MINUTES OF CLARIFICATION MEETING
DESIGN, MANUFACTURE AND DELIVERY OF TWO LAUNCHES FOR THE TRANSNET NATIONAL PORTS AUTHORITY FOR THE PORT OF CAPE TOWN.

RFP NO.: TNPA/2022/06/0504/5366/RFP
VENUE: VIRTUAL MEETING VIA Microsoft Teams

DATE AND TIME: 15 JULY 2022, AT 11H00

MINUTES

NO.	MATTERS DISCUSSED	INITIALS
1.	**IN ATTENDANCE:** **Transnet National Ports Authority (TNPA)** Lesley Moses (Procurement Manager) Wandisa Kula (Contract Specialist) Vusi Chabalala (Project Manager) Michael Mararakanye (Project Planner) Michael Melato (Environmental Specialist) Luvuyo Jekwa (Chief Harbour Master's Office) Mzwandile Sizani (Marine Operations Manager) Sandile Zondi (Cost Engineer) Terrence Vilakazi (Safety Practitioner) Monica Nasha (Cost Engineer) Qetelo Mpanza (Commodity Specialist HQ) Tonny Britou (Manager - Logistics and Commercial) Michael Jacobs (SHEQ) Michael Melato (SHEQ) Lebohang Chabaku (Lead Planner) **Department of Trade, Industry and Competition (DTIC)** Andrew Mukandila Cathrine Matidza Bianca Jade Mokuena Fanie Gogiano Noneka Mde **Bidders in attendance** Refer to teams' attendance register **(Annexure A)**	**ALL**
2.	**APOLOGIES**	
2.1	None	
3.	**WELCOMING**	
3.1 **3.2**	Wandisa Kula (WK) welcomed all in attendance to the clarification meeting and presented the agenda for the meeting. WK gave an opportunity to all in attendance to introduce themselves.	**WK**

3.3	WK did the safety and evacuation procedure.	
4.	**Technical Presentation**	
4.1	WK handed over to Vusi Chabalala (VC), the TNPA appointed project manager, to present the background and scope of work. VC requested all questions to be reserved for after the presentation. **(Pls refer to Annexure B – Two Replacement Launches Presentation)** VC opened the floor of questions following his presentation.	**VC**
5.	**Technical Questions**	
5.1	**Bidder** **Q1** – Is TNPA aware that suppliers are only providing a minimum 14 to 30-day guarantee on pricing and how would TNPA be treating that contractually with the current validity period indicated as 90 days? **Transnet Response.** **A1**: The standard validity period for this tender is 90 days from the closing date. It is the responsibility of all bidders to negotiate with their suppliers for extended price validity periods. LM mentioned that the 90 days is the estimated time that Transnet requires to conclude internal tender evaluation and awarding processes. LM further mentioned that all offers must be valid at the time that the recommendation to award the business are made to the Transnet Acquisition Council. LM indicated that If there are any price increase that are unavoidable by the successful bidder following the award of business, evidence that the price increase is unavoidable will have to be presented to Transnet for further engagements.	
5.2	**Bidder** **Q2:** Regarding the technical aspects mentioned by VC, will the Compliance sheet be sent to the attendees and will this be loaded on to the Tender portal? **Transnet's Response** **A2:** The compliance sheet will be sent to the all bidders and will form part of documents added to the tender documents mentioned in Addendum.	
5.3	**Bidder** **Q:** Does the 90 days of Validity include or exclude public holidays, could this be detailed in an addendum. **Transnet's Response** **A:** LM confirmed that the validity period excludes public holidays. The tender validity period is for this tender is the **29th of November 2022**.	
6.	**Evaluation Methodology**	
6.1	WK presented Transnet's stages of evaluation and the evaluation methodology. WK explained the process of evaluation related to the administrative evaluation.	
6.2	WK further explained that failure to pass the substantive evaluation will result in disqualification. Bidders advancing to the next stage of evaluation, which is the technical evaluation stage, must achieve a minimum of 60 points to move onto the next stage of evaluation namely price and preference. **Prequalification Criteria**	

6.3	LM further explained the process of substitutive evaluation process which included for this tender, • Local product and content: Working Vessels = 60% • Subcontracting requirement of 30% to EME's/QSE's as detailed in the RFP. • T2.2-03 Certificate of Attendance at Virtual-Tender Clarification Meeting	
6.4	LM highlighted to the bidders that if the main bidder subcontracts to more than 1 subcontractor, the total amount of work to be subcontracted must add to 30% of the total value of the bidders offer. Any amount less than 30%, i.e., 29.99% will result in automatic disqualification.	
6.5	LM indicated that the exchange rates are included on SBD 6.2, T2.2**-02: Pre-qualification Criteria Schedule: Declaration of Certificate for Local Production and Content for Designated Sectors ,** and must be used by bidders for calculating imported content to ensure fairness for all bidders when evaluating bidder's responses.	
6.6	LM, further emphasized the process of substantive evaluation and highlighted that all bidders must pass all the pre-qualification criterion, which includes Sub-Contracting a Local production and content to move onto the next stage of evaluation. The following were further highlighted by LM.	
6.7	1. Bidders must meet 30% subcontracting, i.e., if bidder subcontract to 3 subcontractors, all subcontractors must be listed in the subcontracting schedule T2.2.01 and it must add up to 30% (not 29,9% or 29.8% or 29.5%) 2. Bidders must ensure that all subcontractors submit a valid BBBEE sworn affidavit or BBEE certificate for Transnet to confirm the status of the subcontractors, i.e. EME's or QSE's that is at least 51% Black Owned. 3. LM highlighted that if any subcontractor submits an invalid / expired sworn affidavit or BBBEE certificate, any percentage of work allocated to such subcontractor will be discounted and the main bidder might not achieve the sub-contracting requirement of 30% risking bidder to fail the pre-qualification criteria for sub-contracting. (Additional comment: Bidders are further required to ensure that the Commissioner of oath's date of signature is the same date as the bidder signature date on the sworn affidavit submitted. If the sworn affidavit is not signed on the same day (both bidder and commissioner of oath) the subcontractor's percentage of scope allocated to such subcontractor will not be considered in the final subcontractor total percentage and may lead to disqualification if the minimum 30% subcontractor is not achieved as a result.	
6.8	4. The onus is on the bidder/main contract to ensure their subcontractors submit valid certificates.	
6.9	LM requested bidders to make sure that all supporting documents are submitted for scoring. Transnet can only evaluate based on the evidence of what has been submitted as part of the RFP.	

6.10	LM spent time on the issue of local production on content and again highlighted the importance of ensuring complete compliance to local content. LM highlighted that Annexure C, D and E must be submitted with the RFP and highlighted that Annexure C especially is mandatory returnable, failure to submit this will lead to disqualification. WK highlighted to the bidder attendees that, they are to ensure that after the clarification meeting, they are to email me their "T2.2-03 Certificate of Attendance at Virtual-Tender Clarification Meeting" for signing	
6.11	**Local Content: Process for applying an exemption request** Bianca Mokuena (BM) of the DTIC requested bidders to note the following when asking for exemption. 1. Exemption request must be on an official company letter head and the letter must be signed. 2. Letter must include the official tender number as well as the tender closing date. 3. The item (s) the bidder is requesting exemption for must include product specifications. 4. Bidders must indicate what component (s) specifically they are requesting an exempted for. Bidders must indicate on **Annexure C - Local Content Declaration - Summary Schedule** what percentage the bidder can achieve and what percentage the bidder is seeking exemption from the DTIC. 5. All exemption requests must be directed to Dr Makube as per the instruction note **(Refer to Attached Communication from the DTIC**) BM will provide LM a copy of the instructions and procedures how to request exemption. LM futher requested the bidders to ensure that all certificates pertaining to their BBBEE accreditation are valid at the time of their tender submission and if it's not valid, the certificates will not be taken into consideration. LM further stated that the bidders need to ensure that the certificates are issued by an accredited BBBEE verification agency.	
6.12	**Question and Answers: Related to Local Content requirements** **Bidder** **Q:** If on the date of the tender submission, the bidder's subcontract has a valid EME/ QSE status, but in during the execution phase, that status changes, how will this issue affect the project. **Transnet Response** **A:** LM responded by stating that, if the status of the sub-contractor changes after the contract has been awarded, the successful bidder will have to notify WK or the Supplier Development Department, stating that their subcontractor no longer meets the requirements. The successful bidder will have to notify Transnet and will have to appoint a subcontractor that will meet the requirements. LM further highlighted that, failure to notify WK/ the Supplier Development department can lead to the risk of facing penalties pertaining to non-compliance with contract conditions. **Bidder**	

TRANSNET national ports authority

	Q: What is the process to request for exemptions, who is the contact person at DTIC, and can a template be provided to the bidder to have? **Transnet Response** **A:** BM stated during her presentation that she will share the template which details the process to be followed to request for exemptions and all the requirements for exemptions. She further mentioned that the request can be sent to Dr Teboho Makobe and cc Cathring Matidza **Bidder** **Q:** Are there any additional documents that are required, other than those in the SBD 6.2 and Annexure C, D and E document. **Transnet Response** **A:** LM responded that, everything has been included in the RFP documents advertised to the market. **Bidder** **Q:** Bidder requested clarity on whether is it a hard requirement to have supporting letters from local manufacturers, to the extent that they can/cannot manufacture & supply to the tender local content requirements? Or can the bidders just submit their letters to DTIC based on the local manufacture feedback, without any supporting documents. **Transnet Response** **A:** BM responded by saying, yes, the supporting letters will also need to be submitted.	
6.2	**T2.1 Tender Data**	
6.2.1 **6.2.2**	WK highlighted and advise the potential bidders to ensure that they carry over the correct total tender prices from their activity schedule to the Form of Offer. WK further stated that all considerations/qualification of the tender bid must be included in bidder's cover letter of the tender and include them in the Schedule of Deviations, which is page 4 of the Form of Offer.	
6.3	**Contract Data**	
6.3.1 **6.3.2** **6.3.3** **6.3.4**	WK, highlighted that with regards to delayed damages, bidders are to note that, there will be penalized at a rate of R25 000.00 per day. WK further highlighted that bidders are to also include their price the 10% performance bond of the total price. WK further pointed to the bidders that there will also be a 5% Retention of all certified payments, therefore the bidders are to plan for this in their cash flows. **WK requested VC to just briefly go through the project milestones or key dates on the C1 tender document** VC therefore raised to bidders to note the 14-month period that TNPA is planning to undertake this project. He also requested the bidders to take note that the key date to note is the start date and the actual duration of 14 months and the rest of the milestones will land where they land relative to the start date.	
7.	**Tender Closing**	

7.1	WC handed over Tonny Britou (TB) to present the Transnet e-Submission process.	
7.2	TB went through process stated on the "External Bidder Guide for Transnet E-Tender Portal System Advertised Bids" tender document updated in Addendum 3. TB made a plea to the bidders to allow themselves adequate time and to rather not wait till the last minutes to load their tender documents as there are possible risk associated to many factors.	
7.3	TB further highlighted that bidders are to remember that, when uploading their files, they cannot have a zip file that is more than 30 megabytes (MB). Bidders will therefore need to split their documents or files into 30MB files. There is also no limitation on how many 30MB documents can be uploaded at one time.	
7.4	TB further stated that, to avoid any foul play with regards to bid submissions being amended, documents are to be submitted only in pdf format	
7.5	Bidders must also allow sufficient time to ensure that their submission have gone through by clicking on the "My Submission" tab. She further advised the bidders, that, if they are unsure, they can just do a screen grab that can serve as proof that their tender was submitted and submitted before the closing date and time. **Question and Answers: Related to Local Content requirements** **Bidder** **Q:** Bidder requested clarity on whether there is an ICT support person on TNPA side, should there be any submission issues. **Q**: Can uploaded documents be amended, deleted, and therefore re-submitted? **Transnet Response** **A:** TB responded by saying, if bidders encounter any issues pertaining to the uploading of documents, they can send an email to WK, WK will then direct or escalate the encountered issue to relevant person to respond. **A:** Bidders can amend their bid documents as and when they require but up until the closing date and time. **Bidder** **Q:** Due to TNPA's requirement to submit the program in MS Excel or MS project or Primavera, Bidders requested clarity on how these must be submitted if submission as presented by TB, is supposed to be in pdf. **Transnet Response** **A:** VC responded by statin that the files will have to be submitted in their native format for TNPA to be able to assess the linking of the activities. **A:** TB responded by say that she will seek further clarity and answers from the developers of the system on whether other formats other can be submitted or not.	
8.	**General**	
8.1	WK indicated to the bidders that he will be sending to the all those in attendance, with in five(5) working days, all the documents, minutes, presentations, etc. to the original post where the advert was advertised originally due to the session being a non-compulsory briefing session.	

8.2	All request for information must be communicated to Wandisa Kula before the cut-off time and date for clarification request and bidders must allow up to 3 days for Transnet to provide a response.	
8.3	Bidder requested clarity on the actual tender validity period, between 90 days and 12 weeks from closing date, as both are stated in one of the tender documents, LM responded that the validity period is calculated 90 calendar days from the closing date. ***(Correction is noted, and this must reflect 90 business days, an amendment to the affected document will uploaded as an amendment.***	
8.4	Michael Melato (MMel), highlighted the importance of submitting documents as per the bidders stated index.	

9.	**Closure**	
	WK thanked everyone for attending the compulsory session and concluded the meeting at 13:00	

Prepared by: Wandisa Kula

Date 22 July 2022