

INVITATION TO TENDER



May 2nd, 2023

TENDER NO. ISCOS/0T/04/RMTP/2022-2023

TENDER FOR DRAFTING OF THE REGIONAL MARITIME TRANSPORT 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.

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,
- iii. Promote the adoption of universal approaches to common Shipping and Maritime challenges affecting the region to address Maritime issues which involve more than one State.
- iv. Spearhead the harmonization of standards, policies and practices in the region's Shipping and Maritime sector.
- v. Conduct negotiations with shipping conferences, 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 increases in shipping costs, conditions of marine carriage and other factors related to sea transportation.

- vi. Study and advise on the appropriateness of the Shipping and Maritime policies and practices of the Member States.
- vii. Assist regional States to promote Shipping and Trade across the inland lakes.
- viii. Promote and assist in the formation of shippers' councils in the region, capacity-build importers and exporters through structured and coherent delivery of programmes on best practice in international trade.
- ix. 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.
- x. Assist the region to effectively and competitively interface with multinational service providers and other overseas business partners.
- xi. 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.
- xii. 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 the seamless flow of goods in the region and reduce the cost of doing business.
- xiii. 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.
- xiv. 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.
- xv. 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

Shipping and Maritime as a global industry is responsible for the movement of at least 90% of all global trade each year, connecting very distant markets to production and consumption centers and facilitating the movement of essential consumer items like food and bulky raw materials required for production across the globe. As such, it is a complex and highly technical mode of transport which involves various stakeholders drawn from both Government and private sectors of either national, regional or multinational nature, each largely delivering their mandate in a manner they feel best works for them, without sufficient regard to the rest of the stakeholders or even wider interests of the regional industry.

It is worth noting that in addition to being the most dominant mode of transport for international trade, shipping is also the most efficient, cost-effective and green mode for most goods providing a dependable, relatively low-cost means of global movement of goods and facilitating commerce hence creating numerous opportunities for wealth creation among nations and communities.

In 2020, international seaborne trade capped the 10.7 billion tons mark (with Africa accounting for 735.5 million tons) and projected to grow at a rate of at least 2.4% annually in the outer years till 2026.

World trade growth therefore relies on a safe, secure, and efficient international shipping industry with the global policy and regulatory framework set by the International Maritime Organisation (IMO) and other key industry players each playing a key role in the complete maritime shipping chain.

There are however missing links at regional level in harmonizing national maritime policies and procedures (where they exist) and providing a unified regional framework for developing rules of engagement amongst sector players to avoid disparities that would translate into shipping and maritime nontariff barriers.

These existing gaps would be cured by a Regional Maritime Transport Policy whose lack is believed to have resulted into:

- i. National Policies with regional effects being developed without adequate involvement of regional stakeholders.
- ii. Unsustainable bilateral agreements that are subject to the political goodwill of the party states either of whom may withdraw at will without due consideration of the objectives of such bilateral arrangements;
- iii. The development of national regulations which may not have a regional or international outlook;
- iv. The lack of a unified strategic direction in the development of the regional shipping and maritime economy;
- v. Unfair or uncompetitive developments and tariffs as there are no agreed formulae for

- determining a standard for use by all stakeholders;
- vi. Lack of accommodative cabotage policies affecting the development of coastal and inland waterways shipping.

6. THE CONSULTANCY

ISCOS Secretariat is seeking to engage the services of a consultant to draft a Regional Maritime Transport Policy. The Policy will provide guidelines for the provision of Maritime Transport Services and the development and enactment of rules of engagement amongst maritime sector players. Some of the areas the policy intends to provide policy statements on include but not limited to the following:

- 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. Maritime Cabotage and its application in the region;
- v. National Maritime Transport Policies and their development;
- vi. National shipping lines operating in the region;
- vii. Ship ownership by nationals of the regional states;
- viii. Maritime Training in the ISCOS Member States and the wider region;
- ix. Related shipping and maritime transport service providers;
- x. Port development and management in the region;
- xi. Shipping and maritime regulation in the region;
- xii. Provision of marine cargo insurance services and its implementation.

7. RATIONALE FOR THE REGIONAL MARITIME TRANSPORT POLICY

- i) Unified order in the enactment of Maritime policies for the Region
- ii) Provide an opportunity for consultation among stakeholders on policies which affect them
- iii) Uniformity in the enactment of policies and harmonization of practices
- iv) Regional States will be acting as a unit against adverse foreign policies.
- v) Coastal States will be bound to consult their transit markets rather than do it out of choice
- vi) Transit Markets will have a say in Policies of Coastal States
- vii) There will be more appreciation of the roles played by each stakeholder.
- viii) Harmonization of National maritime transport policies and guide subsector plans and activities regionally.

- ix) Harmonization of Policies, processes Standards and procedures in the Shipping and Maritime sector.
- x) Uniformity in handling Shipping and Maritime issues affecting the region as a whole.
- xi) Ensuring agreed of rules of engagement between sector players
- xii) Unity of Purpose for the Regional States in dealing with common interests and challenges
- xiii) Increase maritime cooperation and coordination and provide a framework for synergizing actions in the maritime domain with all stakeholders regionally.
- xiv) Guide the 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.
- xv) 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 the coordinated sustainable development and management of the sector.
- xvi) Enhance the effective implementation of international maritime conventions towards the fulfilment of member states' obligations as a flag, port, and coastal state.
- xvii) Accommodate of the interests of the land-linked states using the Indian coastal states ports in international trade.
- xviii) Contribute to a coherent and a coordinated approach to maritime issues so crucial for the development of the Blue Economy; and

Ensure the 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 existing Member States national maritime transport policies for the identification of strength/weakness, disparities and gaps in order to develop an inclusive policy.
- iv. Study the national maritime laws, regulations and policies of proposed participating states with a

view of establishing their thoughts for regional cooperation on maritime matters that could enhance regional participation in the sub-sector.

- v. Review the African agenda 2063, the Revised African Maritime Transport Charter (AMTC) 2010, Africa's Integrated Maritime Strategy 2050 and all relevant continental and regional strategic documents as may be available at the time of contract signature.
- vi. Review existing studies conducted on the maritime connectivity of the African continent and in particular the East African region and the diagnosis of the maritime trans-African and regional Cabotage.
- vii. 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.
- viii. Analyze relevant national policies, frameworks and development plans of the Member States to understand what their maritime aspirations in the short, medium and long term are and how they relate with the African Agenda 2063.
- ix. Profile all existing local shipping lines 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 ownership.
- x. Study the freight pricing of both local, regional and international/multinational players with a weighted approach to establish common ground for comparison.
- xi. 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.
- xii. 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.
- xiii. Develop a draft Regional Maritime Transport Policy with proposed implementation strategy.

9. SCOPE OF THE SERVICES

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

10. 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.

11. DURATION OF THE ASSIGNMENT

The assignment is expected to take six (06) months from the date of contract signature.

12. REPORTING REQUIREMENTS

The Consultant shall prepare and submit the following reports and documents in English in an approved format 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, KENYA

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.

A. INCEPTION REPORT

The inception report including a quality management plan shall be submitted within three 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 8.0 above.

B. 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 8.0. This shall be submitted within sixteen weeks from the commencement date of the assignment.

C. Draft Final Report

Following receipt of the client's comments on the interim report, the consultant shall submit within twenty weeks from the date of commencement, a draft final report. The report shall contain:

- i) A review and findings in conformity with chapter 8.0 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.

D. 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, the proposed implementation strategy along with other documentation required by the Client.

These reports shall be submitted within four weeks of receipt of the client's comments on the draft final report and comments from the stakeholders' workshop.

13. 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.

14. 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.

15. 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.

16. 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.

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 workplan 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

APPLICATION MODE

Kindly submit your proposal, financial bid, the mandatory bidder forms and any other relevant documents to support the application, EITHER in hard copies OR via E mail to opportunities@iscosafricashipping.org

The hard copy tender documents, shall be submitted in two copies, marked as: -

“ORIGINAL TENDER” and **“COPY OF TENDER”**.

and shall be placed in one outer envelope and sealed. This outer envelope shall bear the Tender number and name, and marked **“DO NOT OPEN BEFORE, May 29, 2023, at 1700hours,** and shall be addressed to: -

The Secretary General
ISCOS Secretariat
Nyali, Off Links Road, Opposite Nyali Health Care Ltd.
P.O Box 89112-80100 (GPO), Mombasa, Kenya
Tel: +254 20 2332670 / +254 722 207940
Email: opportunities@iscosafricashipping.org