

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

**REQUEST FOR INFORMATION IN RESPECT OF A POSSIBLE
APPOINTMENT OF A TERMINAL OPERATOR TO DESIGN,
DEVELOP, CONSTRUCT, FINANCE, OPERATE, MAINTAIN
AND TRANSFER A LNG TERMINAL IN THE PORT OF
RICHARDS BAY**

FEBRUARY 2022

Information Request Description	The design, develop, construct, finance, operate, maintain, and transfer an LNG Terminal in the Port of Richards Bay.
RFI Number	TNPA/2022/02/0107/RFI
Issue & Collection Date	13 February 2022
Bid Fee and Banking Details	This RFI is issued free of charge
Briefing Session	21 February 2022 @ 10h00
Requests for Clarification Close	7 March 2022
RFI Closing Date	14 March 2022 at 12h00

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1. Disclaimer

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

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

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

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

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

Each person that accesses this RFI must make its own independent assessment of the information provided, taking such advice (whether professional or otherwise) as it deems necessary.

No Respondent, its shareholders, members, contractors, suppliers or lenders shall have any claim against TNPA, its officers, employees, servants, agents or Transaction Advisors, under any circumstances whatsoever, arising out of any matter relating to this RFI of any nature whatsoever, including where such claim is based on any act or omission by TNPA, or any of its officers, employees, servants, agents or Transaction Advisors of any nature whatsoever, or where such claim is based on the content of, or any omission from, this RFI of any nature whatsoever.

2. Definitions and Interpretation

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

- 2.1 **"Concession"** - the proposed design, development, construction, financing, operation, maintenance and transfer of the LNG Terminal in the Port of Richards Bay that may be granted by TNPA to the Preferred Bidder pursuant to an RFP that may be issued in terms of section 56 of the National Ports Act 12 of 2005;
- 2.2 **"Concessionaire"** – the legal entity who is awarded the right, by the TNPA, to undertake the design, development, construction, financing, operation, maintenance and transfer of the LNG Terminal in the Port of Richards Bay and with whom, the TNPA will be concluding a Terminal Operator Agreement;
- 2.3 **"Department of Mineral Resources and Energy" (DMRE)** - The Ministry responsible for regulating, transforming, and promoting the minerals and energy sectors, providing sustainable and affordable energy for growth and development, and ensuring that all South Africans derive sustainable benefit from the country's mineral wealth;

- 2.4 **"Electricity Regulation Act"** – The Electricity Regulation Act No 4 of 2006;
- 2.5 **"FSRU"** – means a LNG floating storage and regasification unit;
- 2.6 **"Independent Power Producers (IPP)"** – an independent power producer, being a legal entity who enters into a power purchase agreement to sell electricity generated by it or on its behalf, to power purchaser in terms of a power purchase agreement;
- 2.7 **"Integrated Resource Plan (IRP)"** – the integrated Resource Plan issued by the Minister of Energy and Mineral Resources under Notice No 42784 dated 18 October 2019 in Government Gazette 1360, pursuant to the Electricity Regulation Act;
- 2.8 **"Liquefied Natural Gas"** - Natural Gas that has been cooled to a liquid state, at approximately -162°C (minus one hundred and sixty-two degrees Celsius), enabling storage and transportation thereof by ship, road, or rail due to the volume of Natural Gas in the liquid state being significantly lower than its volume in the gaseous state;
- 2.9 **"National Ports Act"** - the National Ports Act No. 12 of 2005;
- 2.10 **"Port"** - the Port of Richards Bay;
- 2.11 **"Project"**- the planned endeavours to procure a Concessionaire to undertake the Concession;
- 2.12 **"Project Officer"** - the person appointed by TNPA as the project officer for the purpose of the administration of the process contemplated in this Document;
- 2.13 **"Respondent"** - any entity or consortium that submits an RFI Response in response to this Document;



- 2.14 **"RFI"** - this Request for Information document to solicit information from the market relating to the planned Project in relation to the LNG Terminal at the Richards Bay port;
- 2.15 **"RFI Response"** - the submission made by an entity or organization in response to this Document, together with all necessary supporting documentation and the letter referred to in paragraph 6 of this RFI;
- 2.16 **"RFP"** - the request for proposals contemplated to be issued in terms of section 56 of the National Ports Act for a Concession of an LNG Terminal in the Port;
- 2.17 **"Terminal"** - means the terminal infrastructure, LNG handling equipment, sheds and land based structures used for the import, landing, discharging, storage, and regasification of LNG and which may, for the purposes of the Concession include an FSRU to be developed, operated, and maintained on the Site;
- 2.18 **"Terminal Operator Agreement"** the agreement concluded between the TNPA and Concessionaire in relation to the Concession, pursuant to the issuing of an RFP in accordance with the section 56 of the National Port's Act;
- 2.19 **"Site"** - the land and or water space, within the Port on which the Terminal is to be located in terms of the Concession as more fully described in paragraph 4.1.2 of this RFI;
- 2.20 **"Transnet National Ports Authority (TNPA)"** - An operating division of Transnet responsible for the safe, effective, and efficient economic functioning of the national port system, which it manages in a landlord capacity and who provides port infrastructure and marine services at the eight commercial seaports in South Africa in accordance with the provisions of the National Ports Act;
- 2.21 **"Transnet"** - Transnet SOC Ltd, registration number 1990/000900/30. A state-owned company under the Department of Public Enterprises incorporated in the Republic of South Africa and which is the custodian of South Africa's freight logistics public infrastructure, which supports economic growth and development by providing efficient rail, port and pipeline infrastructure and services.

3. Background

3.1 Transnet National Ports Authority

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

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

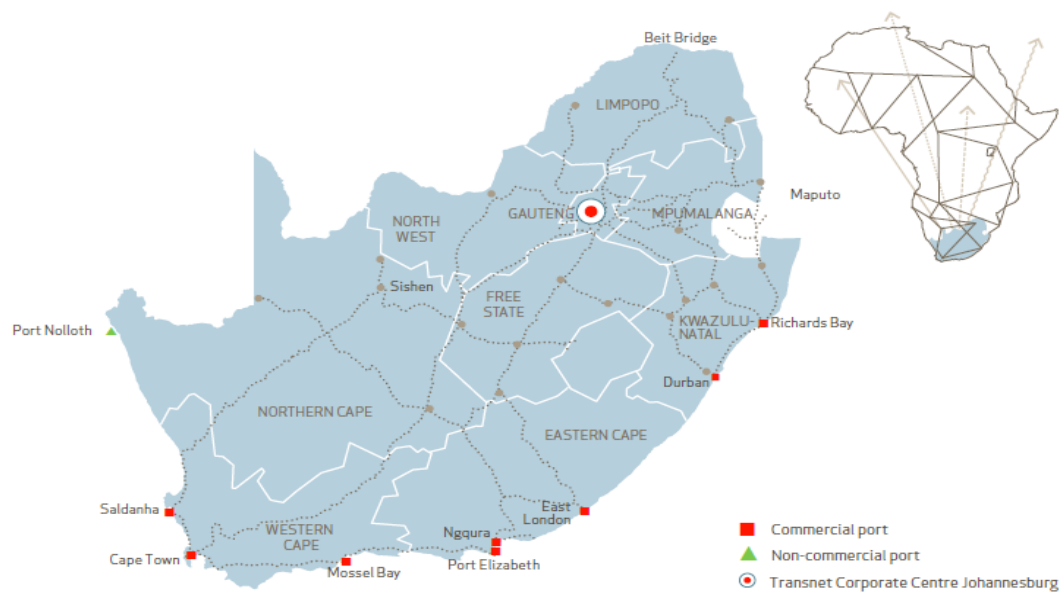
- a) To plan, provide, maintain, and improve port infrastructure;
- b) To promote the use, improvement and development of ports and control land use within the ports, having the power to lease port land under conditions that it determines;
- c) To promote greater representation, in particular to increase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

3.1.3. At an operational level, TNPA occupies a strategic position in the country's transport logistics chain, managing South Africa's eight commercial seaports, namely Cape Town, Richards Bay, East London, Mossel Bay, Ngqura, Port Elizabeth, Durban, and Saldanha Bay;

3.1.4. The ports under the control of the TNPA span the South African coastline, which measures approximately 2 800 km. TNPA's asset base consists of port land, basic port infrastructure and marine fleet at the eight commercial ports. TNPA manages port land of approximately 43,4 million m² and about 750 leases across the port system;

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

Figure 1: National Port System



4. LNG MARKET

- 4.1 The DMRE's Strategic Plan 2020-25 clearly articulates that:

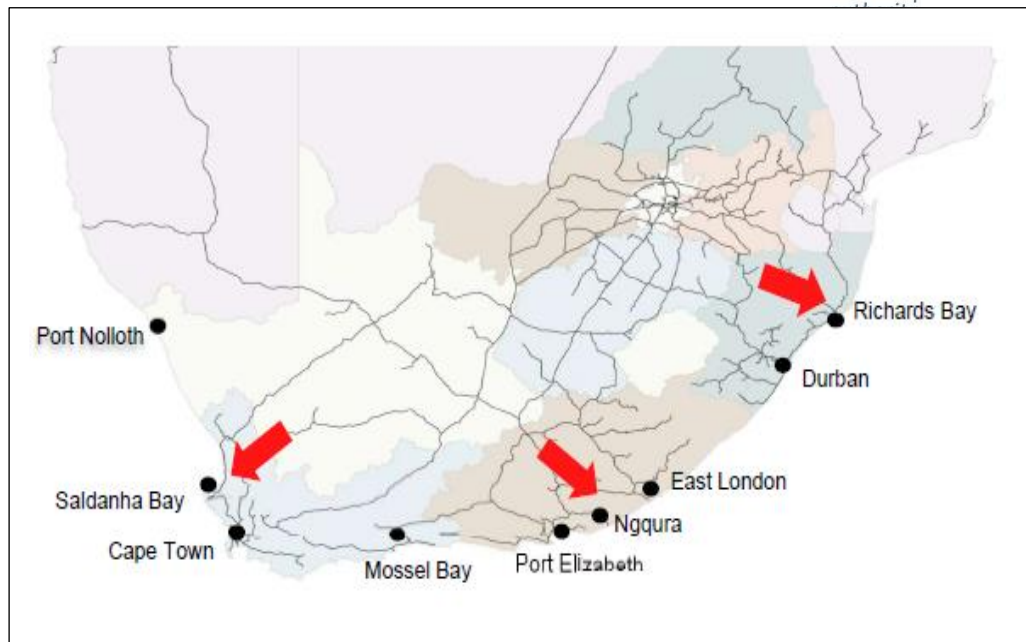
"The development of the gas market as an alternative source of energy will be pursued to meet limited and depleting gas supplies. Exploration for gas fields will be increased, and relationships will be forged with other African countries for supply and market access. A just transition to a low carbon-emitting economy will be facilitated by integrating various work streams that relate to transitioning to a low carbon-emitting energy mix as per IRP2019."

- 4.2 The plan further confirms the importance of gas importation in the short term, while the country develops its indigenous gas, as highlighted below:

"Gas-to-power technologies in the form of combined cycle gas turbines (CCGT), combined cycle gas engine (CCGE) provide the flexibility required to complement renewable energy. While in the short term the opportunity is to pursue gas import options, local and regional gas resources will allow for scaling up within manageable risk levels."

- 4.3 DMRE, has been consistent in articulating that the country needs gas importation, with three (3) ports being recognised as the most suitable for gas importation in SA. This has been cemented through the enabling legislation that empowers the Minister of Energy to ensure diverse energy resources are available in sustainable quantities and affordable prices;

- 4.4 The IRP 2019 highlights the need to have 1,000 Megawatts (MW) of new gas generation by 2024, and a further 2,000 MW by 2027. The identified ports are highlighted in the figure below, which are the Ports of Saldanha Bay, Ngqura and the Richards Bay;



- 4.5 The DMRE and Independent Power Producer Office (IPPO), which carries out the procurement of energy projects, confirmed that a request for proposal will be issued to procure 3,000 MW from Gas within during the course of 2022;
- 4.6 The TNPA has been inundated with numerous requests from various interested parties, seeking opportunities to invest in the development of an LNG Terminal at the Port of Richards Bay to meet anticipated industrial gas demand and the IPP sector in the KwaZulu Natal and Gauteng provinces. This has also been premised on the reducing gas availability for the existing customers in the region, with confirmation by Sasol that it will cease gas provision from 2026;
- 4.7 The requests aforesaid have indicated that an LNG Terminal at the port of Richards Bay would be viable regardless of the plans to procure more power through the DMRE's IPP programme, as the industrial off-takers would be the anchor tenants at the prospective LNG Terminal in the Port;
- 4.8 It is within this context that TNPA deems it prudent to issue this RFI to confirm the viability and commercial feasibility for procuring a Concessionaire to undertake the Concession. This RFI is intended to be independent of the DMRE

IPP programme and is intended to be implemented based on industrial LNG demand and other energy generation off take agreements.

- 4.9 TNPA intends to develop the Port of Richards Bay LNG Terminal in accordance with a process as outlined in Section 56 of the National Ports Act;
- 4.10 The proposed LNG terminal will, if developed be in the form of a Concession in accordance with the terms and conditions to be set forth in a Terminal Operator Agreement to be entered into between the TNPA and a Concessionaire in accordance with Section 56 of the National Ports Act. The selection of a Concessionaire will be undertaken in accordance with a procedure, that is fair, equitable and competitive and cost effective;
- 4.11 The Concessionaire will undertake the Concession, which is based on a landlord model where the land and water space will continue to be owned and controlled by TNPA with the Terminal that will be developed thereon by the Concessionaire being transferred to TNPA at the end of the concession period;
- 4.12 **Port of Richards Bay**

A schematic overview of the Port of Richards Bay South Dunes Precinct:



5. Request for Information

5.1 Objectives Of The RFI

5.1.1 The objectives of this RFI are to confirm the extent of market demand for undertaking the Concession and to obtain specific information to implement the project;

5.1.2 TNPA intends, through this RFI to:

- a) better understand the Respondents' LNG demand;
- b) Gauge market appetite for a Concession;
- c) Formulate the scope and extent of the Concession;
- d) Structure the RFP to ensure that it responds to market demand; and
- e) Determine the appropriate risk allocation between the TNPA and the Concessionaire in undertaking the Concession.

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

5.3 The TNPA's expectation is that the envisaged LNG Terminal should be operational by 2026, to supply the market with the required gas, when there is a shortage of imported gas, as well as any current or developing projects in the pipeline. It is thus envisaged that construction of the LNG Terminal will be initiated towards the end of 2023;

5.4 Respondents are to note the following:

- 5.4.1 The TNPA is not prescriptive with regards to the proposed solution, whether it be a FSRU and or landside Terminal, and seeks information, which will assist in the event that it progresses to the RFP stage of the Project;
- 5.4.2 The Site identified by the TNPA for the Concession, while preferred, is not definitive and Respondents are at liberty to submit detailed information on any alternative Sites that they deem more feasible to undertake the concession;
- 5.4.3 In proposing a possible solution, Respondents should indicate the back of port requirements that in their view should be met regarding land, storage and pipeline facilities and the connection points that may be required with pipeline, rail, or road off-takers;
- 5.4.4 Respondents should indicate the exclusion zone requirements they foresee in developing the possible solution proposed above;
- 5.4.5 TNPA does not have the appetite to make any investment in the Concession, and thus all and any of the required infrastructure for the LNG Terminal will be for the Respondent's account;
- 5.4.6 Respondents are requested to submit information in their responses to this RFI on how best the TNPA could package the Concession in the event that it progresses to the RFP stage of the Project.
- 5.4.7 Respondents are requested to provide any other information in respect of their Project which they deem necessary to bring to TNPA's attention.

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

*national ports
authority*

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

6.1 Respondent's Company / Consortium Profile

- 6.1.1 The name of the Respondent, and its full registration details;
- 6.1.2 The name and contact details of the person appointed by the Respondent as its representative in the event that the Project Officer wishes to engage with the Respondent on any aspect of the RFI Response;
- 6.1.3 A comprehensive company profile detailing the Respondents previous experience and track record in undertaking a Concession of the nature outlined in this RFI which is to include the CVs of the Respondents' executive team members;

6.2 LNG Market Analysis

- 6.2.1 Demand – Please provide detailed information on:
 - a) What are the LNG volumes likely to be handled by the Respondent at the LNG Terminal, with reference to inland, coastal, and cross-border demand?
 - b) Is the Respondent's demand sufficient to secure the delivery of a commercially viable LNG Terminal in terms of projected revenue for the Concessionaire and the TNPA?
 - c) The potential scale of the Concession in terms of storage, regasification and pipeline capacity for the envisaged LNG Terminal which will be required to service the demand;
 - d) What capacity allocation approach for terminal and pipeline use (Off-take) would be best suited for the Respondents' project?

E.g. Multiple Users / Aggregator with multiple companies /
Single Aggregator;

- e) The impact that the Lilly pipeline may have on the project and its viability;

6.2.2 Supply - Please provide detailed information on:

- a) The Respondent's ability and sources of gas supply for the current and potential gas off-takers;
- b) The Respondent's port usage that will be required for the minimum and maximum gas supply scenarios;
- c) The incentives that the Respondent will provide to the current and potential off-takers for increasing gas demand beyond the current known and anticipated capacity;
- d) The Respondent's ability to conclude discussions/ agreement with any potential LNG suppliers and confirmation of timelines to finalise arrangements with potential suppliers.

6.3 **The proposed LNG Terminal Design**

- 6.3.1 What technologies will the Respondent deploy to undertake the Concession? Please elaborate on the appropriate equipment, stacking procedure and logistics flow of operations including rail and road configuration;
- 6.3.2 The Respondent's operating model for the conveyance of LNG to potential customers and users of the LNG Terminal and related infrastructure;
- 6.3.3 What is the Respondent's projected capital investment in terminal infrastructure required to undertake the Concession?
- 6.3.4 Please advise of capability to procure FSRU's, which comply with the project schedule and technical parameters?

- 6.3.5 What are the projected timelines to operationalise land-based elements of the Terminal;
- 6.3.6 What if any is the anticipated use of existing infrastructure;
- 6.3.7 What, if any, are the technical interface information and constraints such as:
- a) Vessel draft, metocean tolerance, storage and regas technology, emissions, utility requirements, etc.;
 - b) Integration requirements with berth and onshore facilities;
 - c) Hook-up and commissioning activities/timelines.

6.4 **Commercial Transaction Structure**

- 6.4.1 What is the proposed commercial structure, having regard to the expected return on the investment in the Terminal and port quay infrastructure?
- 6.4.2 What is the expected tenure of the Concession to obtain the expected return on investment in relation to the project capital expenditure?
- 6.4.3 How does this Commercial structure integrate with the intended operating and business model? Please elaborate and unpack your envisaged operating and business model explaining the rationale, therefore.
- 6.4.4 The Respondent is required to provide a general background on how the Respondent intends to finance the Project.

6.5 **Alignment with Governments Strategic Objectives**

- 6.5.1 What will be the Respondent's project contribution to new jobs, skills development, use and development of SMME's?

6.5.2 How will the Respondent ensure that the Concession remains environmentally sustainable?

6.6 Compliance

6.6.1 Which are the most critical regulatory approvals required to ensure the success of the Concession? Are there any regulatory approvals already obtained?

6.6.2 How will the Respondent obtain and retain all relevant and necessary regulatory requirements to undertake the Concession? What would be the timelines?

6.7 Information Relevant to timing of the Project

6.7.1 How much time, will a bidder to an RFP require:

- i. to prepare a bid response, taking into account any due diligence that a Bidder will need to carry out; and
- ii. To finalise all the requirements, to achieve financial close.

6.7.2 What is the timing of the Commercial Operation Date from Financial Close? Respondent to provide the necessary supporting documentation in support of such assertion.

6.7.3 What are the key issues relevant to timing of the Respondents' submission for this Project that the Respondent would like to bring to TNPA's attention; and

6.7.4 What is the anticipated critical path between Financial Close and Commercial Operation Date for the Project?

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 14 March 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 Concession and the introduction of the LNG Terminal.

7.2 Copies of the RFI Response

- 7.2.1 Each RFI Response is required to be delivered to TNPA by way of 1 (one) soft copy of the entire RFI Response, and the documents contained therein must be:
 - 7.2.1.1 Emailed to: richardsbaygasrfi@transnet.net;
 - 7.2.1.2 in Microsoft Word format, version 2007 or later, save where the document cannot be accessed by Microsoft Word, in which event it must be provided in a PDF format, or in Microsoft Excel format, version 2007 or later; and

7.2.1.3 Properly indexed, readable and capable of being opened.

7.3 **Format of RFI Responses**

- 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 **Monday 21 February 2022 @ 10h00**. Interested parties can join the briefing session by using a link that will be provided on the TNPA website;
- 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 **07 March 2022**;
- 10.2 All enquiries, queries, and requests for clarification in respect of this RFI must be in writing and addressed to the Project Officer and emailed to richardsbaygasrfi@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.