text{Financial Minimum Criteria 1: Solvency: } \frac{\text{Total Equity}^1}{(\text{Total Assets})} \text{ equal to or exceeds } 0.4$$

2. Liquidity Ratio is equal to or exceeds 1.2, as calculated by the following formula:

$$\text{Financial Minimum Criteria 2: Liquidity: } \frac{\text{Sources of Funds}}{\text{Uses of Funds}} \text{ equal to or exceeds } 1.2$$

For which the Sources of Funds include

- Closing Bank Balances;
- Closing Balance of Short Term Liquid Investments;
- Closing Balance of Short Term Committed Unutilized Facilities;
- Long Term Committed Unutilized Facilities;

For which the Uses of Funds include:

Loan and Bond Redemptions for 12 months after latest financial year end

Respondents are required to provide the information required for the Sources of Funds and the Uses of Funds in the Statement of Qualification.

3. The profit, earnings before interest, taxes, depreciation and amortization (EBITDA) and operational free cashflow of each of the last five years were positive. Where the impact of COVID has resulted in a negative result, Transnet will concede the requirement for positive results in the affected financial years provided sufficient explanation of the COVID impact is provided. Transnet reserves the right to admit Respondents that can provide a convincing explanation for a negative profit, EBITDA or operational free cashflow.
4. Further, the Respondents must declare that since the publication of the latest financial statements, the Respondent's situation has not materially changed, such that the criteria will not be met in the financial statements of the current and subsequent financial years.

Finally, the Respondent must declare that the Respondent has, to date, not engaged in commitments to the extent that such commitments might affect the Respondent's ability to finance or complete the Project.

Transnet will require that declarations made by Respondents in respect of satisfaction of the minimum financial criteria be verified / certified by an independent third party prior to submission of a Proposal in response to the RFP, for Shortlisted Respondents (and at the Shortlisted Respondent's cost). Further detail about this third party verification / certification process will be provided to Shortlisted Respondents

In the case of a Consortium, at least the Lead Member must satisfy all of the minimum financial criteria described above.

¹ Both Total Equity and Total Assets will be expressed in USD, using the IMF Historic Exchange Rate for the relevant currency, as of the date of publication of the financial statement. The relevant exchange rates may be found through: https://www.imf.org/external/np/fin/data/param_rms_mth.aspx

The test for substantive responsiveness [Step Two] must be passed for a Respondent's proposal to progress to Step Three for further evaluation

8.3 STEP THREE: Minimum Threshold 75 points for Technical Criteria

The test for the Technical and Functional threshold will include the following:

Item #	Description	Comment	Point
1.	LNG Project development Experience	Parties who have experience of developing, implementing and / or owning similar projects specifically ; <ul style="list-style-type: none"> Port Facilities (marine infrastructure); LNG Import Terminal- Storage and Regasification facilities (floating preferred); Natural Gas Transmission System (gas pipelines); & Small scale LNG Loading. 	35
2.	Experience with LNG/ Infrastructure Project Financing	Parties should have experience in negotiating with lenders specifically LNG terminals and associated infrastructure funders and financiers: <ul style="list-style-type: none"> Preparation funding to reach bankable stage; Debt Capital raising Equity or Quasi-Equity financing instruments. 	25
3.	Negotiating LNG/ Natural Gas related agreements	Successful negotiation LNG/ Natural Gas related commercial agreements. <ul style="list-style-type: none"> Gas Sales Agreement (GSA) LNG/Natural Gas Supply purchase agreements Terminal Use Agreement (TUA) Gas Transportation Agreement(s) (GTAs) Engineering, Procurement and Construction (EPC) Contracts O&M Contracts 	20
4.	Technical Experience	Technical experience associated with the development of LNG terminals, natural gas pipelines with the experience of managing EPC and Operations and Maintenance Contractors.	20
		Total points	100

Respondents are to note that Transnet will round off final technical scores to the nearest 2 (two) decimal places for the purposes of determining whether the technical threshold has been met.

The minimum threshold for technical/functionality [Step Three] must be met or exceeded for a Respondent's Proposal to progress to Step Four for final evaluation

8.4 **SUMMARY: Applicable Thresholds and Final Evaluated Weightings**

Thresholds	Minimum Threshold
Technical / functionality	75

8.5 **STEP Four: Post Tender Negotiations (if applicable)**

Post tender negotiations will be held if required.

8.6 **STEP Five: Selection of Qualifying sponsor to enter into a JDA award of business and conclusion of contract**

- Immediately after approval of the selection of a qualifying Sponsor, the successful bidder(s) will be informed of the acceptance of his/their Bid by way of a Letter of Award. Thereafter the final JDA will be concluded with the successful Respondent(s).
- A final JDA will be concluded and entered into with the successful Bidder at the acceptance of a letter of award by the Respondent.

Respondent's Signature

Date & Company Stamp

SECTION 4: PROPOSAL FORM AND LIST OF RETURNABLE DOCUMENTS

I/We _____
 [name of entity, company, close corporation or partnership] of [full address]

carrying on business trading/operating as

represented by _____

in my capacity as _____

being duly authorised thereto by a Resolution of the Board of Directors or Members or Certificate of Partners, dated _____ to enter into, sign execute and complete any documents relating to this proposal and any subsequent Agreement. The following list of persons are hereby authorised to negotiate on behalf of the abovementioned entity, should Transnet decide to enter into Post Tender Negotiations with highest ranked bidder(s).

FULL NAME(S)	CAPACITY	SIGNATURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

I/We agree to be bound by those conditions in Transnet's:

- (i) Master Agreement (which may be subject to amendment at Transnet's discretion if applicable);
- (ii) General Bid Conditions; and
- (iii) any other standard or special conditions mentioned and/or embodied in this Request for Proposal.

I/We accept that unless Transnet should otherwise decide and so inform me/us in the letter of award, this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence], together with Transnet's acceptance thereof shall constitute a binding contract between Transnet and me/us.

Should Transnet decide that a formal contract should be signed and so inform me/us in a letter of award [the **Letter of Award**], this Proposal [and, if any, its covering letter and any subsequent exchange of correspondence] together with Transnet's Letter of Award, shall constitute a binding contract between Transnet and me/us until the formal contract is signed.

I/We further agree that if, after I/we have been notified of the acceptance of my/our Proposal, I/we fail to enter into a formal contract if called upon to do so, or fail to commence the supply/provision of Goods/Services within 2 [two] weeks thereafter, Transnet may, without prejudice to any other legal remedy which it may have, recover from me/us any expense to which it may have been put in calling for Proposals afresh and/or having to accept any less favourable Proposal.

Respondent's Signature

Date & Company Stamp

Furthermore, I/we agree to a penalty clause/s which will allow Transnet to invoke a penalty against us for non-compliance with material terms of this RFP including the delayed delivery of the Goods/Services due to non-performance by ourselves, , etc.

I/we agree that non-compliance with any of the material terms of this RFP, including those mentioned above, will constitute a material breach of contract and provide Transnet with cause for cancellation.

ADDRESS FOR NOTICES

The law of the Republic of South Africa shall govern any contract created by the acceptance of this RFP. The *domicilium citandi et executandi* shall be a place in the Republic of South Africa to be specified by the Respondent hereunder, at which all legal documents may be served on the Respondent who shall agree to submit to the jurisdiction of the courts of the Republic of South Africa. Foreign Respondents shall, therefore, state hereunder the name of their 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.

Respondent to indicate the details of its *domicilium citandi et executandi* hereunder:

Name of Entity: _____

Facsimile: _____

Address: _____

NOTIFICATION OF AWARD OF RFP

As soon as possible after approval to award the contract(s), the successful Respondent [**the Supplier/Service provider**] will be informed of the acceptance of its Proposal. Unsuccessful Respondents will be advised in writing of the name of the successful Supplier/Service provider and the reason as to why their Proposals have been unsuccessful, for example, in the category of price, delivery period, quality, B-BBEE status or for any other reason.

VALIDITY PERIOD

Transnet requires a validity period of 180 Business Days [from closing date] against this RFP, excluding the first day and including the last day.

NAME(S) AND ADDRESS / ADDRESSES OF DIRECTOR(S) OR MEMBER(S)

The Respondent must disclose hereunder the full name(s) and address(s) of the director(s) or members of the company or close corporation [**C.C.**] on whose behalf the RFP is submitted.

(i) Registration number of company / C.C. _____

(ii) Registered name of company / C.C. _____

(iii) Full name(s) of director/member(s) Address/Addresses ID Number(s)

RETURNABLE DOCUMENTS

Returnable Documents means all the documents, Sections and Annexures, as listed in the tables below. There are three types of returnable documents as indicated below and Respondents are urged to ensure that these documents are returned with their bids based on the consequences of non-submission as indicated below:

Mandatory Returnable Documents	<i>Failure to provide all these Mandatory Returnable Documents at the Closing Date and time of this RFP <u>will</u> result in a Respondent's disqualification.</i>
Returnable Documents Used for Scoring	<i>Failure to provide all Returnable Documents used for purposes of scoring a bid, by the closing date and time of this bid will not result in a Respondent's disqualification. However, Bidders will receive an automatic score of zero for the applicable evaluation criterion.</i>
Essential Returnable Documents	<i>Failure to provide essential Returnable Documents <u>will</u> result in Transnet affording Respondents a further opportunity to submit by a set deadline. Should a Respondent thereafter fail to submit the requested documents, this may result in a Respondent's disqualification.</i>

All Returnable Sections, as indicated in the header and footer of the relevant pages, must be signed, stamped and dated by the Respondent.

a) Mandatory Returnable Documents

Respondents are required to submit with their bid submissions the following **Mandatory Returnable Documents**, and also to confirm submission of these documents by so indicating [Yes or No] in the tables below:

MANDATORY RETURNABLE DOCUMENTS	SUBMITTED [Yes/No]
Section 1: SBD1 Form	
Section10: Declaration of Understanding – Obligations of service provider	

b) Returnable Documents Used for Scoring

In addition to the requirements of section (a) above, Respondents are further required to submit with their Proposals the following **Returnable Documents Used for Scoring** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

<u>RETURNABLE DOCUMENTS USED FOR SCORING</u>	SUBMITTED [Yes or No]
ANNEXURE A Technical Submission	
Section 3: Bidders must submit their five (5) years audited, consolidated financial statements (including auditor's report and notes).	

c) Essential Returnable Documents:

Over and the above the requirements of section (a) and (b) mentioned above, Respondents are further required to submit with their Proposals the following **Essential Returnable Documents** and also to confirm submission of these documents by so indicating [Yes or No] in the table below:

ESSENTIAL RETURNABLE DOCUMENTS & SCHEDULES	SUBMITTED [Yes or No]
In the case of Joint Ventures, a copy of the Joint Venture Agreement or written confirmation of the intention to enter into a Joint Venture Agreement	
SECTION 5 : Proposal Form and List of Returnable documents	
SECTION 6 : Certificate Of Acquaintance with RFP, Terms & Conditions & Applicable Documents	
SECTION 7 : RFP Declaration and Breach of Law Form	
SECTION 8 : Certificate of attendance of non-compulsory RFP Briefing	
SECTION 9: Protection of Personal Information	

CONTINUED VALIDITY OF RETURNABLE DOCUMENTS

The successful Respondent will be required to ensure the validity of all returnable documents, including but not limited to its valid proof of B-BBEE status, for the duration of any contract emanating from this RFP. Should the Respondent be awarded the contract **[the Agreement]** and fail to present Transnet with such renewals as and when they become due, Transnet shall be entitled, in addition to any other rights and remedies that it may have in terms of the eventual Agreement, to terminate such Agreement immediately without any liability and without prejudice to any claims which Transnet may have for damages against the Respondent.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

SECTION 5: CERTIFICATE OF ACQUAINTANCE WITH RFP, MASTER AGREEMENT & APPLICABLE DOCUMENTS

By signing this certificate the Respondent is deemed to acknowledge that he/she has made himself/herself thoroughly familiar with, and agrees with all the conditions governing this RFP. This includes those terms and conditions contained in any printed form stated to form part hereof, including but not limited to the documents stated below. As such, Transnet SOC Ltd will recognise no claim for relief based on an allegation that the Respondent overlooked any such term or condition or failed properly to take it into account for the purpose of calculating tendered prices or any other purpose:

1	Transnet's General Bid Conditions
2	Joint Development Agreement (JDA)
3	Transnet's Supplier Integrity Pact
4	Non-disclosure Agreement

Should the Bidder find any terms or conditions stipulated in any of the relevant documents quoted in the RFP unacceptable, it should indicate which conditions are unacceptable and offer alternatives by written submission on its company letterhead, attached to its submitted Bid. Any such submission shall be subject to review by Transnet's Legal Counsel who shall determine whether the proposed alternative(s) are acceptable or otherwise, as the case may be. A material deviation from any term or condition may result in disqualification.

Bidders accept that an obligation rests on them to clarify any uncertainties regarding any bid to which they intend to respond on, before submitting the bid. **The Bidder agrees that he/she will have no claim or cause of action based on an allegation that any aspect of this RFP was unclear but in respect of which he/she failed to obtain clarity.**

The bidder understands that his/her Bid will be disqualified if the Certificate of Acquaintance with RFP documents included in the RFP as a returnable document, is found not to be true and complete in every respect.

SIGNED at _____ on this ____ day of _____ 20__

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

SIGNATURE OF RESPONDENT'S AUTHORISED REPRESENTATIVE: _____

NAME: _____

DESIGNATION: _____

Respondent's Signature

Date & Company Stamp

SECTION 6: RFP DECLARATION AND BREACH OF LAW FORM

NAME OF ENTITY: _____

We _____ do hereby certify that:

1. Transnet has supplied and we have received appropriate responses to any/all questions [as applicable] which were submitted by ourselves for RFP Clarification purposes;
2. We have received all information we deemed necessary for the completion of this Request for Proposal [**RFP**];
3. 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. Transnet will therefore not consider or permit any pre- or post-contract verification or any related adjustment to pricing, service levels or any other provisions/conditions based on any incorrect assumptions made by the Respondent in arriving at his Bid Price.
4. At no stage have we received additional information relating to the subject matter of this RFP from Transnet sources, other than information formally received from the designated Transnet contact(s) as nominated in the RFP documents;
5. We are satisfied, insofar as our entity is concerned, that the processes and procedures adopted by Transnet in issuing this RFP and the requirements requested from Bidders in responding to this RFP have been conducted in a fair and transparent manner;
6. We have complied with all obligations of the Bidder/Supplier as indicated in the Transnet Supplier Integrity which includes but are not limited to ensuring that we take all measures necessary to prevent corrupt practices, unfairness and illegal activities in order to secure or in furtherance to secure a contract with Transnet;
7. We declare that a family, business and/or social relationship **exists / does not exist** [delete as applicable] between an owner / member / director / partner / shareholder of our entity and an employee or board member of the Transnet Group including any person who may be involved in the evaluation and/or adjudication of this Bid;
8. We declare that an owner / member / director / partner / shareholder of our entity **is / is not** [delete as applicable] an employee or board member of Transnet;
9. In addition, we declare that an owner / member / director / partner / shareholder/employee of our entity **has / has not been** [delete as applicable] a former employee or board member of Transnet in the past 10 years. I further declare that if they were a former employee or board member of Transnet in the past 10 years that they **were/were not** involved in the bid preparation or had access to the information related to this RFP; and
10. If such a relationship as indicated in paragraph 7, 8 and/or 9 exists, the Respondent is to complete the following section:

FULL NAME OF OWNER/MEMBER/DIRECTOR/
PARTNER/SHAREHOLDER/EMPLOYEE:

ADDRESS:

Indicate nature of relationship with Transnet:

[Failure to furnish complete and accurate information in this regard will lead to the disqualification of a response and may preclude a Respondent from doing future business with Transnet. Information provided in the declarations may be used by Transnet and/or its affiliates to verify the correctness of the information provided]

11. We declare, to the extent that we are aware or become aware of any relationship between ourselves and Transnet [other than any existing and appropriate business relationship with Transnet] which could unfairly advantage our entity in the forthcoming adjudication process, we shall notify Transnet immediately in writing of such circumstances.

BIDDER'S DISCLOSURE (SBD4)

12 PURPOSE OF THE FORM

12.1 Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

12.2 Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

13 Bidder's declaration

13.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest² in the enterprise, employed by the state?

YES/NO

13.1.1. If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

² the power, by one person or a group of persons holding the majority of the equity of an enterprise, alternatively, the person/s having the deciding vote or power to influence or to direct the course and decisions of the enterprise.

13.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?

YES/NO

13.2.1. If so, furnish particulars:

.....
.....

13.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?

YES/NO

13.3.1. If so, furnish particulars:

.....
.....

14 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

14.1 I have read and I understand the contents of this disclosure;

14.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;

14.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.

14.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.

14.5 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

14.6 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

³ Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

14.7 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 12, 13 and 14 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

BREACH OF LAW

We further hereby certify that *I/we* (the bidding entity and/or any of its directors, members or partners) *have/have not been* [delete as applicable] found guilty during the preceding 5 [five] years of a serious breach of law, including but not limited to a breach of the Competition Act, 89 of 1998, by a court of law, tribunal or other administrative body. The type of breach that the Respondent is required to disclose excludes relatively minor offences or misdemeanours, e.g. traffic offences. This includes the imposition of an administrative fine or penalty.

Where found guilty of such a serious breach, please disclose:

NATURE OF BREACH:

DATE OF BREACH: _____

Furthermore, I/we acknowledge that Transnet SOC Ltd reserves the right to exclude any Respondent from the bidding process, should that person or entity have been found guilty of a serious breach of law, tribunal or regulatory obligation.

SIGNED at _____ on this _____ day of _____ 20____

For and on behalf of _____ duly authorised hereto	AS WITNESS:
Name:	Name:
Position:	Position:
Signature:	Signature:
Date:	Registration No of Company/CC
Place:	Registration Name of Company/CC

Respondent's Signature

Date & Company Stamp

Date & Company Stamp

SECTION 8: CERTIFICATE OF ATTENDANCE OF NON-COMPULSORY RFP BRIEFING

It is hereby certified that –

1. _____

2. _____

Representative(s) of _____ *[name of entity]*

attended the RFP briefing in respect of the proposed Goods/Services to be rendered in terms of this RFP on
_____ 20__

TRANSNET'S REPRESENTATIVE

RESPONDENT'S REPRESENTATIVE

DATE _____

DATE _____

EMAIL _____

NOTE:

This certificate of attendance must be filled in duplicate, one copy to be kept by Transnet and the other copy to be kept by the bidder.

Respondent's Signature

Date & Company Stamp

SECTION 9: PROTECTION OF PERSONAL INFORMATION

1. The following terms shall bear the same meaning as contemplated in Section 1 of the Protection of Person information act, No.4 of 2013.(“POPIA”):

consent; data subject; electronic communication; information officer; operator; person; personal information; processing; record; Regulator; responsible party; special information; as well as any terms derived from these terms.
2. Transnet will process all information by the Respondent in terms of the requirements contemplated in Section 4(1) of the POPIA:

Accountability; Processing limitation; Purpose specification; Further processing limitation; Information quality; Openness; Security safeguards and Data subject participation.
3. The Parties acknowledge and agree that, in relation to personal information that will be processed pursuant to this RFP, the Responsible party is “Transnet” and the Data subject is the “Respondent”. Transnet will process personal information only with the knowledge and authorisation of the Respondent and will treat personal information which comes to its knowledge as confidential and will not disclose it, unless so required by law or subject to the exceptions contained in the POPIA.
4. Transnet reserves all the rights afforded to it by the POPIA in the processing of any of its information as contained in this RFP and the Respondent is required to comply with all prescripts as detailed in the POPIA relating to all information concerning Transnet.
5. In responding to this bid, Transnet acknowledges that it will obtain and have access to personal information of the Respondent. Transnet agrees that it shall only process the information disclosed by Respondent in their response to this bid for the purpose of evaluating and subsequent award of business and in accordance with any applicable law.
6. Transnet further agrees that in submitting any information or documentation requested in this RFP, the Respondent is consenting to the further processing of their personal information for the purpose of, but not limited to, risk assessment, assurances, contract award, contract management, auditing, legal opinions/litigations, investigations (if applicable), document storage for the legislatively required period, destruction, de-identification and publishing of personal information by Transnet and/or its authorised appointed third parties.
7. Furthermore, Transnet will not otherwise modify, amend or alter any personal data submitted by the Respondent or disclose or permit the disclosure of any personal data to any third party without the prior written consent from the Respondent. Similarly, Transnet requires the Respondent to process any personal information disclosed by Transnet in the bidding process in the same manner.
8. Transnet shall, at all times, ensure compliance with any applicable laws put in place and maintain sufficient measures, policies and systems to manage and secure against all forms of risks to any information that may be shared or accessed pursuant to this RFP (physically, through a computer or any other form of electronic communication).
9. Transnet shall notify the Respondent in writing of any unauthorised access to information, cybercrimes or suspected cybercrimes, in its knowledge and report such crimes or suspected crimes to the relevant authorities in accordance with applicable laws, after becoming aware of such crimes or suspected crime. The Respondent must take all necessary remedial steps to mitigate the extent of the loss or compromise of personal information and to restore the integrity of the affected personal information as quickly as is possible.

10. The Respondent may, in writing, request Transnet to confirm and/or make available any personal information in its possession in relation to the Respondent and if such personal information has been accessed by third parties and the identity thereof in terms of the POPIA. The Respondent may further request that Transnet correct (excluding critical/mandatory or evaluation information), delete, destroy, withdraw consent or object to the processing of any personal information relating to the Respondent in Transnet's possession in terms of the provision of the POPIA and utilizing Form 2 of the POPIA Regulations.
11. In submitting any information or documentation requested in this RFP, the Respondent is hereby consenting to the processing of their personal information for the purpose of this RFP and further confirming that they are aware of their rights in terms of Section 5 of POPIA

Respondents are required to provide consent below:

YES		NO	
-----	--	----	--

12. Further, the Respondent declares that they have obtained all consents pertaining to other data subject's personal information included in its submission and thereby indemnifying Transnet against any civil or criminal action, administrative fines or other penalty or loss that may arise as a result of the processing of any personal information that the Respondent submitted.
13. The Respondent declares that the personal information submitted for the purpose of this RFP is complete, accurate, not misleading, is up to date and may be updated where applicable.

Signature of Respondent's authorised representative: _____

Should a Respondent have any complaints or objections to processing of its personal information, by Transnet, the Respondent can submit a complaint to the Information Regulator on <https://www.justice.gov.za/infoereg/>, click on contact us, click on complaints.IR@justice.gov.za

**SECTION10: DECLARATION OF UNDERSTANDING – OBLIGATIONS OF SERVICE
PROVIDER**_____
(Name)_____
(Designation)_____
(Representing)

(i) The service provider to commit to the following B-BBEE Improvement Plan:

- **Transnet & potential partner commits the SPV to improve their B-BBEE rating to highest level possible over a period.**
 - **Partners to make commitments to setting up the B-BBEE improvement plan as part of the Joint Development Agreement (JDA) which will include the 5 pillars**
 - **Ownership/ equity pillar - % of SPV owned by Black persons (incl. black women, black youth, & black persons with disability); key management control - % of Board members, Executive, Senior, Middle, and Junior Management that is black, female and living with disability.**
- Other 4 pillars - employment equity, skills development, preferential procurement (including Enterprise & Supplier Development); and socio-economic development initiatives.**

Declare that I have read and understood the contents above and I also declare that I understand my responsibilities in terms of enforcing and implementing the above.

SIGNED at _____ on this _____ day of _____ 20____

SIGNATURE OF WITNESSES

ADDRESS OF WITNESSES

1 _____

Name _____

2 _____

Name _____

ANNEXURE A – TECHNICAL SUBMISSION**LNG Related Project Development Experience: Weighting = 35%**

Component	Description	Indicator	Points
Bidders who have experience of developing, implementing and/or owning LNG related or similar projects. Such experience will be important in successfully delivering the project. <ul style="list-style-type: none"> Port Facilities (marine infrastructure); LNG Import - Storage and Regasification facilities (irrespective of the technology); Natural Gas Transmission System (gas pipelines); & Small scale LNG Loading. 	Bidders shall submit the following details of the component being evaluated: date of execution / completion, project description and role on project Fill out Table A, cross-referencing it to the projects in your portfolio of experience.	Bidder has successfully developed and/or owns 2 or more LNG terminal & natural gas projects pipeline infrastructure and marine terminals projects	5
		Bidder has successfully developed and/or owns 1 LNG Terminal & natural gas pipeline infrastructure and marine terminals projects	4
		Bidder is in the process of delivering at least 1 LNG, natural gas pipeline infrastructure and marine terminals projects but has not reached Financial Close.	3
		Bidder has not provided any LNG Terminal & natural gas pipeline infrastructure and marine terminals projects .	0

Experience with LNG/ Infrastructure Project Financing : Weighting = 25%

Component	Description	Indicator	Points
Bidders who have experience in negotiating with lenders specifically LNG terminals and infrastructure funders and financiers: <ul style="list-style-type: none"> Preparation funding to reach bankable stage; Debt Capital raising Equity or Quasi-Equity financing instruments. 	Bidders shall submit the following details of the component being evaluated: date of execution / completion, project description and amount of capital raised in ZAR Fill out Table B, cross-referencing it to the projects in your portfolio of experience.	Bidder has successfully negotiated and raised capital on 5 or more LNG terminals and/or infrastructure projects	5
		As above on 3 – 5 successfully raised capital	4
		As above on < 3 successfully raised capital	3
		As above but bidder has not provided any successfully raised capital	0

Negotiating LNG related commercial agreements: Weighting = 20%

Component	Description	Indicator	Points
Bidders who have experience of Successfully negotiating LNG related commercial agreements. <ul style="list-style-type: none"> Gas Sales Agreement (GSA) LNG/NG Supply purchase agreements Terminal Use Agreement (TUA) Gas Transportation Agreement(s) (GTAs) EPC Contract 	Bidders shall submit the following details relating to projects where they have successfully negotiated LNG Terminal related commercial agreements. <ul style="list-style-type: none"> Gas Sales Agreement (GSA) LNG/ NG Supply purchase agreements Terminal Use Agreement (TUA) Gas Transportation Agreement(s) (GTAs) 	Bidder has successfully negotiated and delivered 5 or more agreements	5
		As above on 3 – 5 successfully delivered agreements	4
		As above on < 3 successfully delivered agreements	3

Respondent's Signature

Date & Company Stamp

<ul style="list-style-type: none">Gas Terminal O&M Contracts	<ul style="list-style-type: none">EPC ContractGas Terminal O&M Contracts <p>Fill out Table C, cross-referencing it to the projects in your portfolio of experience.</p>	As above but bidder has not provided any successful agreements	0
Technical Experience in LNG Terminal and associated Infrastructure (preference for floating) Weighting 20%			
Component	Description	Indicator	Points
Experience in delivering Mega projects of similar or larger size including managing terminal infrastructure EPC and O&M contractors: <ul style="list-style-type: none">Floating LNG Terminal (Design/ Lease / Purchase)LNG Terminal Supporting InfrastructureLNG/Natural Gas PipelinesPipelines, bunkering, road and rail loading facilities	Bidders shall submit the following details of the component being evaluated: date of execution / completion, project description and role on project	Bidder has experience on 5 or more projects.	5
		As above for $2 < \text{projects} < 5$	4
		As above for $1 \leq \text{projects} \leq 2$	3
		As above for 0 projects	0
Total Weighting:			100
Minimum qualifying score required:			75

Respondent's Signature

Date & Company Stamp