

Tibar Bay Port PPP: Questions and Answers on the Project from Prequalified Bidders

Date	Question	Answer
21 May 2014	What is the business scope of the terminal – container and breakbulk cargo only? Foreign and Domestic? What about passenger ferry services or vessels on diplomatic missions (eg naval vessels) are these included?	The business scope of the terminal is foreign and domestic container and breakbulk cargo. Passenger vessels which may also carry incidental amounts of non-containerised cargo will use the existing Dili port. Naval and related vessels have access to the Hera naval base.
	Do Marine services include pilotage or only tugboat services?	Marine services include pilotage, tugboat and mooring services.
	Are bunkering, chandling and water supply included in the scope of services (and revenue stream) for the port?	Yes. They may be provided directly by the Concessionaire or by its sub-contractors subject to the provisions of the Concession Agreement.
	Is the port envisaged to provide truck holding/parking areas, empty container depot services? Is there a tariff governing such services.	Truck holding and parking areas and empty depot shall be provided by the Concessionaire. The procedure for setting the tariffs for such services will be set out in the Concession Agreement.
	What is the projected share of the GoTL on non-cargo handling services such as watering, chandling tugboat etc...?	Arrangements on non-cargo handling will be dealt with in the draft CA.
	In what form shall the GoTL and APORTIL commit the closure of the old port in the city	The Government is committed to closing the existing Dili port to cargo traffic, except domestic ferries. The Government is willing to discuss the form of this commitment with bidders.
	Is the two berth (630 meters) the required minimum state after completion of Phase 1 or can the quay length be lowered for phase to match the projected volume and ship sizes?	Two berths (630m) is the required minimum.
	If phase 1 can be adjusted below the 2 berth 630 quay,	Berth length and dredging are fixed. Yard area, number of quay cranes and

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	what is the minimum scale of phase 1 (quay length, yard area, no. of QC and RTG, berth pocket draft marine dredging etc...)	yard equipment can be adjusted consistent with the requirements of the Concession Agreement. The bidder must be able to demonstrate that the minimum service requirements can be achieved by the proposed design of the area and the proposed set of equipment.
	Is channel deepening and widening (if applicable) part of the project and the responsibility of the Concessionaire?	Yes
	GoTL has indicated that it is prepared to contribute significant proportions of the initial investment CAPEX.” Is this just for phase 1? Will GoTL be prepared to contribute CAPEX for phase 2?	The Government expects that its contribution will be made during the construction phase and that the Concessionaire will be responsible for all CAPEX in the Operation Phase including for any proposed expansion of the facility.
	GoTL has indicated that it recognizes “that the Project requires an injection of government funds to be commercially viable.” What is the structure, amount and purpose of government funding? Will it be one-off or also for ongoing opex?	The size of the Government’s required Viability Gap Funding (VGF) contribution to the project is the key bid variable. The Government does not expect to make any continuing financial contribution beyond the initial VGF contribution which shall be disbursed during the construction phase of the project. The Government is willing to discuss the structure and timing of its contribution with the bidders.
	If GoTL infuses funds for the project, will this be an equity contribution of the GoTL thus making it part-owner of the port operation company?	No. The Government does not expect to have an equity stake in the project.
	GoTL has indicated that , “ the private sector will also be responsible for all operation phase capital expenditure.” Who does “private sector” refer to?	It means the Concessionaire, its shareholders and lenders and any other source of funds from non-governmental sources.
	GoTL has indicated that, “ GoTL’s financial modeling	No.

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	indicates that this structure will enable the private sector parties to secure an attractive investment return.” Can GoTL share the financial model?	
	GoTL has indicated that, “ GoTL will receive a share of the revenue through a royalty payment (per TEU)...” What is the per TEU amount of royalty payment? What is the on-going adjustment mechanism (if any)?	This question will be dealt with in the draft CA.
	The APORTIL granted licences to various stevedoring and port-related entities, how will the Tibar Bay project impact on these licences? Will they gain rights or access regarding the operation of the new port? Is there financial compensation to these entities should their licences be revoked? If yes, will this form part of the bidder’s investment?	The existing stevedores at Dili port will not have any rights or access to the new port. The bidder is not expected to provide financial compensation to the existing stevedores.
	Who is the registered legal owner of the land and water of new terminal?	The port is located on Government land. The process of formally registering the title is underway.
	Are land compensation and clearance of new terminal areas already done?	The stakeholder engagement process is underway. The government has indicated it will be conducted in line with the law and IFC performance standards.
	Can GoTL provide documentary evidence to the land ownership of the terminal? Is it currently under GoTL or APORTIL?	The process of formally registering the title is underway.
	The paper states, “ APORTIL’s area of jurisdiction comprises all areas of port interest” (areas de interesse	Answer to this question will be given in a near future.

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	portuario”), including the ports and slipways of Oecussi, Tibar, Dili, Dili Pertamina...” Can GoTL provide documentary evidence proving the terminal is under APORTIL’s jurisdiction?	
	Are there any existing or potential land ownership disputes related to Tibar Bay?	The port is Government land. The process of formally registering the title is underway. Stakeholder issues are being managed in accordance with IFC performance standards.
	There is an existing port at the proposed Tibar Bay Port site. Is there a potential land ownership or licence- to-operate dispute arising from this?	There are currently no such disputes.
	Are there any legal or informal occupants/settlers in the Tibar Bay site?	Answer to this question will be given in a near future.
	The paper states, “ The Tibar Bay site is not specifically listed as a protected area (under the Protection Regulation – UNTAET Regulation 2000/19), but may comprise shallow coral reef bay, with surrounding wetlands and mangrove areas, which are legally protected under the currently applicable UNTAET Regulation 2000/19.” Are there any shallow coral reefs, with surrounding wetlands and mangrove areas at the project site? If so, what is the action being taken by GoTL or APORTIL? What is the impact on development cost and schedule?	The Government is developing a project-specific Decree Law that will address this and other issues as required to facilitate the development of the project.

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	What are the differences between, 'Licence for Business Activity to be issued by the Minister of Commerce' and 'APORTIL License Certificate'? What will apply in this project?	The Government encourages Bidders to carry out their own Due Diligence.
	What is the max foreign shareholding of the port operator/terminal company?	It is envisaged that the members of the bidding consortium will form the shareholders of the Concessionaire and this will be dealt with in the draft CA.
	Is the Government prepared to be one of the shareholders of the terminal company? If so, what is the shareholding %	No. The Government does not wish to have a shareholding in the Concessionaire.
	10% salary tax and corporate income tax rates are defined. What is the outlook of tax rates for the next 30 years?	The Government can not give any answer to this question.
	Is GoTL prepared to commit the salary tax rate of foreign secondee and corporate income tax rate to the terminal company at 10% fixed over the entire 30 year concession.	No. Such persons will be subject to the usual laws on taxation in the same way as any other persons working in Timor-Leste.
	What is the WHT income tax rate on dividend paid to the foreign shareholders?	The Government encourages Bidders to carry out their own Due Diligence, but it is usually 10%.
	A 'Limited Liability Company by Shares (known as Societada Anonima or SA)' must at least have 3 shareholders. Can all the shareholders be the foreign company (meaning that none is either a Timorese	The Government encourages Bidders to carry out their own Due Diligence.

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	individual or Timorese local company)?	
	Is the Tibar Bay Project entitled to tax exemptions for 10 years? Or 5 years? (Art 21 no. 1 of the Law 14/2011)	The Government encourages Bidders to carry out their own Due Diligence.
	Is the project entitled to customs exemptions on imports of materials, equipment machinery for the construction, management and operations of the port?	The Government encourages Bidders to carry out their own Due Diligence.
	The existing two licensed general insurance companies in Timor-Leste do not cover the Property All Risk insurance. What mechanism is available to port operator/terminal company to manage this insurance coverage?	The Government is prepared to discuss this issue with the Bidders in order to facilitate procurement of the required insurance.
	Is labour union membership mandatory under law?	The Government encourages Bidders to carry out their own Due Diligence.
	Are there existing labour union/s at Dili Port? How will the new port impact them?	The Government encourages Bidders to carry out their own Due Diligence.
	Are the existing port workers guaranteed employment in the new port when the old port closes?	No. Local development is a bid criteria and the Government is interested to see what proposals the bidders can provide with respect to opportunities for Timorese citizens to be engaged in the construction and operation phase of the project. The RFP contains further details on this aspect.
	In RFP Annex 7-B, Template Financial Model, there are prescribed tariffs in the worksheet.	Tariff arrangements will be dealt with in the draft CA.

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Date	Question	Answer
	<ol style="list-style-type: none"> 1. What rates will apply for International (or Foreign) Container Stevedoring? 2. What rates will apply for International (or Foreign) Container Receipt or Delivery? 3. For General Cargo: <ul style="list-style-type: none"> ○ Is there a tariff for delivery and receipt of cargoes? ○ What is the applicable storage tariff for general cargo? 4. For Vehicles: <ul style="list-style-type: none"> ○ What are the applicable tariffs for vehicles? ○ What is the applicable storage tariff for general cargo? 	



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TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 3

12 September 2014

Sr. No.	Questions/Queries	Response
1	What information is to be included in the Template Financial Model?	<p>Income to be considered in the Financial Model should be all income (not limited to tariff positions shown in Appendix 6, Part 1, table under 1.1).</p> <p>The bidder is free to propose tariffs for services not included in Appendix 6, Part 1, table under 1.1 (see Appendix 6, Part 1, clause 1.2.). The corresponding estimated income should be included in the financial model.</p>
2	Container scanning, customs and quarantine	Facilities necessary for the conduct of these operations should be included in the bidders' proposal. Updated technical specifications will be provided shortly.
3	Is there flexibility to adjust the tug boat requirements?	60t minimum bollard pull is required.
4	The specified maximum permissible single wheel load is too low for a crane of the specified dimensions and capacities.	Appendix 3, section 9.1, Ship-to-Shore Crane: Max permissible wheel load should read 450kN.
5	It is established that Crane Productivity will be evaluated by dividing the number of handled containers by the total berth hours. In many ship calls, total berthing times and actual operation times differ substantially for causes out of the control of the terminal operator.	Unproductive berth hours of vessels before commencement and after closing of cargo handling operations may be excluded from the calculation. The corresponding section of Appendix 4, Part 1, Containers will be amended to read:



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CLARIFICATION NO.: 4

26 September 2014

Sr. No.	Questions/Queries	Responses
1	Please clarify the application of Clause 3.2.3 from the Instructions to Bidders.	<p>This clause only applies to the members of a consortium at the bidding stage. Each company comprising a consortium which submits a bid as per the rules set out in the Instructions to Bidders will be jointly and severally liable to the Grantor in respect of such bid (in particular, if they decline to proceed with the project despite having been selected as Preferred Bidder). The rationale for this rule is that at the time of the bid submission, the consortium will not be a legal entity distinct from its members.</p> <p>When a consortium is selected as Preferred Bidder, such consortium will incorporate a project company which will execute the Concession Agreement as the "Concessionaire". The consortium members will be shareholders of the Concessionaire. The Grantor's contractual relationship will be directly and solely with the Concessionaire, not with the shareholders.</p>



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CLARIFICATION NO.: 5

16 October 2014

Sr. No.	Questions/Queries	Responses
1	<p>Can we have an idea of how many people should be installed at each of the following offices?</p> <ul style="list-style-type: none"> • Port Health Office, • Immigration Office, • Quarantine, • Customs Offices, 	<p><u>PORT HEALTH OFFICE</u></p> <ul style="list-style-type: none"> • One Doctor/nurse • One Public Health Officer <p><u>IMMIGRATION OFFICE</u></p> <p>A minimum of ten (10) Immigration Officers</p> <p><u>QUARANTINE</u></p> <p>A total of six (6) officers:</p> <ul style="list-style-type: none"> • Two (2) officers of Plant Inspection Unit • Two (2) officers of Animal Inspection Unit • Two (2) officers of Fisheries Inspection Unit <p><u>CUSTOMS OFFICES</u></p> <ul style="list-style-type: none"> • 35 Customs Officers
2	<p>Which are the main requirements for the following offices?</p> <ul style="list-style-type: none"> • Port Health Office, • Immigration Office, • Quarantine, • Customs Offices, 	<p><u>PORT HEALTH OFFICE</u></p> <p>The following five (5) offices are required:</p> <ol style="list-style-type: none"> 1. Administration office (Room A) 2. Emergency/Isolation room for accident and contagious treatment, including its own toilet room (Room B) 3. Room or Clinic for Basic treatment (Room C) 4. Storage rooms for keeping the medicine and others equipment (Room D) 5. Toilet room for Staffs (Room E) [But: Port Health staff could use general toilets at Tibar Port if suitably located]. <p>The sizes of the rooms are not available at this stage.</p> <p>The following Equipment and Facilities are required in the Port Health Office</p> <p>Room A:</p> <ul style="list-style-type: none"> • One table and one chair • One file cabinet



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		<p>Room B:</p> <ul style="list-style-type: none">• One bed• One chair• One medicine chest• Separate toilet for emergency patients & contagious diseases <p>Room C:</p> <ul style="list-style-type: none">• One table for doctor/nurse• Three chairs• One treatment table• Curtain / Partition <p>Room D:</p> <ul style="list-style-type: none">• One cabinet / shelf <p>[All rooms must be air-conditioned]</p> <p><u>IMMIGRATION OFFICES</u></p> <p>A total of four rooms are required:</p> <ol style="list-style-type: none">1. Office / Station (4 x 6 meters)2. Archive and logistics room (4 x 4 meters)3. Two (2) Counters or desks (1.5 x 1.5 meters each) for<ol style="list-style-type: none">a) Arrivals, andb) Departures <p>The following Equipment and Facilities are required in the Immigration Offices:</p> <ul style="list-style-type: none">• Office furniture and equipment• Closed Circuit TV System• Boarding Management IT System (BMS)• Photocopy Machine <p><u>QUARANTINE</u></p> <p>The following spaces are required for Quarantine:</p> <ol style="list-style-type: none">1. One office for each Unit (i.e. a total of three offices)2. Store room3. Cold Store4. Space for heavy equipment <p>The following Equipment and Facilities are required for Quarantine:</p>



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Sr. No.	Questions/Queries	Responses
		<ul style="list-style-type: none">• Office furniture and equipment• Machine for goods destruction• Water and sanitation installations <p><u>CUSTOMS OFFICES</u></p> <p>The main characteristic of customs facilities are as follows:</p> <ul style="list-style-type: none">• Flexibility.• Modularity.• Adaptability to different control methods.• Process Integration.• Appropriate size.• Communication of identity. <p>In this perspective, customs will need the following facilities</p> <p><i>1. Administrative Buildings</i></p> <p>Like the integrated border posts as a whole, administrative buildings should not be too large. They are to support operations for staff members. Administrative buildings typically should include offices for management and supporting staff violations section, a control room, a services area and dormitories. <i>(See drawing file No 3 attached).</i></p> <p>Furthermore, for safety reasons and given the nature of the responsibilities of the officers allocated in the above buildings, they must be located away from the vessel discharge and loading areas and closer to the container truck entry and exit area. The buildings should be fenced from work vehicle traffic except via dedicated roads.</p> <p>They should be inside the Port fence. Access to the offices for staff would be from the port and the land side. Access for business visitors would be from the main car park via a pedestrian gate.</p> <p>Control room.</p> <p>With closed Circuit television monitors allowing perimeter, clearance area and booths surveillance by displaying control point activity and movement of Containers in the sea port</p> <p>Services area.</p> <p>The best practice is to keep commercial Services at Sea Ports as limited as possible. Still, some activities may be indispensable. First, Customs Brokers are required for cleared goods [The use of a Customs Broker is mandatory in Timor Leste].</p>



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		<p>Violations room. Customs and Law enforcement agencies should have specific facilities for interviewing suspects and detaining offenders.</p> <p>2. Clearance Area</p> <p>Tibar Bay Sea Port will need a full scale goods clearance facility.</p> <p>The clearance area normally requires an inspectors' office where documents will lodge for inspections. Clearance area basically is composed of office to allocate customs and quarantine officers in order to produce an inspection report and check information related with the inspected goods, namely; HS 2012 tariff, internet search, etc. The above office will be adjacent to the inspection bay (platform) where the physical inspection will be carried out. Please note the clearance facility must be enclosed by a fence with control pedestrian gates (<i>See drawing file No 4 attached</i>)</p> <p>3. Storage Yard for Containers to be released(green) and to be inspected (red)</p> <p>The Storage Yard should be adjacent to the clearance area in order that the cargo trucks can move Containers immediately to the clearance area whether for scanning, inspection or release.</p> <p>4. Parking Lot</p> <p>Government and and/or privately owned vehicles (GOV/POV) parking areas must separate from the clearance area enclosed by fence. Also, parking area must have an entrance pas security gate.</p> <p>5. Control Booths</p> <p>Booths should be in the entrance and exit seaport gate allowing customs officials and port authority staff tin order to control goods entering and leaving the seaport. The booths must have connection with ASYCUDA in order the recorded the exit note. (<i>See drawing file No 4 attached</i>). Likewise, boom gate systems should be installed at the entrance and exit gate, namely:</p> <ul style="list-style-type: none">• Automatic Hydraulic Bollards (Anti-Terror Products)• Magnetic Locks <p>6. Safety Plan</p> <p>The seaport should involve customs in the implementation of security measures, namely seaport infrastructure that promotes the</p>



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		<p>safety and security of personnel working in the port and visitors and the flow of the Containers, assessment of the risks of terrorist activities among others.</p> <p style="text-align: center;"><u>EQUIPMENT AND OTHER FACILITIES</u></p> <p>A securely fenced location must be kept aside (under Customs control) for containers, cars or other cargo, except perishable, that has been</p> <ul style="list-style-type: none"> • Abandoned • Unclaimed, or • Seized <p>It is our preference that these goods are kept close to the Customs inspection office so they can be monitored.</p>
3	<p>Is it necessary to provide an area for Container scanning? A new Scanner must be provided or exiting Scanner will moved from Dili Port to Tibar Bay?</p> <ul style="list-style-type: none"> • Customs 	<p style="text-align: center;"><u>CUSTOMS</u></p> <p>Customs requires an area for Container scanning equipment with a specification that meets with requirements of safety in order to avoid radiation that may cause hazardous to health. This area should be next to the Customs Inspection area. This will enable the truck carrying the Container to pass through the x-ray and then proceed directly for examination if required.</p> <p>Furthermore, the location of the scanning machine and the inspection area would ideally be near the end of the Container movement flow within the port as this allows Containers that have been scanned and/or inspected to be freely removed from the location to either a released Container holding area or out through the gate.</p> <p>Customs currently has movable x-ray machines however we are currently investigating our future X-ray capabilities. As the timeline for completion of Tibar Bay Sea Port is uncertain we cannot commit to exactly what type of machine we will have in operation. However any future choice will require a large x-ray shed (to avoid Radiation exposure to workers) and a large under cover inspection area. The x-ray building should be sufficiently oversized to meet future size increases. Currently Customs has two movable X-Ray machines which may be moved Tibar Bay or others.</p>
4	<p>Is it necessary to install a building for veterinary border inspection of imported human and animal food products? If yes, is there a regulation specifying the characteristics of such building (Border Inspection Facilities).</p> <ul style="list-style-type: none"> • Quarantine 	<p style="text-align: center;"><u>QUARENTINE</u></p> <p>There are 2 Decree Laws that allow <i>Serviço Quarentena</i> to install facilities for veterinary border inspection for imported human and animal food products, as described below:</p> <ol style="list-style-type: none"> 1. Decree Law of Quarantine No. 21/2003 Day 31 December of Quarantine Legal Regime in Import and Export of Goods and Monitoring of International Shipping;



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	<ul style="list-style-type: none"> • Customs 	<p>2. Decree Law of Quarantine No. 1/2003 Day 20 September of General Regulation of Quarantine</p> <p><u>CUSTOMS</u></p> <p>In order for Customs and Quarantine Services to clear this kind of good at the first point of entry, the new Tibar Bay port will need suitable facilities for the Import of both refrigerated and ambient-stable products of animal origin both for human consumption and not for human consumption.</p> <p>Basically the main characteristics of these buildings consist of a warehouse with entry and exit points subject to permanent control by the Quarantine and Customs Services. Also these warehouses must have refrigeration rooms allowing for separate storage of products which do not comply with quarantine legislation. (<i>See drawing file No 2 attached</i>)</p> <p>These facilities should be attached or part of the same building housing the X-Ray building and the Container inspection area.</p> <p>[Please refer to Question # 2 for <i>office requirements of Quarantine Services</i>].</p>
5	<p>In many ports Customs is involved in the process as they want to collect duties from auctioned/destroyed cargo (what procedure should be taken to deal with unclaimed cargo?)</p> <ul style="list-style-type: none"> • Customs 	<p><u>CUSTOMS</u></p> <p>Any entered or un-entered merchandise (except merchandise under article 59.3 of Decree-Law 11/2004 Customs Code of Timor-Leste), which remains in Customs custody for 60 days from the date of arrival to Timor- Leste Customs Territory or a lesser period for special merchandise as 59.3 of Decree-Law 11/2004 Customs Code of Timor-Leste, and without all estimated duties and storage or other charges having been paid, shall be considered unclaimed and abandoned.</p> <p>Accordingly, the sale of abandoned goods or of goods declared forfeited to the Treasury shall be shall be liable to auction. In the case of Motor Vehicles, in accordance the Decree-Law 30/2011, shall be dismantled and sell the spare parts in Public Auction.</p> <p>In accordance with article Organic Law of the Ministry of Finance, the authority responsible to carry out the public auction process is National Directorate of Assets. However these goods remain under Customs Control and Customs is responsible for the commencement of this process and must decide where they will be stored until they are disposed of.</p> <p>Either by transferring to Assets department or maintaining securely</p>

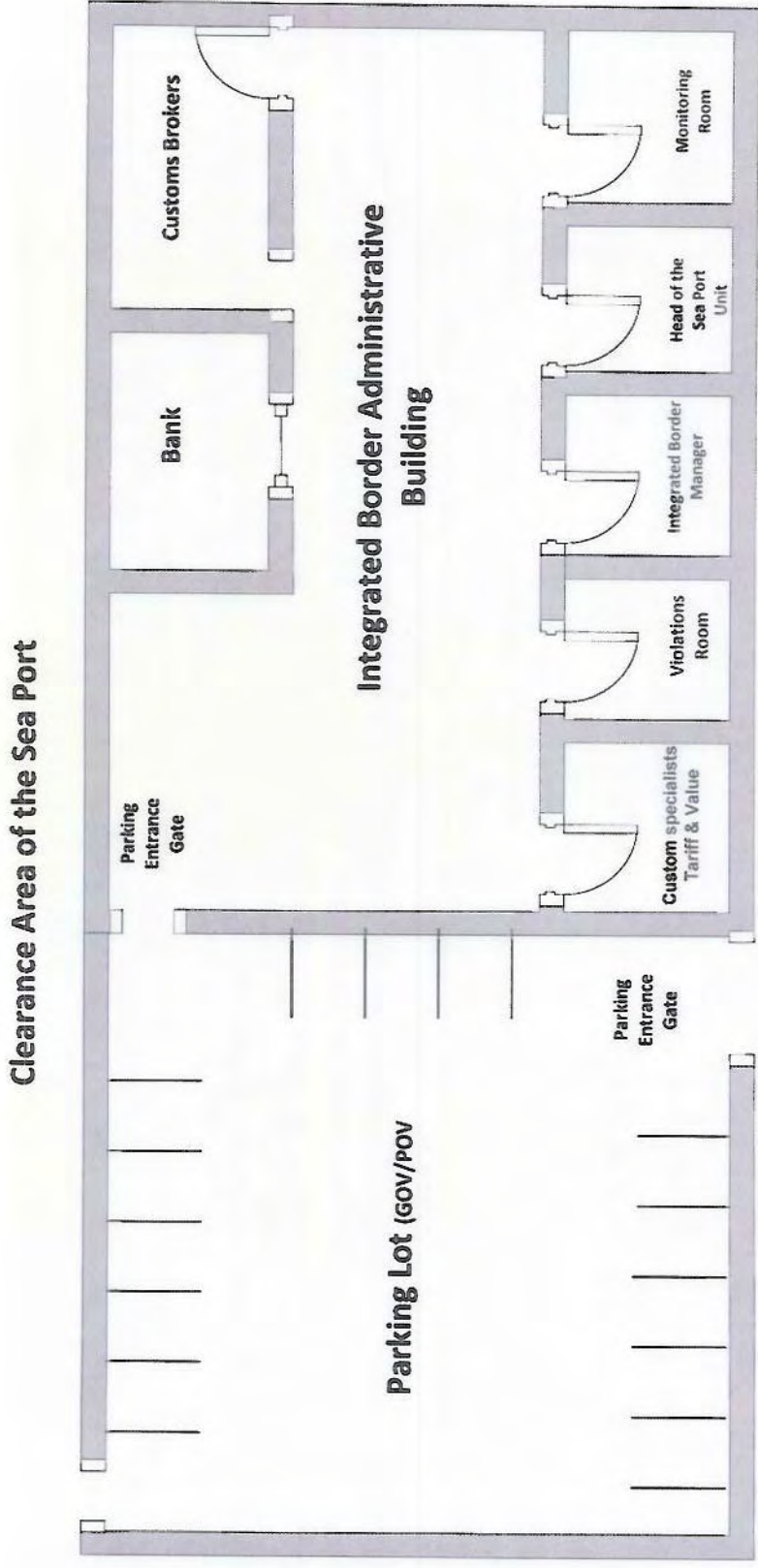


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		<p>in the port.</p> <p>Perishable goods or rapidly deteriorating natural foods, where a guarantee, surety or cash deposit is not provided within one business day from the date the goods were seized, can be donated to charitable organizations in accordance with article 28.6 of Decree-Law 10/2004 Customs Tax Offences in Timor-Leste.</p> <p>Lastly, prohibited goods or restricted on grounds of morality, health protection and protection of the lives of people and animals, preservation of vegetables and the environment shall be destroyed.</p>

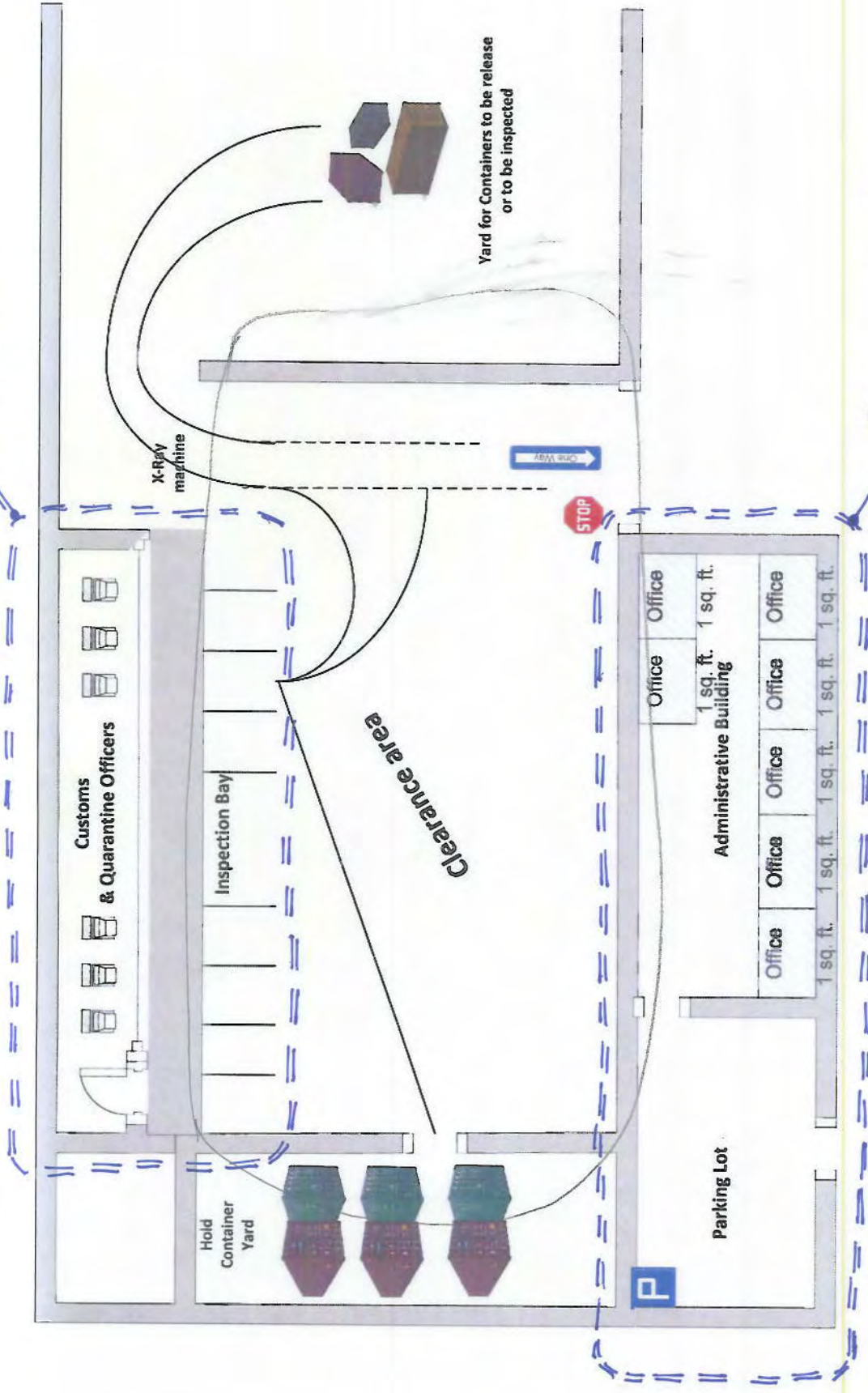
The following drawings are attached with this clarification # 5.

1. **DP 01 (Detail of Administrative Building)**
2. **DP 02 (Lay Out/Site Plan) – Duplicate**
 - 2.1 Drawing No 2 - Inspection area/space for Customs and Quarantine
 - 2.2 Drawing No 3 - Administrative building
 - 2.3 Drawing No 4 - Clearance area



D1 | Detail of Administrative Building
DP 01

Drawing file
No 2



DI DP01 → Drawing file
No 3

D2 | Lay out / site plan
DP 02

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TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 6

November 25, 2014

Question	Response
Can the technical design deviate from the prescribed design in the technical specifications in terms of actual site location within Tibar Bay?	As part of its Due Diligence work the Government and IFC analyzed all reasonably possible locations of the planned port within Tibar Bay given the dimensions of the port dictated by the demand forecast. Seven options were analyzed covering different configurations across the entire bay. The preferred option was selected based on an optimization of operational, cost, extension, social, and environmental considerations. The Government is fully committed to this location and has commenced the process of securing the required permits and negotiating with impacted stakeholders, including to secure the required land for port development.
Is there an indicative budget figure regarding the VGF – like a cap or ceiling?	The Government has determined a VGF limit above which it will reconsider the project. This amount remains confidential and has not been disclosed to the bidders.



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TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 7

November 27, 2014

Question	Response
Is the score to be given for each technical criterion under Annex 6 fixed (e.g. 20 if the requirements are met, 0 if the requirements are not met) or gradual (in accordance with the different level of compliance with each criterion by each proposal)?	<p>The score to be given for each criteria is either 20 or 0, as per the requirements of Annex 6 of the RFP:</p> <p>“Each bid will be assessed against the five criteria below. A bid which is assessed as meeting the requirements for a criterion will be given a score of 20 for that criterion. A bid which is assessed as not meeting the requirements for a criterion will be given a score of 0. The total technical score will be the sum of the individual scores for each of the five criteria.”</p> <p>According to Clause 7.4.2 of the RPF “the Bidders will be then ranked from highest to lower according to the score that their respective Technical Bids have received”, meaning that there will be a gradual scoring of their Technical Bids. The scoring can be 0, 20, 40, 60, 80 or 100.</p>
What is the ‘minimum score’ required to be achieved for the opening of the Financial Bid? Is the minimum score 100 points? Is this also the maximum score?	<p>The minimum technical score required pursuant to RFP Clause 7.4.4 is 100.</p> <p>The maximum technical score that can be achieved is also 100.</p>
What if all pre-qualified candidates achieve a 100 points score for their Technical Bid?	<p>As per RFP Clause 7.4.5:</p> <p>“If two or more Technical Bids rank equally at either of the first or second highest position, then the Financial Bids of the Bidders having submitted such equally ranking Technical Bids shall be opened and evaluated in accordance with the criteria for evaluation of the Financial Bids.”</p> <p>This means that if all four bidders achieve 100 points for the technical evaluation, then all four bidders’ Financial Proposals shall be opened and evaluated in accordance with RFP Clause 7.5 and Annex 8.</p>



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Does that mean that all bidders that are notified that their Financial Bid will be opened in accordance with clause 7.4.4 (a) are in the same position?

In accordance with RFP Clause 7.5.6, the technical component of the combined technical and financial score will be the same for all bidders that are notified that their Financial Bid will be opened.

The final ranking of such bidders and selection of the Preferred Bidder will thus be determined based on compliance with the requirements of the Financial Bid Envelope and based on the ranking of Financial Bids in accordance with RFP Annex 8.



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TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 8

December 1, 2014

Question	Response
<p>In accordance with Annex 12, Part 1, to the Instructions to Bidders/Appendix 4 to the draft Concession Agreement, the Container Terminal shall have a service availability of 24/7. The operation of the Container Terminal comprises two types of services: (i) the loading and unloading of cargo vessels/ships and (ii) the receiving and delivery of containers for import/export.</p> <p>Is it the intention that the 24/7 service availability rule also applies to the services in paragraph (ii)? In our experience, this type of services are usually performed in an ‘open for business schedule’, notably to match the opening and closing hours of the facilities where the export/import cargo are handled. In our view, the operation of receiving and delivery of containers for import/export on a 24/7 basis may lead to inefficient additional costs.</p> <p>Please clarify.</p>	<p>Service availability of 24/7 was indeed meant for the entire container terminal operations.</p> <p>To make allowance for cost-efficient operations of the Concessionaire and to ensure good services for port users at the same time, Appendix 4 Part I (Minimum Services Requirements) of the Draft Concession Agreement will be amended as follows for the Container Terminal:</p> <ol style="list-style-type: none">1. Container handling operation at the quay: 24/7, and2. Receipt/delivery of containers from/to land transport: 06.00 hrs. To 20.00 hrs. Monday to Saturday.

Note:

The authorities will amend these changes in final concession agreement.



COMISSÃO NACIONAL DE APROVISIONAMENTO GABINETE DO PRIMEIRO-MINISTRO

TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 9

December 26, 2014

Question	Response
In handling rice shipments (presumed in 50-kg bags), is the mode of discharge direct-to-truck? Or will the rice in bags be stored temporarily at the port in a warehouse?	At present discharge is direct-to-truck. Importers have their own storage facilities in Dili. However, the handling mode could change with increasing volumes. Containerization is another option.
If requiring storage at port, what is the average dwell time?	Historic dwell time figures are not available, as there is no storage in port.
What is the average volume of rice shipments per ship?	Historic average (2012) is 3,200 tons; highest volume was 4,800 tons. Might well increase with better water depth in Tibar Bay.
Are the following definitions of Key Port Performance Indicators appropriate? Productivity QC GMPH: <ul style="list-style-type: none">• Total Container Vessel Moves / sum of Gross Crane Hours• Where Gross Crane Hours is the time from first lift to last lift of each QC combined Gate Truck Turn-Around Time (Minutes): <ul style="list-style-type: none">• (Combined service time of all gate truck visits - 3rd party activity time) / No. of truck visits• Where Service time = Time between truck leaving entry lane to truck leaving exit lane and 3rd party activity time = The time of activities not associated with the loading and discharging of container into the yard i.e. Customs inspections, weighbridge, etc.	Yes, these definitions are appropriate.



COMISSÃO NACIONAL DE APROVISIONAMENTO GABINETE DO PRIMEIRO-MINISTRO

TIBAR BAY PORT – PPP PROJECT

CLARIFICATION NO.: 10

January 9, 2015

Question	Response
Can prospective EPC contractors be provided access to information in the project data room?	<p>Access to information is governed by the Instructions to Bidders, including clause 4.8 and Annex 9 (Confidentiality Undertaking Form).</p> <p>The Authority agrees to construe widely paragraph 2(c) of the Confidentiality Undertaking Form to include a key contractor in the list of persons with whom the Bidder may share the Confidential Information on a need to know basis. A key contractor may include:</p> <ul style="list-style-type: none">(a) A contractor engaged by the Bidder for the purposes of bid preparation; and(b) A contractor which the Bidder has engaged, or is considering engaging for the purposes of executing the Project (eg an EPC contractor). <p>The sharing of Confidential Information is subject to the Bidder's obligations under the Confidentiality Undertaking, which includes the condition to obtain an agreement from such an entity or person to make no further disclosure of the Confidential Information and whereby it explains its relationship with the Bidder.</p>