

INVITATION TO TENDER



January 27, 2023

TENDER NO. ISCOS/OT/04/RMTP/2022-2023

TENDER FOR DRAFTING OF THE EASTERN AFRICA REGIONAL MARITIME POLICY

1. THE ORGANIZATION

The Intergovernmental Standing Committee on Shipping (ISCOS) is a regional Maritime Organization mandated with the Promotion, Protection and Coordination of the Shipping and Maritime Interests of the Eastern, Central and Southern Africa. ISCOS's Membership are the States of the Republic of Kenya, the United Republic of Tanzania, Republic of Uganda, Republic of Zambia and the Democratic Republic of Congo and is now expanding to the rest of Eastern, Central, Southern and Northern African states that use the Indian Ocean to import/export as well as the Indian Ocean Island States.

2. MANDATE

ISCOS Mandate is to Promote, Protect and Coordinate the Shipping and Maritime Interests of the region and in particular:

- i) Advise on the competitiveness and effectiveness of policies and practices in the Shipping and Maritime Transport logistics for cargo coming and leaving the region.
- ii) Enable structured collaboration and engagement between governments and players of the region's Shipping and Maritime sector to facilitate the development of the Region's Maritime and shipping sector, have universal approaches to common Shipping and Maritime challenges affecting the region, address Maritime issues which involve more than one State and hasten the harmonization of standards, policies and practices in the region's Shipping and Maritime sector.
- iii) Conduct negotiations with shipping agents, ship-owners, operators of shipping lines and other related bodies concerning freight rates and conditions of maritime transport; and advising Governments and the sector on the best means of containing unnecessary increases in shipping costs, conditions of marine carriage and other factors related to sea transportation.
- iv) Study and advise on the appropriateness of the Shipping and Maritime policies and practices of the Member States.
- v) Assist regional States to promote Shipping and Trade across the inland waterways.

- vi) Promote and assist in the formation Shipper bodies/Councils in the region, capacity-build importers and exporters through structured and coherent delivery of programmes on best practice in international trade.
- vii) Monitor trends in the Shipping industry, carry out research and provide expert Advisories, including the provision of relevant statistics, data and economic analysis on trends of various parameters in the shipping sector.
- viii) Assist the region to effectively and competitively interface with multinational service providers and other overseas business partners.
- ix) Assist land linked states to understand the cost implications of shipping and maritime related policies and practices of Coastal States and lobby for competitive terms of engagement.
- x) Promote mechanisms and develop strategies aimed at improving the flow of traffic through the entire logistical chain; coming up with initiatives and developing platforms such as those that can mitigate existing impediments to international trade in order to facilitate seamless flow of goods in the region and reduce the cost of doing business.
- xi) Assist her Member States in comprehension of international maritime conventions enacted from time to time and facilitating governments to accede to and ratify such conventions, particularly those concerning safety of life and property at sea, carriage of goods by sea, oil pollution, marine environment protection, ship and port facility security.
- xii) Contribute to the strengthening of maritime training institutions and the harmonization of training programs for both sea going and shore-based personnel, demystifying the Maritime profession and encouraging the uptake of Maritime careers.
- xiii) Advise the region on the commercial implications of maintenance of the safety and security of maritime transport services including advising on matters relating to integrated coast guard services, port state control and joint search and rescue operations, etc.

3. VISION

Africa's centre of excellence on shipping and maritime matters.

4. MISSION

ISCOS aims to promote and advocate for efficient and competitive shipping and maritime services for socio-economic development in Eastern, Central and Southern Africa.

5. PROBLEM STATEMENT

The Region's Shipping and Maritime Sector is made of various players, some from the Government and many from the Private sector, some national, others regional and/or multinational, many operating within the region while some are overseas, etc., each delivering its mandate in a manner they feel best works for them, without sufficient or due regard to the rest of the stakeholders or even wider interests of the region. There are no proper procedures and/or very few guidelines for developing rules of engagement between sector players and if these rules exist, they are not uniform throughout the region, and these disparities translate into Maritime and Shipping NTBs'. In short, there is no Regional Maritime Policy to define rules of engagement between players and to provide guidelines on how players should interface with each other and to protect regional interests which means that:

- i) Policies which affect the Region as a whole are developed without adequate involvement of key Regional stakeholders.
- ii) Bi-lateral Agreements are not sustainable as they are subject to the political goodwill of the party states involved and often end with the change of government in one of the parties States.
- iii) National policies which affect more than the originating nation can be seen as unfair to the rest of the states affected since they will not have participated in their enactment.
- iv) When there is no policy dealing with common challenges, the cost of dealing with multiple stakeholders is normally very high.
- v) National regulations are developed without a regional and international perspectives
- vi) Sometimes Policies are developed in a haphazard manner to provide short term solutions.
- vii) The Region do not have a joint Strategic direction in the development of Maritime Economy.
- viii) It becomes difficult to address unfair developments and tariffs as there is no agreed formulae for determining what is fair and unfair, reasonable and unreasonable, etc.
- ix) Lack of accommodative Cabotage policies continues to affect the development of regional costal shipping along the Eastern coastline of Africa.

6. THE CONSULTANCY

ISCOS Secretariat is seeking to engage the services of a competent consultant firm to develop a Regional Maritime Transport Policy. The Policy will provide guidelines in the provision of Maritime Transport Services and the development and enactment of rules of engagement between sector players such as between:

- i) Coastal States/ Coastal ports and their transit markets.
- ii) Riparian/lake/river states in the use of water bodies for shipping and the promotion of trade.
- iii) Multinational Shipping lines and the consumers of their services in the Region.
- iv) Coastal States in respect of the Cabotage.
- v) Regional states in the development of National Maritime Policies.
- vi) National shipping lines of the Region.
- vii) National Shipping lines of the Region and the Multinational Shipping Lines serving the Region.
- viii) Maritime Training institutions of the Region.
- ix) Providers of Marine Cargo Insurance services and their clients etc.
- x) Safety and security agencies e.g., coast guards in the region.

7. ENVISAGED ADVANTAGES OF THE REGIONAL MARITIME TRANSPORT POLICY

The envisaged benefits of the policy include among others:

- i) Creation of more order in the enactment of Maritime policies for the Region.
- ii) provision of opportunity for consultation among stakeholders on policies which affect them.
- iii) uniformity in the enactment of policies and harmonization of practices in the region.
- iv) Opportunities for Regional States to act as a unit against adverse foreign policies.
- v) Creation of a legal framework for Coastal States to consult their transit markets rather than do it out of choice when developing national maritime policies.

- vi) Provision of opportunities for Transit Markets to have a say in enactment of Policies of Coastal States that affect their consignment in line with international law.
- vii) Harmonization of National maritime transport policies and guide subsector plans and activities regionally.
- viii) Harmonization of Policies, processes Standards and procedures in the Shipping and Maritime sector in the region.
- ix) Uniformity in handling Shipping and Maritime issues affecting the Region as a whole.
- x) Ensuring common agreement in rules of engagement between sector players.
- xi) Creation of unity of purpose for the Regional States in dealing with common interests and challenges.
- xii) Increase maritime cooperation and coordination and provide a framework for synergizing actions in the maritime domain with all stakeholders regionally.
- xiii) Guide planning, decision-making and relevant legislative and administrative actions and providing a long-term vision for the maritime transport sub-sector thus ensuring that the Sector continually contributes to the region's sustainable socio-economic development and progress.
- xiv) strengthening the existing collaborative mechanisms for improving maritime governance, inter-governmental cooperation and coordination and the involvement of all stakeholders for the purpose of ensuring a coordinated sustainable development and management of the Sector.
- xv) Enhance effective implementation of international maritime conventions towards the fulfilment of Member States' obligations as a flag, port, and coastal State.
- xvi) Take care of the interests of land-linked states using the Indian coastal states ports for their imports and exports.
- xvii) Establishment of a regional maritime curriculum for training institutions.
- xviii) contribute to a coherent and a coordinated approach to regional maritime issues crucial for the development of the Blue Economy; and
- xix) Ensure sustainable development of the Sector and thus facilitating the implementation of the relevant Sustainable Development Goals (SDGs) at the country level.

8. SPECIFIC TASKS FOR THE CONSULTANCY FIRM

Specifically, the consultant shall:

- i) Identify stakeholders of the Region's Shipping and Maritime Sector and profile their respective roles.
- ii) Appreciate the nature of interface between various stakeholders in the sector and identify cross cutting issues that require agreed policies and procedures and rules of engagement.
- iii) Review Member States' national maritime transport policies for the identification of strength/weakness, disparities and gaps in order to develop an inclusive policy.
- iv) Review Member States maritime training policies with a view of harmonizing them.
- v) Study the national maritime laws and policies of proposed participating states with a view of establishing their thoughts for regional cooperation on maritime matters that could aide regional joint participation in the sub-sector.
- vi) Review the African Agenda 2063, the revised African Maritime Transport Charter (AMTC) 2010, the Abuja Convention, the Djibouti code and all continental and regional strategic documents related to shipping, maritime transport and training as may be available at the time of contract signature.
- vii) Review existing studies conducted on the maritime connectivity of the African continent and in particular the East African region and diagnosis the maritime trans-African and regional Cabotage documents that can assist in development of a regional maritime policy.

- viii) Review reports and recommendations made by a study conducted in 2020 on the state of shipping and logistics along the East African Coast and Western Islands that studied the status, freight rates to and from East African Ports, destination charges, challenges and opportunities with a view of expounding on their recommendations.
- ix) Analyze national visions and development plans of the Member States to understand what their maritime aspirations in the short, medium and long term are and how they fit in operationalization of Revised African Maritime charter and the African agenda 2063.
- x) Profile all existing local shipping lines in the region with a view of understanding their fleet attributes (size, age, cargo types, etc.), load capacities, their primary markets, regional connectivity, their operating levels (under moderate or full capacity) and their ownerships.
- xi) Study the freight pricing of both local, regional and international/multinational players with a weighted approach to establish common ground for comparison.
- xii) Map existing maritime trading routes amongst African states on the Indian ocean and major trade routes with the far markets (Asia, Europe and Americas) and plot how these could be affected by establishment of a regional shipping line.
- xiii) Study the Cabotage policies (where they exist) of all sub-Saharan African countries (including all ISCOS Member States) on the Indian coast and the island states off the Indian ocean coast and where differences exist, propose harmonization mechanisms.
- xiv) Review all the existing relevant UN, IMO, AU and regional agreements, conventions, protocols etc. and align them to the proposed regional maritime Transport policy.
- xv) Develop a Regional Maritime Transport Policy for members to deliberate for adoption and implementation.

9. SCOPE OF THE SERVICES

The consultancy services shall cover the region and for purposes of data collection, detailed analyses, comparisons, deductions, benchmarking, etc., the services shall not be limited to the Member States but may cover all the trade markets and regions in which the Member States have trade interests.

10. OUTPUT /DELIVERABLES

The consultant is expected to deliver the following to the client:

- i) A detailed study report for the proposed establishment of a regional Maritime Transport Policy.
- ii) A Draft Regional Maritime Transport Policy validated by relevant stakeholders and ISCOS organs.
- iii) A proposed Roadmap for the establishment and implementation of the Regional Maritime Transport Policy with clear proposed milestones

11. EXPERTISE REQUIRED

The consultancy firm will be required to have; -

- i) **Team Leader:** The team leader will have a postgraduate training in maritime affairs, shipping and maritime logistics or a closely related maritime discipline with at least 15 years' experience in maritime transport and at least ten (10) years as a consultant.
- ii) **Shipping Expert:** Shall possess a minimum of a Master's degree in maritime studies, shipping and logistics or a very closely related field with hands on working experience of

not less than seven (7) consecutive years in shipping. In addition, a shipping expert shall have at least three (3) years of consultancy in the most recent five (5) years.

- iii) **Transport Economist:** The team shall have a transport economist with at least a master's degree in transport Economics and practice experience in Transport Policy and Planning with demonstrable experience of at least five (5) years in maritime transport and shipping.
- iv) All team members shall have very good command of the English language both written and spoken. They should have at least half of their experiences obtained within the African Continent.

12. DURATION OF THE ASSIGNMENT

The assignment is expected to take three (03) months from the date of contract signature.

13. REPORTING REQUIREMENTS

The Consultant shall prepare and submit the following reports and documents in English in an approved format to the Client. Save for the interim progress reports, the Consultant will initially submit two copies (hard and soft) of draft reports and documentation for comments by the stakeholders and the client. The comments shall be incorporated in the final version of the reports and documentation.

Five (5) hard copies and one (1) soft copy of each of the final reports/ documents listed below shall be sent to the client at the following address:

The Secretary General
Intergovernmental Standing Committee on Shipping (ISCOS)
Off Links Road (Near Nyali Health Care), Nyali
P O Box 89112 – 80100
MOMBASA.

Email the soft copy of the tender submission to opportunities@iscosfricashipping.org

The closing date for the tender shall be **Tuesday, February 28, 2023 at 1700hours.**

14. INCEPTION REPORT

The inception report including a quality management plan shall be submitted within two weeks of contract signature and hence commencement of the assignment. The report shall outline the Consultant's mobilization, the work plan, strategy, methodology and timetable for the services. The quality management plan shall include the following: -

- i) A quality policy statement setting out the objectives of the plan;
- ii) The personnel who will implement the plan, their responsibilities and authority.

The inception report shall also include a general preliminary assessment and perception to the scope of work, challenges met and any differing views against the Terms of Reference. The report shall include a review as per chapter 5.0 above.

15. INTERIM REPORT

The Interim report shall be a progress report seeking concurrence from the client on the scope of work particularly a review and findings plus initial recommendations of the Scope of Services under chapter 5.0. This shall be submitted within eight weeks from the commencement date of the assignment.

a. Draft Final Report

Following receipt of the client's comments on the interim report, the consultant shall submit within one and a half months (10 weeks) from the date of commencement, a draft final report. The report shall contain:

- i) A review and findings in conformity with chapter 5.0 of these Terms of Reference
- ii) Concrete Draft of the Regional Maritime Transport Policy
- iii) The Consultant shall prepare a PowerPoint presentation detailing the highlights of draft final report which shall be presented to a stakeholders' Workshop for validation and input/comments.

b. Final Report

After incorporation of the client's and stakeholders' comments on the draft final report, and Draft final Regional Maritime Transport Policy the Consultant shall prepare and submit the final report and final Draft Regional Maritime Transport Policy along with the other documentation required to the Client.

These reports shall be submitted within two weeks of receipt of the client's comments and comments from the stakeholders' workshop.

16. SERVICES AND FACILITIES TO BE PROVIDED BY THE CLIENT AND CONSULTANT

a. Client

The client will assist the consultant in:

- i) Providing any documentation of previous studies conducted related to the assignment in the client's custody;
- ii) Establishing contacts with the relevant stakeholders like Member States' agencies requisite for this assignment;
- iii) Providing venue for consultative workshops where needed but in any case, not for more than two workshops;

b. Consultant

The consultant shall be responsible for providing the following facilities for their use:

- i) Office and residential accommodation wherever necessary;
- ii) Computer hardware, software, communication, office supplies etc;
- iii) All necessary vehicular transport;
- iv) All other support facilities.

17. CONTRACTUAL ARRANGEMENTS AND SUPERVISION

The Consultancy firm will be hired under ISCOS terms of contract and directly supervised by the Shipping, Ports and Freight Services Directorate solely for the purpose of delivering the above outputs, within the agreed time frame.

It is worth noting that:

- i) the costs of preparing the proposal and of negotiating the Contract, including any visits to the Client are not reimbursable as a direct cost of the assignment;
- ii) the Client is not bound to accept any of the proposals submitted.

18. INTELLECTUAL PROPERTY

All information which the Consultancy firm may come into contact (pertaining the execution of this assignment) within the performance of his/her duties under this consultancy shall remain the property of the Client who shall have exclusive rights over its use. Except for purposes of this assignment, the information shall not be disclosed to the public nor used in whatever form without written permission of the Client in line with the applicable national and International Copyright Laws.

19. EVALUATION CRITERIA

The Evaluation method to be used is Quality and Cost Based Selection (QCBS) which shall involve the following:

- i) The technical bid shall contribute 70% while the financial bid shall contribute 30% to the final weighted score;
- ii) Preliminary examination on a pass/fail basis to determine the eligibility of the bidders and assess their administrative compliance to the Invitation. Non eligible and non-compliant bids will be eliminated from further evaluation;
- iii) Detailed evaluation to determine the commercial responsiveness of bids and to assess the technical quality of bids against the criteria in the Terms of Reference in the invitation and to determine their total technical score using a merit point system. Each bid shall be compared to the minimum technical qualifying mark stated in the invitation and those not meeting the minimum mark or that were not substantially commercially responsive will be eliminated from further evaluation;
- iv) Financial bids of bidders who will be substantially responsive and meet the minimum qualifying mark will be opened and a financial comparison carried out to examine financial bids and determine the financial score of each bid;
- v) Technical and financial scores will be combined, using the weightings given in the invitation, to give a total score for each bid. The bidder with the highest total score will be ranked first and recommended for contract award, subject to any negotiations if required.

20. TECHNICAL EVALUATION

The following technical evaluation criteria shall be used with the Pass Mark being 80% for any firm's financial proposal to be considered:

| NO | CRITERIA | SCORE |
|----|--|------------|
| 1 | <p>Preliminaries</p> <ul style="list-style-type: none"> i. Certificate of Registration and/or Incorporation ii. Valid VAT/PIN or TIN Certificate iii. Trade license and/or single business permit iv. Valid Tax Compliance Certificate v. Copies of audited books of accounts for at least the most recent last 3 years i.e., 2021, 2020 and 2019. vi. Company profile indicating what the firm does, experiences, staffing, etc. vii. Declaration stating that the firm has NOT been debarred by any Public Procurement Regulatory Authority. | 10 |
| 2 | <p>Responsiveness to the Terms of Reference</p> <ul style="list-style-type: none"> i. Specific experience of the provider related to the assignment <ul style="list-style-type: none"> a) Usefulness/value of comments and suggestions on the Terms of Reference b) Key assignment issues identified and explained c) Completeness and responsiveness ii. Adequacy of the proposed work plan and methodology in responding to the Terms of Reference <ul style="list-style-type: none"> a) Understanding the Terms of Reference b) Quality of methodology, work plan and sequencing c) Firm's organization and facilities available for the assignment iii. Qualifications and competences of the key staff for the assignment <ul style="list-style-type: none"> a) Team Leader b) Shipping Expert c) Transport Economist | 60 |
| 3 | <p>Experience of the Firm</p> <p>Similar assignments handled in the last 10 years (at least three assignments) indicated by recommendation letters from previous clients, certified copies of previous contracts with experience in the public sector especially in the Member States being an added advantage.</p> | 25 |
| 4 | <p>Local participation</p> <p>Participation of locals from the Member States shall attract a score</p> | 5 |
| | TOTAL | 100 |

21. METHODOLOGY OF THE CONSULTANCY

- i) Identify Stakeholders in the Maritime sector of the Region.
- ii) Hold consultations with the various stakeholders with a view of obtaining their perception of the industry and sector players.
- iii) Ascertain the role played by every Stakeholder and the challenges they face with other stakeholders.
- iv) Ascertain inter-institutional issues as well as issues of National and Regional Interest.
- v) Suggest guidelines for the development of rules of engagement.
- vi) Review all the relevant literature.
- vii) Craft the above into a Draft Maritime Transport Policy for the Eastern, Central and Southern Africa.