

**TRANSNET NATIONAL PORTS AUTHORITY
an operating division of
TRANSNET SOC LTD**

**REQUEST FOR INFORMATION IN RESPECT OF
THE INTRODUCTION OF PRIVATE SECTOR
PARTICIPATION IN TRANSNET NATIONAL PORTS
AUTHORITY'S RENEWABLE ENERGY PROGRAMME**

RFI NO: TNPA/2022/07/0731/8105/RFI

ISSUE DATE: 22 JULY 2022

CLOSING DATE: 06 SEPTEMBER 2022 @12:00

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1 Disclaimer

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

TNPA reserves the right to amend, modify or withdraw this RFI or any part of it, or terminate or amend the plans for the introduction of Private Sector Participation for its Renewable Energy Programme, 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 of TNPA and, save as expressly stated to the contrary, may be waived at TNPA's sole discretion at any time.

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

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

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 and or, 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 and or, or any of its officers, employees, servants, agents or Transaction Advisors of any nature whatsoever, or where such claim is based on the content of, or any omission from, this Document of any nature whatsoever.

2 Definitions and Interpretation

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

- 2.1 **Bidder** - any entity or consortium that submits a Bid Response, which must be either a Project Company or a consortium of legal entities, all of whom shall become shareholders (either themselves or through an intermediary entity) in a Project Company, who submits a Bid Response;
- 2.2 **Bid Response** - any bid submitted by a Bidder in response to the invitation contained in the RFP to be issued by TNPA within its sole and absolute discretion;
- 2.3 **Capacity or Power Capacity** - the capacity at any time and from time to time, expressed in megawatts ("MW") to generate and deliver Energy Output;
- 2.4 **Commercial Close** - the date on which the Implementation Agreement is duly executed by the Seller and the buyer (TNPA);
- 2.5 **Commercial Operation Date** - the date after which all testing and commissioning of the Renewable Energy Power Generation Facility has been completed;
- 2.6 **Consents** - all consents, permits, clearances, authorisations, approvals, rulings, exemptions, registrations, filings, decisions, licences, required to be issued by or made with any Responsible Authority in connection with the performance of any of the Construction, Operation and maintenance of the Facility by the Project Company;
- 2.7 **Dispatchable** - refers to sources of electricity that can be used on demand and dispatched at the request of power grid operators, according to market needs. Dispatchable generators can be turned on or off, or can adjust their power output according to an instruction from the system operator.
- 2.8 **Document** - this explanation and request for information document for the Renewable Energy Power Purchase Programme;
- 2.9 **Energy Yield / Energy Output** - the electrical energy generated and expressed in megawatt-hours ("MWh"), delivered to the Power Delivery Point;
- 2.10 **Financial Close** - means the time when the Project Agreement and all financing and other agreements related to the Project have been executed and delivered and all conditions to the effectiveness of the Project Agreement and Project financing agreements have been satisfied.

- 2.11 **NERSA** - the National Energy Regulator of South Africa, established pursuant to Section 3 of the National Energy Regulator Act No. 40 of 2004;
- 2.12 **PPA** - the power purchase agreement to be entered into between a Buyer and the Seller on or before Commercial Close;
- 2.13 **Preferred Bidder** - any Bidder that is selected by TNPA pursuant to the issuing of a RFP for the TNPA Renewable Energy Power Purchase Programme following qualification and evaluation of the Bid Response submitted by the Bidder;
- 2.14 **Project** - the production and/or provision of renewable energy supply from either an existing power generation facility or power generation facility developed, designed, engineered, financed, owned, leased, constructed, commissioned, operated, maintained and decommissioned by Respondent;
- 2.15 **Project Company** - the special purpose company that a Bidder proposes using as the vehicle to undertake the Bidder's Project, that is the subject matter of a Bid Response;
- 2.16 **Project Officer** - the person appointed by TNPA as the project officer in respect of the Renewable Energy Power Purchase Programme;
- 2.17 **Project site** - the site(s) upon which the Power Generation Facility are to be constructed and operated;
- 2.18 **Respondent** - any entity or consortium that submits a RFI Response in response to this Document;
- 2.19 **RFI** – this request for information document to which Respondents are required to submit an RFI response to.
- 2.20 **RFI Response** - the completed Response Form, together with all necessary supporting documentation;
- 2.21 **RFP** - the request for qualification and proposals to be issued in respect of the TNPA Renewable Energy Power Purchase Programme in due course; and
- 2.22 **Seller** - any Project Company that enters into a PPA to sell electricity generated by it or on its behalf, to the Buyer in terms of a PPA entered into pursuant to the TNPA Renewable Energy Power Purchase Programme

3 Background

3.1 Transnet National Ports Authority – TNPA

- 3.1.1 Transnet National Port Authority (TNPA) as an operating division of Transnet SOC Ltd ("Transnet"), (registration number 1990/000900/30) established through the National Ports Act, No. 12 of 2005 ("the Ports Act") and provides a regulatory service in terms of its proclamation as defined in the National Ports Act;
- 3.1.2 An internal energy audit conducted by TNPA indicates that there is a strong need to stabilise energy costs and availability into the future; reduce greenhouse gas emissions and other emissions related to electricity generated predominantly from coal; as well as improve local renewable energy industry participation as part of its industrial development objectives. Uncertainty of Eskom energy supply and tariff increases stresses this need, whilst renewable energy costs continue to decline.
- 3.1.3 As such, TNPA intends to launch a Renewable Energy Power Purchase Programme to relieve above mentioned constraints. The key requirement for the Power Purchase Programme will be to procure generation capacity from Renewable Energy Power Generation Facilities with short lead times, across the ports system.
- 3.1.4 It is in this context that TNPA has decided to invite interested parties' participation, as part of its corporate strategy to introduce renewable energy into the port system. TNPA both appreciates and encourages the inclusion of renewable energy proposals beyond and not limited to only popular market drivers solar and wind energy. This includes the incorporation of renewable energy sources such as or hybrids of hydroelectric power, ocean energy, biomass, geothermal or more.

3.2 **Transnet key initiatives to drive introduction of renewable energy into the TNPA ports system**

- 3.2.1 TNPA is currently heavily reliant on energy supply from Eskom and local municipalities. The supply is predominantly fossil fuel based, and over the last fourteen (14) years, has been unreliable, as shown by frequent load shedding experienced nationwide. Although the bulk of the ports are considered national key points and therefore prioritised during load shedding, they are not immune to higher stages of load shedding and consequently most impacted given the nature of operations conducted within the ports.
- 3.2.2 TNPA, as part of its corporate environmental responsibility, is constantly seeking to limit contributions toward global warming. This, amongst others, should include improving its green energy footprint by reducing greenhouse gas and other emissions related to its energy usage. The integration of renewable energy into the port system allows TNPA this opportunity to respond positively to change, in line with its adopted strategies; and
- 3.2.3 Support the stimulation, establishment and strengthening of local renewable energy industries as part of TNPA's industrial development objectives.

4 TNPA Renewable Energy Landscape - Overview

- 4.1 At an operational level, TNPA occupies a strategic position in the country's transport logistics chain, managing South Africa's eight commercial seaports, namely Cape Town, Richards Bay, East London, Mossel Bay, Ngqura, Port Elizabeth, Durban, and Saldanha Bay, as shown in Figure 1 below;
- 4.2 At an energy supply level, TNPA is intent to deliver electrical energy that is continuous and reliable to its port operators, clients and tenants in a manner that is financially prudent, does not harm the environment and has a developmental impact. Renewable energy is well aligned to these mandates.

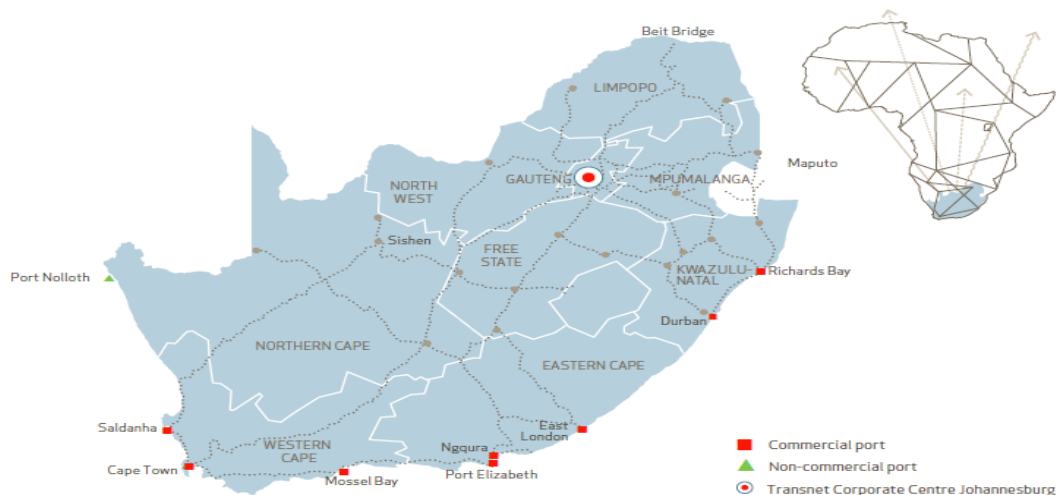


Figure 1 - Transnet National Ports Authority 8 Commercial Ports

- 4.3 Shown by Table 1, below, is an overview of each ports electrical energy supply/demand parameters and renewable energy targets.
- 4.4 Furthermore pursuant to long term Renewable Energy Targets discussed in Table 1 below, TNPA both appreciates and encourages the inclusion of renewable energy proposals that can supply approximately 50% of renewable energy targets as indicated in the TNPA total monthly peak consumption over the past 5FY's, while also allowing for future capacity upgrades.



Table 1 - TNPA port energy supply, demand, land availability and renewable energy targets

Location	Energy Supply			Energy Demand		Renewable Energy Target
	Firm Supply / Distribution Voltages	Utility / Municipality	Tariff Structure	NMD	TNPA Total Monthly Peak Consumption over past 5FY's	Total Installed Capacity [MW]
Port of Saldanha	20 MVA (future 40 MVA, upgrade capable to 80MVA) 11/3.3/0.4 kV (future 66kV)	Eskom Saldanha Bay Municipality	Eskom - (Mini Flex - TNPA & Mega Flex – (TNPA) Municipal (TNPA)	2 MVA - TNPA	202 837 kWh (JAN 19/20)	1 MW
Port of Ngqura	25 MVA 11/0.4kV	Nelson Mandela Bay	Large Business Demand (Scale 35 & 30)	No NMD. Charged for max demand seen in the month	968 270 kWh (FEB 21/22))	5 MW
Port of East London	20 MVA** 11/0.4kV**	Buffalo City	Scale 4B	No NMD. Charged for max demand seen in the month.	434 071 kWh OCT 19/20	2 MW
Port Elizabeth	20 MVA 22/11/6.6/0.4 kV	Nelson Mandela Bay	Large Business ToU (scale 40T and 40R)	No NMD. Charged for max demand seen in the month.	926 241 kWh (JUN 21/22)	10 MW
Port of Durban	17MVA (future 80MVA, 132kV upgrade) 33/11/6.6/0.4kV	eThekweni	Industrial ToU	14.63 MVA	779 815 kWh (SEPT 21/22)	10 MW



Location	Energy Supply			Energy Demand		Renewable Energy Target
	Firm Supply / Distribution Voltages	Utility / Municipality	Tariff Structure	NMD	TNPA Total Monthly Peak Consumption over past 5FY's	Total Installed Capacity [MW]
Port of Richards Bay	20 MVA 15 MVA 15 MVA 11/3.3/0.4kV	Umhlatuze	Enerflex (TOU) Demflex	14 MVA 3.5 MVA 4.4 MVA	546 826kWh (SEPT 17/18)	40 MW
Port of Cape Town	18 MVA 11.75/0.4 kV	Eskom CoCT	Mega Flex	18 MVA 2 MVA	562 617 kWh (JAN 18/19)	3 MW
Port of Mossel Bay	10 MVA 11/0.4kV	Mossel Bay Municipality	Scale 5 – Special Bulk Supply	No NMD Charged	905 59 kWh (JUL 21/22)	3.5 MW

5 Request for Information

5.1 Objectives Of The RFI

- 5.1.1 The objective of this RFI is to procure between 50 – 80 MW of renewable energy power generation capacity that can be implemented cumulatively across South Africa's eight commercial seaports, namely Cape Town, Richards Bay, East London, Mossel Bay, Ngqura, Port Elizabeth, Durban, and Saldanha Bay;
- 5.1.2 This request for information is intended to support investigations by Transnet of opportunities available in the market for renewable energy generation alternatives to alleviate the ports current environmental cost and capacity burden incurred by utility fossil-fuel based supply;
- 5.1.3 Requested information is intended to reduce above mentioned burden on the basis of potential renewable energy solution with highest energy yield that can be implemented in the shortest possible lead time to commercial operation.
- 5.1.4 It is therefore in this context, Transnet intends to:
- a) gain a better understanding of the renewable energy market, particularly for wind, solar and other energy sources which might be prevalent and / or relevant in each of the ports precincts;
 - b) gauge market appetite for a commercial offering for the TNPA Renewable Energy Power Purchase Programme; and
 - c) refine the commercial assumptions for the initiative and design an appropriate procurement framework for the initiative roll-out.
- 5.1.5 As such, Transnet encourages and requests any, and all entities or organisations that may wish to submit a Bid Response in the future under a possible Renewable Energy Power Purchase Programme to submit a RFI Response in terms of this Document. Submission of a RFI Response is, however, not a compulsory requirement to participate in a Renewable Energy Power Purchase Programme or responding to the RFP.

6 Information to be provided by the Respondent in its RFI Response

6.1 General Respondents request:

6.1.1 The RFI Response submitted should be as comprehensive as possible and include the information requested below and any supporting documentation in respect thereof.

6.2 Description of the Project

6.2.1 Respondents are required to provide as much detail as possible about their Project(s) including the necessary commercial arrangements which have been put in place or still need to be put in place. Such information will assist Transnet in determining the readiness of the market for a possible Renewable Energy Power Purchase Programme and may inform the design of a procurement process.

6.2.2 The Respondent will be required to provide the following information about its Project:

6.2.2.1 Name of the Respondent;

6.2.2.2 The main business of the Respondent, with regards to the energy project e.g. trader or generator of energy;

6.2.2.3 Which projects has the respondents implemented whether in a municipal, national or other context;

6.2.2.4 Name of the Project (a separate RFI Response should be submitted for each proposed location, which would be regarded to be a separate Project);

6.2.2.5 The name and contact details of the person appointed by the Respondent as its representative in the event that the Project Officer wishes to engage on the Project.

6.3 Information relative to Project Overview

The Respondent is, in respect of the Renewable Energy Power Purchase Program, required to provide the following details:

- 6.3.1 Provide overview of the Project scope, background and expected cost;
- 6.3.2 Describe identified project site location and area;
- 6.3.3 Provide detail on full capacity of power generation facility, number of generation units and design capacity of each unit;
- 6.3.4 Indicate whether or not the power generation facility is dispatchable and can readily (modularly) be increased in capacity?
- 6.3.5 Indicate the proposed connection voltage or voltages (kV) for the Power Generation;
- 6.3.6 In cases of where the project is to be connected to the grid, indicate whether capacity evacuation availability has been confirmed by Eskom or Municipality;
- 6.3.7 Discuss integration capability of power generation facility to operate as hybrid of other renewable energy alternatives. Recommend renewable energy technologies to integrate with proposed power generation facility for maximum annual energy yield;
- 6.3.8 Indicate expected energy yield per annum for Year 1, Year 2 and Year 3 of operation [MWh];
- 6.3.9 Indicate the emissions saved as a result of the dip fossil-fuel based usage;
- 6.3.10 Provide details on an indicative tariff. Detail to also be provided on the energy charge and capacity charges (where relevant) as well as any other components of the tariff including wheeling, expected annual escalations and variable costs where relevant with the necessary detailed motivations for the tariff breakdown;

- 6.3.11 In line with the information provided in response to paragraph 6.3.8 and 6.3.10 provide details on an indicative cost of operation and maintenance for proposed power generation facility – Levelized Cost of Energy (LCOE) [R/kWh];
- 6.3.12 Indicate expected minimum and maximum hours of operation for Winter (Jun – Aug) and Summer (Sep - May).
- 6.3.13 Indicate the projects’ contribution to economic development including job creation during construction and operations, skills development, local content value, and use and development of SMMEs;
- 6.3.14 What is the current or anticipated BBBEE ownership for the project.

6.4 **Information relevant to the Project Status**

- 6.4.1 Comment on the current status of the project regarding project lifecycle stage (concept, design complete, construction commenced, construction complete). Detail to also be provided where relevant on the status of discussions / agreements for land security purposes, whether the project requires any permits or environmental authorisation in terms of the National Environmental Management Act, No. 107 of 1998 and, if so, the progress made in obtaining any outstanding regulatory approvals / authorisation and anticipated timelines;
- 6.4.2 Provide details on whether this is an existing Renewable Energy Facility or not. In the event that the Power Generation Facility is existing details required on the anticipated refurbishment or expansion (if any) to be undertaken of the existing facility including a detailed project plan for such refurbishment as well as the duration of the plant outage if any to perform the refurbishment or expansion;
- 6.4.3 Provide details of the status of discussions / agreement with any potential suppliers of such renewable energy generation equipment. Furthermore provide confirmation of timelines to finalise arrangements with potential suppliers of the power generation equipment;

6.4.4 Provide details on any energy supply arrangements (i.e. with proximate reservoir / dam proprietors for hydroelectric power) and confirmation that the Energy supply arrangements are aligned with the proposed tenure of the PPA and will be sufficient to cover the energy requirements for identified location;

6.4.5 Provide where relevant details of any interactions with the relevant Network Owner regarding the connection options for the Project.

6.5 Information relevant to the Project Power Purchase Agreement

In respect of the proposed power facility, the Respondent is required to provide the following information, as appropriate:

6.5.1 Indicate which of the below proposed PPA's would the respondent be more likely to enter and provide a comprehensive motivation for the preferred structure of the PPA?

	TNPA Own Generation	Off-Taking	Wheeling
PPA	Design-Build-Operate-Transfer or Concession	Design-Build-Operate or Concession	Design-Build-Operate
Conceptual Description	Generation facility is located within TNPA port boundaries or land adjacent to the port that could be acquired and incorporated into the port. The Respondent operates facility for a period, less than one year, including training of TNPA staff before transferring facility to TNPA, with TNPA paying for the capital costs (including land where applicable).	Generation facility is located outside TNPA boundaries but still within respective municipal boundaries and is operated and maintained by respondent. Energy is sold back to TNPA at an agreed upon tariff with the project reverting to TNPA after the PPA period at no cost to TNPA.	Generation facility is located outside TNPA boundaries and might be outside the respective municipal boundaries and is operated and maintained by respondent. Energy is sold back to TNPA at an agreed upon tariff and the project will remain the ownership of the developer after the PPA period.

- 6.5.2 Provide indicative PPA terms and conditions for a 10 year, 15 year or 20 year PPA period;
- 6.5.3 Provide, if different, tariffs in the event that the tenure of the PPA is for 10 years, 15 years or 20 years;
- 6.5.4 For an existing facility, please provide the pertinent terms of the current PPA that has been entered into, and how that will be affected; and
- 6.5.5 The Respondent to provide any additional information where relevant on its Project regulatory requirements and licences where relevant which it may deem necessary to bring to the attention of TNPA regarding renewable energy self-generation and/or distribution;

6.6 **Information relevant to the Project Timing**

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

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

6.7 Information relevant to the Project Financing

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

6.7.1 How the Respondent proposes to finance the Project;

6.7.2 Proposed debt/ equity mix for the Project;

6.8 Additional Information

6.8.1 The Respondent is required to provide capability statements demonstrating the Respondent's previous experience;

6.8.2 The Respondent is required to indicate the project spatial requirements (on water and/or land) as well as any need for bulk services from TNPA or other entity to bring about the proposed project;

6.8.3 The Respondent is required to indicate any specific access and/or construction requirements at the port to construct and operate the proposed facility;

6.8.4 The Respondent is required to indicate any exclusion or safety zones applicable as a result of the proposed facility;

7 Format and Submission of RFI Responses

7.1 Submission of RFI Responses

- 7.1.1 The RFI Responses must be submitted to TNPA by no later than 12h00 on 06 September 2022;
- 7.1.2 RFI Responses reaching TNPA later than the date and time specified above may, in TNPA's sole discretion, not be considered by TNPA;
- 7.1.3 All costs incurred by a Respondent in connection with this RFI and the preparation of its responses hereto shall be borne by the Respondent;
- 7.1.4 The Respondent will not have to pay any monies in order to submit an RFI Response;
- 7.1.5 The Respondent is encouraged to submit any additional information that, in its view, would assist TNPA in the further development of the Renewable Energy Power Purchase Programme.

7.2 Submission of the RFI Response

- 7.2.1 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
- 7.2.2 Properly indexed, readable and capable of being opened.
- 7.2.3 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.
- 7.2.4 **RESPONDENTS ARE TO UPLOAD THEIR RFI RESPONSE PROPOSALS ONTO THE TRANSNET SYSTEM AGAINST EACH RFI SELECTED.**
- 7.2.4.1 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;
- 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.

7.3 **Format of RFI Response**

- 7.3.1 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 6;
- 7.3.2 All pages should be numbered consecutively from beginning to end and there should be an index to the entire RFI Response.
- 7.3.3 The RFI Response can be contained in more than one document and with annexures as the Respondent may consider appropriate to provide the information requested. All documents comprising the RFI Response must be visible from the index to the RFI.

7.4 **Language of the RFI Response**

- 7.4.1 The RFI Response and all documents forming part of it must be in English;
- 7.4.2 Any printed literature submitted with the RFI Response may be in another language so long as it is accompanied by an English translation (made by an accredited translator) of the entire document;
- 7.4.3 For the purpose of interpretation of the RFI Response, TNPA will rely on the English translation provided;
- 7.4.4 All correspondence and any other documentation and oral communication exchanged between the Respondent and TNPA shall be in English.

7.5 **Signing of the RFI Response**

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

7.6 **Further Information**

- 7.6.1 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;
- 7.6.2 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. Any meetings will take place via MS Teams, unless otherwise arranged.

8 Contact with the Project Officer

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

9 Formal Briefing

- 9.1 A non-compulsory briefing session meeting will be conducted via Microsoft Teams on 05 August 2022 @ 10h00. Interested parties can join the briefing session by using the following link: [Click here to join the meeting](#)
- 9.2 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.

10 Requests and Clarifications

- 10.1 The Respondent may request clarification on any item contained in this RFI by not later than 26 August 2022;
- 10.2 All enquiries, queries, and requests for clarification in respect of this RFI must be in writing and addressed to the Project / Commodity Manager and emailed to renewableenergyrfi@transnet.net;
- 10.3 TNPA will endeavour to respond to all reasonable written queries and requests for clarification raised by any Respondent.

11 Confidentiality

- 11.1 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:
- 11.1.1 Each party recognises and agrees that the Confidential Information has been compiled, created, and maintained by special effort and expense of the other party;
- 11.1.2 Each party recognises and agrees that disclosing or disseminating Confidential Information to a third party will have a materially adverse effect on the other party and agrees not to disclose or disseminate the Confidential Information to any third party. Except as necessary to perform its obligations hereunder, each party shall not use, reproduce, or draw upon the Confidential Information or circulate it within its own organisation.
- 11.1.3 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;

11.1.4 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.

12 Offering of Commission or Gratuity

12.1 If a Respondent, or any person employed by him, is found to have either directly or indirectly offered, promised or given to any person in the employ of TNPA, any commission, gratuity, gift or other consideration, TNPA shall have the right and without prejudice to any other legal remedy which it may have in regard to any loss or additional cost or expenses, to disqualify the RFI Respondent from further participation in this process and any other subsequent processes in this regard;

12.2 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.