



INTERGOVERNMENTAL STANDING COMMITTEE ON  
SHIPPING – ISCOS

**TENDER NO: ISCOS/OT/01/RSC/2024**

**CONSULTANCY SERVICES  
FOR THE DEVELOPMENT OF A CONSTITUTION FOR THE  
REGIONAL SHIPPERS' COUNCIL**

**ISCOS**

TERMS OF REFERENCE

MARCH 2024

## **1. INTRODUCTION**

The Intergovernmental Standing Committee on Shipping (ISCOS) is a regional maritime body established by the Governments of Kenya, Tanzania, Uganda and Zambia in 1967 to take care of their shipping and maritime interests. In the 2006 Protocol, ISCOS' mandate was expanded to include inland waterways and trade facilitation. In 2022, the Democratic Republic of Congo joined ISCOS membership and the organization's mandate has also been expanded to cover the Eastern, Southern and Northern Africa region including the Indian ocean island states of Africa. ISCOS works very closely with other stakeholders in the industry (both Public and Private sectors) at national, regional, continental and globally in delivering her mandate.

In line with its expanded scope and geographical area, the organization is in the process of changing its name to the Maritime Organization for Eastern, Southern and Northern Africa (MOESNA) .

The organizations key functions include among others;

- i. coordinating and facilitating shipper organizations in freight cost consultations/negotiations with terminal and transport operators;
- ii. enhancing trade in the region and competitiveness in the entire shipping and maritime transport system;
- iii. promotion of maritime safety, security and environmental protection;
- iv. undertaking sector research, advising governments on shipping, maritime and international trade, and dissemination of information to stakeholders; and
- v. promotion of capacity building in the shipping and maritime sector.

### **1.1 VISION**

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

### **1.2 MISSION**

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

## **2. BACKGROUND**

As the African continent strives towards self-transformation into a global shipping and maritime powerhouse of the future as per the African agenda 2063, there are more calls for closer cooperation and more collaborations amongst the African countries. This call for increased cooperation extends to matters of Maritime transport as envisioned in the African Maritime Transport Charter (AMTC) 1993 as revised in 2010.

The revised AMTC further carries party governments' commitments towards promotion of shipper's councils by establishing shippers' councils where they don't exist and strengthening them where they exist through creation of an enabling legal framework for their operation.

As one of the regional Maritime organizations envisioned in the Revised AMTC, 2010, ISCOS continues to take lead in capacity building for the shippers' councils in region. The organisation has supported creation and sustainability of national shipper's councils in its member states and to enhance collaboration amongst the national councils, ISCOS in consultation with the respective national shippers Councils is working towards formation of a regional body of shippers councils in the Eastern, Southern and Northern Africa (ESNA) region.

The revised AMTC defines a shippers' council as a statutory council, or equivalent body, which assists, promotes, represents, and protects the interests of shippers;

### **3. JUSTIFICATION OF THE ASSIGNMENT**

Efficient shipping in the region is critical for the regional economic development. However, for a long time, this has been lacking because the region is mainly served by multinational services providers who dictate terms of engagement including the cost of freight without regional participation especially from the private sector (cargo owners). As a regional intergovernmental organization, ISCOS has been leading efforts to build negotiations capacity for the shippers including establishment of national shippers' councils in the region.

Unfortunately, overtime, it has been observed that as national associations, individual shippers' councils tend to have limitations in addressing cross-boundary challenges that affect their cargo as it transits through multiple geographical and political jurisdictions from the ports to the markets globally as they normally lose grip on logistics issues whenever their cargo crosses into areas, they don't have legal presence to operate in. In addition, in many cases, unfavourable policies are implemented either at ports or transit markets that inadvertently affect shippers in another jurisdiction in the region especially since they are not present to be consulted on such policies before they are adopted.

In view of the above and given the international and complex nature of shipping, the national shippers' councils in the region, in a consultative workshop held on the 11<sup>th</sup> and 12<sup>th</sup> of May 2023 in Dar es Salaam, Tanzania under the auspices of ISCOS resolved to form an apex regional body that would effectively coordinate them to come into consensus on industry matters that could potentially affect them. ISCOS was tasked to spearhead realization of this resolution.

### **4. OVERALL OBJECTIVE OF THE ASSIGNMENT**

The overall objective of the assignment is to develop a constitution for the proposed regional shippers' council, a regional apex body of the national shippers' councils in the Eastern, Southern and Northern Africa (ESNA) region. The regional shippers' council would be a specialized body of the Intergovernmental Standing Committee and or the Maritime Organization for the Eastern, Southern and Northern Africa (MOESNA).

## 5. SPECIFIC TASKS FOR THE CONSULTANCY FIRM

Specifically, the consultant shall:

- i. Review the African agenda 2063, the revised African Maritime Transport Charter (AMTC), 2010, the African Integrated Maritime Strategy (AIMS) 2050, the African Continental Free Trade Agreement (AfCFTA), Regional Economic Communities (RECs), Chambers of Commerce in the region, and all the relevant continental and regional policy documents as may be available at the time of contract signature with the view of appreciating what they say about shippers' councils and how a regional shippers council can align with them;
- ii. Review the respective national shippers' constitutions and any other documents giving them statutory status in their respective states;
- iii. Review the international, regional, and respective ISCOS member states' national policies and legislation governing the registration and operations of shippers' councils and related organizations.
- iv. Study other constituting documents for other related agencies like the Union of African Shippers Councils (UASC), American Association of Exporters and Importers (AAEI), European Shippers Council (ESC), Federation of ASEAN Shippers Councils (FASC), Global Shippers Alliance (GSA) and any other related regional body;
- v. Given the varying status of national shippers' councils with some private driven while others government entities like OGEFREM, study mechanisms under which they can all affiliate/associate under the proposed regional shippers' council;
- vi. Review the formation of related regional agencies like the Federation of East African Freight Forwarders Associations (FEAFFA), the East African Business Council (EABC) and their constituting protocols;
- vii. Do any other activities and conduct any other studies that are incidental to the development of a constitution for the regional shippers council;
- viii. Consult all relevant industry stakeholders for views and inputs into the process;
- ix. Draft the constitution for the proposed regional shippers' council. Key areas to be considered include:
  - ⚓ Introduction
  - ⚓ Linkage/relation with ISCOS
  - ⚓ Membership
  - ⚓ Headquarters and areas of operation
  - ⚓ Vision
  - ⚓ Objectives and goals
  - ⚓ Organization structure (organs)
  - ⚓ Functions
  - ⚓ Resources and their utilization including accountability mechanisms.
  - ⚓ Dispute resolution/settlement
  - ⚓ Possible names of the organization/association/federation
- x. Present the draft Constitution to stakeholder for validation and adoption.

- xi. Develop and deliver the final constitution to ISCOS.

## **6. SCOPE OF THE SERVICES**

The consultancy services shall cover Kenya, Tanzania, Uganda, Zambia and DRC. However, for purposes of data collection, detailed analyses, comparisons, deductions, benchmarking, etc, the services shall not be limited to the mentioned states but may cover the ESNA region and any other areas from which deductions and experiences can be obtained.

## **7. OUTPUT/DELIVERABLES**

At the end of these services, the consultant is expected to deliver the following to the client:

- i. A detailed activity report that informed the propositions in the constitution;
- ii. A draft constitution for the formation of the regional shippers' council.
- iii. A proposed roadmap for the formation of the regional shippers' council with clear milestones.
- iv. A final Constitution including stakeholders' input to ISCOS

## **8. REQUIRED MANPOWER**

An individual consultant will be required for this task and s/he is expected to possess at least a Master's degree in maritime or admiralty law from a recognized institution or equivalent qualification with at least 7 years of continuous shipping and maritime industry practice with excellent oral and written communication skills in the English language. Having working knowledge of French will be an added advantage.

The consultant must be a registered member and in good standing of a recognised professional (legal) body in the region.

## **9. DURATION OF THE ASSIGNMENT**

The assignment is expected to take eight (08) weeks from the date of contract signature.

## **10. REPORTING REQUIREMENTS**

The Consultant shall prepare and submit the following reports and documents in English in an approved format to the Client. The comments shall be incorporated in the final version of the reports and documentation.

Two (2) 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 **BEFORE Friday, 29th March 2024 at 1700hours.**

**THE SECRETARY GENERAL  
ISCOS SECRETARIAT**

Nyali, Palm Drive, Off Links Road  
P O Box 89112 – 80100 (GPO)

**MOMBASA, KENYA**

**Tel:** +254 722 207940/ +254 721 207940

**Email:** [opportunities@iscosaficashipping.org](mailto:opportunities@iscosaficashipping.org)

### **10.1 Inception Report**

The inception report including a quality management plan shall be submitted within four weeks (one month) from contract signature and hence commencement of the assignment. The report shall outline the Consultant's work plan, strategy, methodology and timetable for the services. The quality management plan shall include the quality policy statement setting out the objectives of the plan.

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.

The Consultant shall prepare a PowerPoint presentation detailing the highlights of the inception report which shall be presented to the secretariat.

### **10.2 Draft Report and Constitution**

The consultant shall submit within six weeks from the commencement date, a draft report including:

- i. A report with findings in conformity with chapter 5.0 of these Terms of Reference;
- ii. A draft constitution for the proposed regional shippers' council

The Consultant shall prepare a PowerPoint presentation detailing the highlights of draft reports which shall be presented to the selected stakeholders.

### **10.3 Final Report**

After incorporation of the client's and stakeholders' comments on the draft reports, the Consultant shall prepare and submit the final report along with the final proposed constitution for the formation of a regional shippers' council.

This report shall be submitted within one week of receipt of the client's comments and comments from stakeholders on the draft final report.

The Consultant shall prepare a PowerPoint presentation detailing the highlights of the final reports which shall be presented to the stakeholders for adoption.

## **11 SERVICES AND FACILITIES TO BE PROVIDED BY THE CLIENT AND CONSULTANT**

### **11.1 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. Copies of constitutions of other relevant agencies in the client's custody
- iii. Establishing contacts with the relevant stakeholders requisite for this assignment;
- iv. Providing a platform for consultations with stakeholders where needed.

### **11.2 Consultant**

The consultant must ensure that there is sufficient administrative, secretarial, and interpreting provision to enable him/her to concentrate on their primary responsibilities.

The consultant shall be responsible for own travel and secretarial expenses that are requisite for the assignment. These costs should be included in the contract value.

## **12 CONTRACTUAL ARRANGEMENTS AND SUPERVISION**

The Consultant will be hired under ISCOS terms of contract and directly supervised by the Trade Facilitation and Policy Harmonization 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.

## **13 INTELLECTUAL PROPERTY**

All information which the Consultant 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 the purposes of this assignment, the information shall not be disclosed to the public nor used in whatever way without written permission of the Client in line with the applicable national and International Copyright Laws.

## **14 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 80% while the financial bid shall contribute 20% 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 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 technical 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.

## 15 TECHNICAL EVALUATION

The following technical evaluation criteria shall be used with the Pass Mark being 80% for any consultants/firms financial proposal to be considered:

NO	CRITERIA	SCORE
1	<b>Preliminaries</b> <ol style="list-style-type: none"> <li>i. Certificate of Registration and/or Incorporation</li> <li>ii. Valid VAT/PIN Certificate</li> <li>iii. Trade license and/or single business permit</li> <li>iv. Detailed profile indicating what the consultant does, experiences, etc;</li> <li>v. Declaration stating that the consultant has NOT been debarred by any Public Authority for example Public Procurement Regulatory Authority or the Judiciary;</li> <li>vi. Properly Filled in, Signed and stamped Confidential Business Questionnaire.</li> </ol>	5
2	<b>Responsiveness to the Terms of Reference</b> <ol style="list-style-type: none"> <li>i. Specific experience of the provider related to the assignment               <ol style="list-style-type: none"> <li>a) Usefulness/value of comments and suggestions on the Terms of Reference</li> <li>b) Key assignment issues identified and explained</li> <li>c) Completeness and responsiveness</li> </ol> </li> </ol>	60



NO	CRITERIA	SCORE
	ii. Adequacy of the proposed work plan and methodology in responding to the Terms of Reference a) Understanding the Terms of Reference b) Quality of methodology, work plan and sequencing c) Consultant's facilities available for the assignment iii. Qualifications and competences of the key staff for the assignment	
3	<b>Experience of the Consultant</b> Similar assignments handled in the last 7 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	25
4	<b>Local participation</b> Participation of locals from the member states shall attract a score	7
5	<b>French Language</b> Working knowledge of French shall attract a score	3
	<b>TOTAL</b>	<b>100</b>

