SECTION 8: RFP CLARIFICATION REQUEST FORM

RFP No: POD 03/2024/02
RFP deadline for questions / RFP Clarifications: Before **12h00 pm on 20 March 2024**

TO:	Transnet SOC Ltd
EMAIL	**PODREALESTATETENDERS@transnet.net**
DATE:	20 March 2024
FROM:	Bidfreight Port Operations (Pty) Ltd

RFP Clarification No *[to be inserted by Transnet]* ....

REQUEST FOR RFP CLARIFICATION

1. Clause 3.4 - Page 6 - the paragraph referenced is as legal review is referring to paragraph 11 however legal review is reflected on paragraph 10. Please clarify what the reference should be.

   The reference should be the paragraph referenced as legal review referring to paragraph 10.

2. Clause 11 – Page 8 – What security clearance is required, and which authorities is being referred to in this clause.

   Should there be any security clearance required for this bid, the Successful Bidder will be advised on the kind of clearance required.

3. Clause 5.3.1.3 & Page 14 Credit Risk Assessment (Technical Guidelines) - Page 16 – In the tender briefing, our financial director raised the question for clarity of these clauses and the response was that a bank code will suffice as evidence for these clauses.
   a. Is this correct that the bank code will suffice to cover these clauses?

      A bank code will not provide the required results in this case. The credit risk assessment **report** is issued by a financial institution after assessing the financial position/ credit worthiness of a particular company in relation to the proposed business to be established as a result of award of a lease. The report will provide results ranging from low to high.

   b. Our bank rating is in the form of A, B C – eg, rating C being Good For Amount If Strictly In Way Of Business for a specific amount requested – Will this be accepted instead of the rating required as low / average / high?

      The bank rating must specify a rating as indicated on Matrix provided in the RFP.

4. Clause 5.3.1.6 – Page 15 – The evaluation awards points as follows: *4. Proposed value to Port (Short and Medium Term)* – Given that this is a 5-year lease, what period qualifies as short term and what period qualifies as medium term?

   Port Development Framework indicates that short term is up to 10 years, the 5 years falls under the short term.

5. Clause 5.3 – Pages 13-16 - For the Functionality / Technical, the minimum weighted score that needs to be achieved is 66.67/100. The maximum points for each of the 9 evaluation criteria that can be scored is 3 which brings you to a maximum of 27 points. How will the points earned quantify to the weighted score?

   The score card will be utilized with the necessary weighting, points will be weighted according to column number 2.

6. Clause 5.5 - Objective criteria - Page 17
   a. Please can you explain what specific requirements of the PPPFA would justify the award of the tender to a bidder who does not score the highest? Particularly when Step 4 of the evaluation criteria already takes the requirements of PPPFA into account by using an 80-20 weighting methodology?

      PPPFA allows the organ of state to stipulate their objective criteria to award to a bidder who is not the highest.

   b. Why is the PPPFA applicable to this tender as this is a lease tender whereby TNPA is the supplier and hence not procuring anything from the tenderer?

      The PPPFA of 2022 regulations specifically include revenue generating contracts.

7. Clause 5.5.1 – Page 17 - says Transnet may overlook a bidder that already holds leases for similar operations in the port where the award of the tender will result in inequitable allocation of business. Please can you define/clarify the following:

   a. What exactly does Transnet consider to be a 'similar' operation?

      TNPA will determine number of similar operations taking place in the Port if BPO has number of leases for those operations TNPA can award to a new entrant.

   b. Are 'similar operation's just those in the Port of Durban or would properties held in different ports be taken into account too?

      In the Port you bidding for.

c. Please quantify the phrase 'inequitable allocation' as 'inequitable' is a subjective, not an objective measure. Eg if a bidder already has one lease for storing containers and they are the preferred bidder for another lease, will this then be an 'inequitable allocation' as they now have 2 leases? Notwithstanding the fact that their 2 leases may be far smaller in footprint than just 1 of TPT's leases?

It will only be inequitable if the other lease is also for the storage of containers.
TNPA allows fair access and fair opportunities to Port operations.

8. For clarity, for each of the leases/sites advertised, please will you provide:
   d. a list of operations that would be considered 'similar operations' by TNPA

   TNPA cannot preempt the submission that will be received.

   e. the exact number of sites or total site are or any other defined objective number that if exceeded would be considered by TNPA to be an 'inequitable allocation'.

   TNPA cannot preempt the submission that will be received.

9. Clause 5.5.2 – Page 17 - Please can you explain what is meant by 'specialised operations' and how this may be deemed an objective criteria that can justify the awarding of a lease to a bidder who does not score the highest?

   TNPA cannot preempt the submission that will be received. PPPFA allows TNPA to stipulate their objective criteria.

10. If a bidder is not awarded a lease where they scored the highest because of the application of the objective criteria, will TNPA advise the bidder what specific objective criteria were used to overturn their application?

    Refer to Clause 5.6

11. Clause 5.5.3.4 – Page 18 - please provide details on how a 'negative impact on Transnet's Return on Investment' will be quantified and give examples of how awarding a lease to the preferred bidder might result in this?

    Transnet has an approved hurdle rate of 11.11% used to determine the ROI. If the ROI falls below the hurdle rate, Transnet cannot enter into a lease agreement.

12. Essential Returnable Documents – Page 24. For the Certificate of Attendance– what do we issue for this as the briefing session meeting was online and TNPA will have an attendance register?

    As much as this was a non-compulsory briefing, TNPA has got record of attendance.

13. Will the tenderers be given an opportunity to ask follow up questions that may arise from the answers given by TNPA for this round of clarification questions?

    Closure of clarification questions was on 20 March 2024 at 12h00.