



BOWMANS

THE VALUE OF KNOWING



**PORTS,
TRANSPORT AND
LOGISTICS**



Contents

- 04** Our Firm
- 05** Our Footprint in Africa
- 06** Our Ports, Transport and Logistics Sector
- 07** Our Specialist Services
- 09** Our Signature Matters
- 10** Accolades
- 12** Key Contacts



Our Firm

Bowmans is a leading Pan-African law firm. Our track record of providing specialist legal services, both domestic and cross-border, in the fields of corporate law, banking and finance law and dispute resolution, spans over a century.

With six offices in four African countries and over 400 specialised lawyers, we are differentiated by our independence and the quality of legal services we provide.

We draw on our unique knowledge of the African business environment and in-depth understanding of the socio-political climate to advise clients on a wide range of legal issues. Our aim is to assist our clients in achieving their objectives as smoothly and efficiently as possible while minimising the legal and regulatory risks.

Our clients include corporates, multinationals and state-owned enterprises across a range of industry sectors as well as financial institutions and governments.

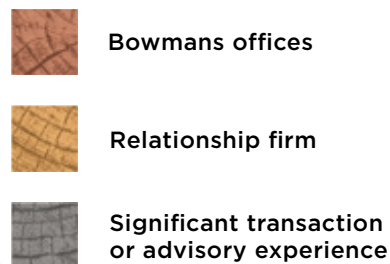
Our expertise is frequently recognised by independent research organisations. We have been named African Legal Adviser of the Year by *DealMakers* for the last four consecutive years and South African Law Firm of the Year for 2018 in the Chambers Africa Awards for Excellence and the South African Professional Services Awards. We were also the only firm that was 'highly commended' in the African Law Firm of the Year - Large Practice category at the African Legal Awards hosted by *Legal Week* and the Corporate Counsel Association of South Africa in 2017 and won the Technology, Media and Telecommunications Team of the Year Award.

Our Footprint in Africa

We provide integrated legal services throughout Africa from six offices (Cape Town, Dar es Salaam, Durban, Johannesburg, Kampala and Nairobi) in four countries (Kenya, South Africa, Tanzania and Uganda).

We work closely with leading Nigerian firm, Udo Udoma & Belo-Osagie, and Mozambique-based boutique firm, Taciana Peão Lopes & Advogados Associados. We also have strong relationships with other leading law firms across the rest of Africa.

We are representatives of Lex Mundi, a global association with more than 160 independent law firms in all the major centres across the globe. This association gives us access to the best firms in each jurisdiction represented.





Our Ports, Transport and Logistics Sector

Millions of tons of import and export cargoes move along the logistics corridors of Africa every day, using road, rail and pipelines for carriage from the hinterland to ports and liquid and dry cargo storage facilities for shipment or discharge through the terminals which populate those ports.

We have extensive expertise in the ports, transport and logistics sector across numerous countries on the African continent and deliver a comprehensive service facilitating relationships between land and sea users and owners of ports, terminals and equipment. We have advised on well over 100 related infrastructure projects, many of which have ports, transport and logistics facets to them.

Our offering includes advising on port and terminal regulations and legislation, terminal throughput agreements, ISPS, port economic regulation, terminal operating procedures (including rail and stockyard interfaces and management processes), storage contracts, establishment of all infrastructure pertaining to ports, terminals, storage facilities, inland terminals and logistics corridors such as rail and pipelines. Our expertise integrates all of the contractual and regulatory aspects of ports, transport and logistics with the physical establishment and financing of the infrastructure. In this context, we also advise our clients on establishing logistics infrastructure, relationships between land and sea users, building contracts from source to sea and equipment and other procurement contracts, as well as project finance and public-private partnerships.

Our service extends to undertaking risk management assessments as well as all litigation between parties to port or terminal operations.

We serve all of the ports in South Africa, including Cape Town, Durban, Ngqura/ Coega, Port Elizabeth, Richards Bay and Saldanha and numerous ports in Sub-Saharan Africa including all Mozambique, Tanzanian and Kenyan ports as well as Namibia, Angola, Madagascar and Mauritius. We are also the listed legal correspondent in the

ports of Cape Town and Port Elizabeth for most of the International Group of P&I Clubs.

We have worked on a number of major projects, including the proposed Durban Dig-out Port and full rail, terminal and port developments in a number of countries in Africa including Mozambique, Tanzania, Ghana and Namibia.

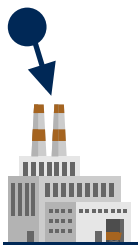
Our clients include various government departments, international logistics infrastructure developers and operators, shipping lines, national port authorities, financiers and insurers.

Our specialist port-related services include:

- port and terminal regulatory advice and facilitation of relationships between port and terminal users and operators, including concessioning and licensing;
- economic regulation;
- port, terminal and logistics corridor throughput agreements;
- litigation between parties to port or terminal operations, including the ship/terminal interface;
- port and terminal accident and casualty investigation;
- port, terminal and logistics corridor (road, rail and pipeline) infrastructure financing, construction, procurement and establishment; and
- logistics advice including warehousing and storage agreements, distribution agreements, credit agreements, standard trading conditions, ships agency, clearing and forwarding, customs advice and the like for all logistics projects and businesses.

Our Specialist Services

BREAK BULK AND CONTAINER LOGISTICS CORRIDOR AND PORT PROJECTS



We regularly advise on the following workstreams in the sector:

MANUFACTURER/ RETAILER/ BANK

- Supply/ sales contracts for international sales
- Standard trading terms
- Letters of credit
- Trade finance



INLAND TERMINAL/ DRY PORT

- Concessions
- Usage agreements
- Distribution agreements
- Warehousing and storage



ROAD/ RAIL LINK

- Rail building/ operation concession
- Engineering/ construction contracts
- Rail transport contracts
- Road transport contracts and standard trading conditions



CLEARING AND FORWARDING AT PORT

- Customs
- Documentation



- Customs structuring and advice

CONTAINER DEPOTS

- Regulations and standard trading conditions
- Credit applications
- Leases
- Service level agreements
- Equipment handling



TERMINAL OPERATIONS

- Terminal concession agreements
- Equipment financing and procurement
- Project finance
- Public Private Partnerships
- Terminal regulations
- Environmental advice
- Labour
- Construction contracts
- Storage agreements
- ISPS protocols



PORT OPERATIONS

- Port concession agreements
- Port transaction finance advice
- Port promulgation
- Operational advice
- Port usage agreements
- Environmental advice
- Port regulations
- Port economic regulation

DRY BULK LOGISTICS CORRIDOR AND PORT PROJECTS



MINE

- Mining concession
- Supply/ sales contracts for international sales
- Environmental advice
- Engineering/ construction contracts
- Letters of credit
- Finance agreements



INLAND STOCKPILE/ INLAND DRY BULK TERMINAL

- Owner/ Operator SLAs
- Sampling protocols
- Usage agreements
- Holding certificates
- Stockpile and storage regulations



ROAD/ RAIL LINK

- Rail building/ operation concession
- Engineering/ construction contracts
- Rail transport contracts
- Road transport contracts and standard trading conditions



STOCKPILE AT PORT

- Rail/ stockpile interface
- Stockpile and storage regulations



TERMINAL OPERATIONS

- Terminal concession agreements
- Terminal throughput/ take or pay/ usage agreements
- Environmental advice
- Equipment financing and procurement
- Terminal regulations
- Labour
- Terminal operator handbook
- ISPS protocols
- Project finance
- Cargo declarations to vessels
- Construction contracts
- Sampling protocols
- Public Private Partnerships
- Container depot regulations and STCs
- Storage agreements (liquid bulk)



PORT OPERATIONS

- Port concession agreements
- Port regulations
- Port usage agreements
- Operational advice
- Port transaction finance advice
- Port economic regulation
- Environmental advice
- Port promulgation



RISK MANAGEMENT

- Project risk management
- Enterprise wide risk
 - Risk identification
 - Risk assessment
 - Risk mitigation and management

Our Signature Matters

We have advised/ acted for:

- Aeolus Kenya Ltd BVI in respect of the conclusion of a framework agreement between Aeolus Kenya Ltd BVI and the Kenyan Government for a six phase project in the LAPSET Corridor, which will include a port, LNG plant, destination plant, pipeline and airport.
- APM Terminals (APMT), in connection with the development of a terminal in the port of Mombasa. This involved the acquisition and development of a container freight station.
- Cutler Management Board NPC, security and fire management collective for all oil and liquid bulk installations in Durban.
- ENRC (through consulting firm A-Cubed Consulting (Pty) Ltd), in respect of the development of a 1 200km transport system to carry coal by rail from Tete Province, Mozambique and ship it through a terminal at Nacala, including all regulatory and contractual documentation for the project.
- Ferromarine Africa (Saldanha) and Ferromarine Cape (Cape Town) in relation to the creation of oil and gas manufacturing and repair facilities.
- An international logistics company on its concession agreement with the Government of Tanzania in relation to an integrated port and rail project in Tanzania.
- The lenders in the Walvis Bay Gas to Power Project on the financing of facilities comprising an LNG floating storage regasification unit, offshore pipeline and port receiving facilities, and open cycle gas turbine power plant.
- Oiltanking Grindrod Calulo (an oiltanking subsidiary) in relation to its proposed BOOT agreement for an oil storage facility at the Port of Ngqura.
- PetroSA on their gas to oil projects in Mossel Bay and Iran in joint venture with Statoil and National Iranian Oil Corporation.
- PetroSA on the sale of the OMEGA oil rig.
- Puma Energy in respect of the acquisition of an LPG terminal in the port of Cotonou, Benin.
- Skytanking (an oiltanking subsidiary) in relation to its contract with Airports Company South Africa for the provision of refuelling services at King Shaka International Airport.
- Various clients in relation to offshore supplying process engineering, plant equipment and services for platforms, subsea, pipelines for both offshore and onshore e.g. Saudi Aramco, Shell, BP, Qatar Gas.
- TCM Bulk Terminal in Matola, Mozambique, including drafting terminal regulations, standard terms and conditions and take or pay agreements.
- Total Egina Project in Nigeria and PetroSA FPSO in relation to the floating production, storage and offloading (FPSO) unit.
- Trafigura Beheer, in connection with an integrated port and rail project for a concession for the BOT of new terminal facilities at the Port of Dar Es Salaam and the upgrade of the TAZARA rail network and track access arrangements for outbound copper freight.
- Transnet Ltd, as transaction adviser in connection with the proposed new Durban Dig-out port in which the old airport will be dug-out and converted into a multi-terminal additional port for Durban.



"The department is... well equipped to handle port infrastructure mandates."
– *Chambers & Partners, 2018*



Accolades



AFRICAN LEGAL AWARDS 2018

We were named African Law Firm of the Year (Large Practice). We were also one of only two firms that took home three practice awards - for Property and Construction Team of the Year, Energy and Natural Resources Team of the Year and TMT Team of the Year.

CHAMBERS AFRICA AWARDS 2018

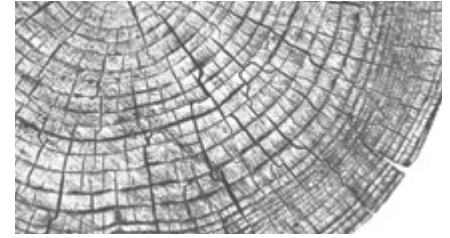
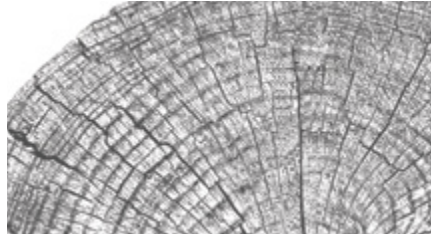
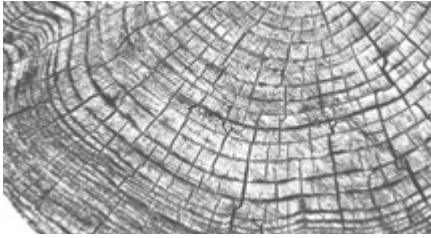
We were named South African Law Firm of the Year.

DEALMAKERS AWARDS 2018

We have been identified as the leading legal adviser in Africa by volume. This is the fourth consecutive year we have been recognised this way.

INDIA BUSINESS LAW JOURNAL 2018

We have been named as one of the Top Regional and Specialist Firms (Worldwide).



**CHAMBERS & PARTNERS
2018 RANKED US IN
THE FOLLOWING AREAS**

BAND 1

KENYA

Banking & Finance
Corporate/ Commercial
Employment

SOUTH AFRICA

Capital Markets: Debt
Capital Markets: Equity
Competition
Corporate Investigations
M&A
Employment
Environment
IT/ Telecommunications
Projects & Energy
Shipping
Tax

UGANDA

General Business Law

BAND 2

SOUTH AFRICA

Banking & Finance
Dispute Resolution
Media & Broadcasting
Restructuring/ Insolvency

KENYA

Projects & Energy

TANZANIA

General Business Law

**IFLR1000 2019
RANKED US IN THE
FOLLOWING AREAS**

TIER 1

KENYA

Financial & Corporate
Mining

SOUTH AFRICA

Capital Markets
Power
M&A

UGANDA

Financial & Corporate
Project Development

TIER 2

KENYA

Power
Infrastructure

SOUTH AFRICA

Banking
Infrastructure
Mining
Oil & Gas
Project Finance

TIER 3

TANZANIA

Financial & Corporate
Project Development

**THE LEGAL 500 EMEA
2018 RANKED US IN
THE FOLLOWING AREAS**

TIER 1

KENYA

Banking, Finance &
Capital Markets
Commercial, Corporate & M&A
Employment
Real Estate & Construction

SOUTH AFRICA

Commercial, Corporate & M&A
Competition
Employment
Projects & Infrastructure
Shipping

UGANDA

Legal Markets Overview

TIER 2

KENYA

Dispute Resolution
Projects & Energy

SOUTH AFRICA

Banking & Finance
Construction
Dispute Resolution
Investment Funds
Tax

TANZANIA

Legal Markets Overview

67

Recognised
Lawyers

37

Recognised
Lawyers

32

Recognised
Lawyers



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