

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Ministry of Ports & Shipping and Southern Development

CEYLON SHIPPING CORPORATION LTD

(Wholly Owned Sri Lankan Government Company)



REQUEST FOR PROPOSAL

FOR

SELECTION OF A PARTNER TO PROMOTE SRI LANKA FLAG REGISTRY

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SECTION 1: ADVERTISEMENT OF REQUEST FOR PROPOSALS (RFP)



DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Ministry of Ports & Shipping and Southern Development



Ceylon Shipping Corporation Ltd.

(Wholly Owned Sri Lankan Government Company)

REQUEST FOR PROPOSAL FOR SELECTION OF A PARTNER TO PROMOTE SRI LANKAN FLAG REGISTRY

1. Invitation

Chairman, Standing Cabinet Appointed Procurement Committee (SCAPC) on behalf of Ceylon Shipping Corporation Ltd. (CSC) hereby invites Proposals from Prospective Party(ies) to submit their proposals to select a Partner to promote Sri Lankan Flag Registry worldwide.

2. Background

A Memorandum of Understanding (MOU) was signed between Ceylon Shipping Corporation Ltd. (CSC) and Merchant Shipping Secretariat (MSS) being the Sri Lanka Flag Registry on 24th November 2017 for the purpose of establishing a platform between two State Institutions to promote Sri Lankan Flag Registry as Flag of Convenience (FOC)/ Flag of Opportunity (FOO) for the benefit of the country.

3. Scope of Work

CSC intends to join with a suitable party to promote a Sri Lankan Flag registry to encourage Ship owners for registering foreign ships under Sri Lankan Flag. The suitable party should prepare a Marketing plan and a Operational plan as to how to expand Sri Lanka Flag registry worldwide. Also, the partner should declare the positioning of the registry along with the global agency network. In addition the Partner will identify the areas to be developed and modified in the Sri Lankan Flag registry to be competitive with other FOC/FOO to attract more Ship owners.

4. Eligibility Criteria

- (a) The Proponent should have minimum of 03 years' experience in ships' flag promotion.

- (b) The Proponent should be a Company registered in Sri Lanka or any other country with excellent track of record in the field concerned.
- (c) The Proponent should submit following documents along with their proposal.
 - i) Company profile
 - ii) Audited financial statements for last 03 consecutive years
 - iii) A copy of Certificate of Incorporation

5. Selection Criteria

Proponents are required to submit the Technical & Financial Proposals simultaneously in two envelopes. Technical proposals are to be opened first and review and determine whether they are substantially responsive with the invitation and complies with the requirements thereto including financial capabilities. Those who are substantially responsive to Technical Proposal will be carried forward for evaluation under Financial Proposal. The decision of the SCAPC will be final and conclusive.

6. Issuance of the RFP Document

RFP documents could be downloaded from the website of CSC www.cscl.lk. The Applicants are expected to submit relevant details as per the RFP document in a comprehensive manner along with all necessary supporting documents. The RFP document should be submitted with the payment of non-refundable fee of Rs. 10,000.00 plus VAT (which can be in equivalent US Dollars as a Bank Draft) in favor of Ceylon Shipping Corporation Ltd.

7. Submission of the RFP Document

- (a) The deadline for submission of Proposals shall be 1500 hrs in local time on 29.07.2019.
- (b) Proposals which are received on or before the deadline will be opened soon after the closing.
- (c) Sealed Proposals should be delivered on or before the aforesaid closing date and time via registered post / courier or hand delivery to the address below;

CHAIRMAN
STANDING CABINET APPOINTED PROCUREMENT COMMITTEE (SCAPC)
MINISTRY OF PORTS & SHIPPING AND SOUTHERN DEVELOPMENT
No. 19, CHAITHYA ROAD
COLOMBO 01
SRI LANKA

SECTION 2: DESCRIPTION OF REQUIREMENTS

1. Date of RFP	16.06.2019
2. Context of the Requirement	Selection of a Partner to promote Sri Lanka Flag Registry
3. Implementing Partner	Ceylon Shipping Corporation Ltd. (CSC)
4. Brief Description of Required Service	The Government of Sri Lanka wishes to call Request for Proposals (RFPs) from qualified Parties in Sri Lanka or worldwide cluster companies to promote Sri Lanka Flag Registry.
5. Description of Expected Output	Please refer the Terms of Reference (TOR)
6. Proponent / Service Provider	Incorporated Business Entity
7. Period of Service	03 Years in Flag Promotion
8. Company Profile	Required
9. Service Details	Required
10. Financial Details	Required
11. Expertise	Required
12. Proposal Guarantee	Required
13. Performance Guarantee	Required
14. Annextures to the RFP	Annexure- 01 Annexure- 02 Annexure- 03 Annexure- 04 Annexure- 05 Annexure- 06 Annexure- 07

SECTION 3: INSTRUCTIONS TO PARTY(IES)

3.1 DEFINITIONS

- (a) “**Contract**” refers to the Agreement that will be signed between the **Ceylon Shipping Corporation Ltd. (CSC)** and the successful proponent, all the attached documents thereto, including the General Terms and Conditions (GTC) and the Annextures.
- (b) “**Data Sheet (DS)** ” refers to such part of the Instructions to Proponents use, to reflect conditions of the Request for Proposal (RFP) process that are providing specific for the requirements of the RFP.
- (c) “**Day**” refers to calendar day.
- (d) “**Government**” refers to the Government of Democratic, Socialist Republic of Sri Lanka.
- (e) “**Instructions to Party(ies)** (Section 2 of the RFP) refers to the complete set of documents that provides Party(ies) with all information needed and procedures to be followed in the Preparation of their Proposals.
- (f) “**Material Deviation**” refers to any contents or characteristics of the proposal that is significantly different from an essential aspect or requirement of the RFP, and: (i) substantially alters the scope and quality of the requirements; (ii) limits the rights of **CSC** and/or the obligations of the Party(ies); and (iii) adversely impacts the fairness and principles of the RFP process, such as those that compromise the competitive position of other Party(ies).
- (g) “**Technical Proposal**” includes the Expertise and Experience, Business, Marketing and Operational Plans of the Party(ies) in Flag Registry Promotion.
- (h) “**Financial proposal**” includes the highest commission offer to CSC in carrying out this business activity.
- (i) “**Project Committee (PC)**” refers to the Committee appointed to assist the Standing Cabinet Appointed Procurement Committee (SCAPC).
- (j) “**Proposal**” refers to the Party(ies) response to the Request For Proposal (RFP), including the Proposal Submission Form, Technical and Financial Proposal and all other documentation attached thereto as required by the RFP.
- (k) “**Party(ies)**” refers to any legal entity that may wish to submit, or has submitted, a Proposal for the Business described in this RFP.

- (l) **“Proponent”** means the Party who response to Request For Proposals (RFP) by submitting the Proposals.
- (m) **“RFP”** refers to the Request For Proposals consisting of instructions and references prepared by CSC for the purposes of selecting the best Party to promote the Sri Lankan flag.
- (n) **“Supplemental Information to the RFP”** refers to a written communication issued by CSC to prospective Proponents containing clarifications, responses to queries received from prospective Proponents, or changes to be made in the RFP, at any time after the release of the RFP but fourteen (14) days prior to the deadline for submission of Proposals.
- (o) **“SCAPC”** refers to the Standing Cabinet Appointed Procurement Committee for the Ministry of Ports & Shipping and Southern Development.

3.2 INTRODUCTION

- (a) The Ceylon Shipping Corporation Ltd. (CSC) is a fully Government owned Limited Liability Company registered under the Companies Act No 07 of 2007 of Sri Lanka and having its registered office at No. 27, MICH Building, Sir Razik Fareed Mawatha, Colombo 01, Sri Lanka.
- (b) CSC being the Procurement Entity hereby solicits Proposals in response to this Request for Proposal (RFP) from the Party(ies). No changes, substitutions or other alterations to the rules and provisions stipulated in this RFP may be made or assumed unless it is instructed or approved in writing by CSC.
- (c) Prospective Party(ies) is/are invited to submit proposals to promote Sri Lanka Flag Registry and to encourage Ship owners for registering foreign ships under Sri Lanka Flag in partnering with Ceylon Shipping Corporation Ltd., (CSC)
- (d) Submission of a Proposals by the Party(ies) shall only be deemed to as an acknowledgement of all obligations stipulated by this RFP would be met and, unless specified otherwise, the Party(ies) has/have read, understood and agreed to all the instructions in this RFP.
- (e) Any Proposal submitted will be regarded as an offer by the Party(ies) and does not constitute or imply the acceptance of any Proposal by CSC and CSC is under no obligation to Award a contract to any Party(ies) as a result of this RFP.
- (f) Any omission(s), conflict(s) or contradiction(s) in the Proposal in response to this RFP are to be noted and the interpretation and application shall be done appropriately to give effect to the said intent and no claims on that account shall be entertained.

- (g) In responding to this RFP, CSC requires all Party(ies) to conduct themselves in a professional, objective and impartial manner, and they shall at all times hold CSC's interests paramount. Party(ies) must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. All Proponents found to have a conflict of interest shall be disqualified.
- (h) Management structure and key personnel should be included in the Company Profile and also it should be clearly included defined roles and responsibilities of the entity.

3.3 ELIGIBILITY CRITERIA

- (a) The Proponent should have minimum of 03 years' experience in ships' flag promotion.
- (b) The Proponent should be a Company registered in Sri Lanka or any other country with excellent track of record in the field concerned.
- (c) The Proponent should submit following documents along with their proposal.
 - (i) Company profile
 - (ii) Audited financial statements for last 03 consecutive years
 - (iii) A copy of certificate of incorporation

3.4 LEGAL, CONTRACTUAL AND FINANCIAL FRAME WORK

- (a) This RFP document construed and governed under the laws of Democratic Socialist Republic of Sri Lanka under the Jurisdiction of Sri Lankan Courts.
- (b) The information contained in this RFP to the Party(ies) or any of its employees or advisors subject to the terms and conditions set out in this RFP.
- (c) Any undue influence, offering of bribe or any other corrupt practice shall resulting disqualification/ rejection of the Proposal(s) in addition to appropriate legal action being taken.
- (d) The SCAPC, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time to;
 - i) Suspend and/ or cancel the RFP process and/ or supplement the RFP process or modify the dates or other terms and conditions relating thereto and consult with the Party(ies) in order to receive clarification(s) or further information.
 - ii) Retain any information and / or evidence submitted with the proposal, on behalf of, and / or in relation to any Party(ies).

- iii) Independently verify, disqualify, reject and/ or accept any and all submissions or other information and/ or evidence submitted by or on behalf of any Party(ies).
- (e) Party(ies) are expected to have sole responsibility for taking steps to carefully examine in detail the full consistency of its Proposals to the requirements of the RFP, keeping in mind that material deficiencies in providing information requested in this RFP document, or lack of clarity in the description of the project, may result in the rejection of the Proposal. The Party(ies) shall assume the responsibility regarding erroneous interpretations or conclusions made by the Party(ies) in the course of understanding the RFP out of the set of information furnished by CSC.
- (f) Confidential Information relating to the examination, evaluation, and comparison of Proposals, and the recommendation, shall not be disclosed to Party(ies) or any other persons not officially concerned with such process, even after the agreement is signed.
- (g) Any effort by a Party(ies) to influence CSC, in the examination, evaluation and comparison of the Proposals or decisions with regard to acceptance of a Proposal may result in the rejection of its Proposal.
- (h) The Proponents shall warrant that:
 - i) All information it submits in complete and accurate in all material respects and is not misleading whether by omission or otherwise;
 - ii) None of the information it submits breaches any third party's rights and the use of the information in relation to this RFP will not breach such rights;
 - iii) It has not withheld any information potentially relevant to CSC consideration of its response, including any actual or potential controversies, disputes or claims involving Party(ies).
- i) The Party(ies) shall be an incorporated legal entity having a worldwide network to provide the required services of Sri Lankan flag registered vessels.
- j) The Party(ies) shall have minimum of three (03) years of experience in Ships' Flag Promotion and ship registration activities.

3.5 DOCUMENTS TO BE SUBMITTED

Proponents are required to submit duly completed and signed proposals with the following documents along with the Proposals:

a) Documents to establish the eligibility and qualifications of the Proponent	Data Sheet DS No. 12
b) Proposal Submission Form	Annexure 1
c) Information Form	Annexure 2
d) Proposal Guarantee amounting to USD 500.00 or equivalent in SLRs, at the submission date	Annexure 3
e) Technical Proposal	Annexure 4
f) Financial Proposal	Annexure 5
g) Annual Turnover	Annexure 6
h) Letters from 02 Referees from Ship owners	
i) The Board Resolution shall be submitted indicating the Authorized person to submit the Proposals	
j) If the Proposal is submitted by a local representative or an Agent a Power of Attorney should also be submitted to that effect	
k) The details of the Bankers, Lawyers and Auditors of the Proponent	
l) Any attachments and/or appendices to the Proposal	

3.6 CLARIFICATION(S)

- (a) Party(ies) may request clarifications of any of the RFP documents no later than fourteen (14) days prior to the proposal submission date. Any request for clarification must be sent in writing via courier or through electronic means to CSC office address indicated in the DS No.9. CSC will respond in writing, transmitted by electronic means and will transmit copies of the response (including an explanation of the query but without identifying the source of inquiry) to all Party(ies) who have requested for RFP documents.
- (b) CSC shall endeavor to provide such responses for clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of CSC to extend the submission date of the Proposals, unless CSC/SCAPC deem that such an extension is justified and necessary.

3.7 AMENDMENT(S)

- (a) At any time prior to the deadline of Proposal submission, CSC/SCAPC may for any reason, such as in response to a clarification requested by a Party(ies), modify the RFP document as a Supplemental Information to the RFP. All prospective Party(ies) will be notified in writing of all changes / amendments and additional instructions through Supplemental Information to the RFP.
- (b) In order to afford prospective Party(ies) a reasonable time to consider the amendments in preparing their Proposals, CSC may, at the discretion of SCAPC to extend the deadline for submission of Proposals, if the nature of the amendment to the RFP justifies such an extension.

3.8 COST OF PREPARATION OF PROPOSAL(S)

The Party(ies) shall bear any and all costs related to attending to meetings, preparation and / or submission of the Proposal, regardless of whether its Proposal was selected or not. CSC shall in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

SECTION 4 : TERMS AND CONDITIONS FOR PARTY(IES)

4.1 RESPONSIBILITY FOR PREPARATION OF THE RFP

4.1.1 LANGUAGE OF PROPOSAL

The Proposal, as well as any and all related correspondence exchanged between the Party(ies) and CSC, shall be written in the English language. Any printed literature furnished by the Party(ies) written in a language other than English language must be accompanied by a translation in the English language. For purposes of interpretation of the Proposal, and in the event of discrepancy or inconsistency in meaning, the version translated into the English language shall govern.

4.1.2 VALIDITY OF PROPOSAL

The Party(ies) should keep its Proposal valid for 90 days from the date of closing of Proposals the due date, However, SCAPC could request the Party(ies) to extend the validity of the Proposal and the Party(ies) shall accede to the request and the validity of the Proposal Guarantee should also be extended accordingly. The Party(ies) shall not be permitted to modify or amend its proposal though the validity period is extended as requested.

4.1.3 COMPLIANCE AND SUPPORTING DOCUMENTS

The Party(ies) shall provide all documents with the Proposal and failure to comply with these instructions or with any other RFP requirements the Proposal shall be at a risk for evaluation.

4.2 SUBMISSION OF PROPOSALS

- (a) The RFP Documents must be submitted sealed and clearly marked on the outside as REQUEST FOR PROPOSAL FOR SELECTION OF PARTNER TO PROMOTE SRI LANKA FLAG REGISTRY. The Party(ies) shall assume the responsibility for the misplacement or premature opening of Proposals due to improper sealing and labeling by the Party(ies).
- (b) Party(ies) must submit their Proposals in the manner as specified. When the Proposals are expected to be in transit for more than 24 hours, the Party(ies) must ensure that sufficient lead time has been provided in order to comply with the deadline for submission. CSC shall indicate for its record that the official date and time of receiving the Proposal is the actual date and time when the said Proposal has physically arrived at the address indicated in the DS No.15 .
- (c) Party(ies) submitting Proposals by mail or by hand shall enclose the original Documents, in sealed envelope, duly marking each of the envelope. The number of copies required shall be as specified in the DS No.8. In the event of any discrepancy between the contents of the “Original Proposal” and the “Copy of Proposal”, the contents of the original shall govern. The original version of the Proposal shall be signed or initialed by the person(s) duly authorized on each and every page.

4.3 PROPOSAL GUARANTEE

The Proposal should be accompanied by a Proposal Guarantee for a sum of USD 500.00 or equivalent in SLRs. and the validity period for 120 days from the date of closing of Proposals.

The Proposal Guarantee shall be from a Bank approved by the Central Bank of Sri Lanka and operates in Sri Lanka as specified in the Procurement Guidelines 2006 and its supplementary issues. This could be downloaded from the website www.treasury.gov.lk.

4.4 ALTERNATIVE PROPOSALS

Unless otherwise specified, alternative proposals shall not be considered.

4.5 DEADLINE FOR SUBMISSION OF PROPOSALS AND LATE PROPOSALS

Proposals must be received at the address indicated in the DS No.15 and not later than the date and time specified in the Invitation.

Any Proposal that arrives after the deadline for submission of Proposals shall be declared late, rejected, and returned unopened to the Party(ies).

4.6 WITHDRAWAL, SUBSTITUTION OR MODIFICATION OF PROPOSALS

- (a) A Party(ies) may withdraw, substitute or modify its Proposal after it has been submitted by sending a written notice duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal must accompany the respective written notice. All notices must be received by CSC prior to the deadline for submission and submitted in accordance with RFP . The respective envelopes shall be clearly marked “WITHDRAWAL,” “SUBSTITUTION,” or MODIFICATION”.
- (b) Proposals requested to be withdrawn shall be returned unopened to the Party(ies), prior to the deadline for submission of Proposals.
- (c) No Proposal may be withdrawn, substituted, or modified in the interval between the deadline for submission of Proposals and the expiration of the period of proposal validity specified by the Proponent on the Proposal Submission Form or any extension thereof.
- (d) CSC has the right to amend, vary, alter, change, supplement or clarify the scope of work of the service to be provided in pursuant to this RFP process.
- (e) The Party(ies) shall not assign, transfer or make any other disposition of the service or any part thereof without prior consent of the Board of Directors of Ceylon Shipping Corporation Ltd., (CSC)
- (f) The Selected Service Provider shall not advertise or otherwise make public the use of the name, emblem of the Government of Sri Lanka and Ceylon Shipping Corporation Ltd without prior approval.

4.7 TWO ENVELOPE SYSTEMS TO SUBMIT TECHNICAL AND FINANCIAL PROPOSAL SEPARATELY

- a) Proponents are required to submit their Technical & Financial Proposals simultaneously but in two envelopes.

- b) Technical Proposal, Proposal Guarantee, Proof of Eligibility criteria etc. submitted in one envelope.
- c) The second envelope should contain the Financial Proposal.
- d) Technical proposals are to be opened first and reviewed and determine whether they are responsive and the responsive proposal will be carried forward to next stage and only their financial proposal will be opened.

4.8 OPENING OF PROPOSAL(S)

- (a) The Proposal Opening Committee (POC) appointed by the Secretary, Ministry of Ports & Shipping and Southern Development will open the Proposals in the presence of proponents.
- (b) The Party(ies)' names, modifications, withdrawals, the condition of the envelope labels/seals, the number of folders/files and all other details as the Proposal Opening Committee may consider appropriate, will be announced at the opening. No Proposal shall be rejected at the opening stage, except for late submission, for which the Proposal shall be returned unopened to the Party(ies).

4.9 ANNOUNCEMENT OF PROPOSALS

The following details shall be recorded in a book meant for the purpose and announcement immediately after the opening of each proposal.

- (a) Names of the Party(ies)/ Agent/ Representative
- (b) Validity of the Proposal
- (c) Validity period of the Proposal Guarantee and Issuing Bank
- (d) Whether the duly filled Form Annexure I-III are submitted along with the Proposal supporting documents.

SECTION 5 : TECHNICAL PROPOSAL

The Proponent shall structure the Technical Proposal as follows:

5.1 EXPERTISE AND EXPERIENCE OF PARTY(IES)

This section should provide details on the context of the organization including management structure of the organization, organizational capabilities / resources, and experience of organization related to the Flag Promotions firm, details of any Flag of Registry promotion being undertaken operated by the Party(ies) to the requirements of the RFP, and proof of financial stability and adequacy of resources to operate as required by the RFP.

5.2 PROPOSED BUSINESS PLAN

- (a) The Business Plan must include a SWOT Analysis, brief description on the proposed Business objectives, Business Activities and the market opportunities, Market strategies, Sales forecast etc. The Business Plan must be signed by an authorized representative of the Party(ies).

- (b) Modification to Sri Lanka Flag Registry; the Party(ies) must propose the amendments or revisions if required, to be brought into the existing Rules and Regulations of Sri Lanka Flag registry to be competitive with other nations of Flag of Convenience Countries (FOC). Also the improvements to be made in providing services to the Ship owners/Managers/Operators etc. to obtain the competitive advantage over other FOC countries.

5.3 OPERATIONAL PLAN

The Operational Plan should describe the modus operandi in securing and providing further effective and efficient round the clock services to Ship owners/Managers.

SECTION 6 : FINANCIAL PROPOSAL

The Financial Proposal shall be prepared using the attached standard form in annexure 5. It shall indicate the Goodwill Share per Gross Registered Tonnage (GRT) in % and the commission offered to CSC for the issuance of following certificates. All prices shall be quoted in % .

- Class Certificates
- Statutory Certificates
- Trading Certificates
- Certificates of Deletion

- Certificates of Transcript
- Any other Certificates

SECTION 7 : TERMS OF REFERENCE (TOR)

7.1 BACKGROUND

According to the United Nations Convention on Law of the Sea 1982 (UNCLOS), every seagoing ship should be registered under a Flag of a member country and the ships are subject to the jurisdiction and control of that Flag State. Therefore, all seagoing ships have to comply with the Flag States' laws and regulations in the construction, maintenance as well as in the manning of ships including labour conditions on board. Safe navigation and protection of the environment are also to be complied.

A Memorandum of Understanding was signed between Ceylon Shipping Corporation Ltd., (CSC) and Merchant Shipping Secretariat on 24th November 2017 for the purpose of establishing a platform between two institutions to promote Sri Lankan Ship Registry for the benefit of the country.

CSC acts as the exclusive marketing arm to promote the Sri Lankan Flag Registry to encourage ship owners to register foreign ships under Sri Lankan Flag. In this endeavor CSC intends to obtain the services of a suitable partner to join hand with CSC.

7.2 SHIP REGISTRATION UNDER SRI LANKAN FLAG

Sri Lankan Flag Registry has been declared as a Flag of Opportunity (FOO). The importance of promoting of Sri Lankan Flag Registry would bring many benefits to the Ship owners as highlighted by the maritime experts in the world.

7.3 SCOPE OF WORK

In terms of the Sri Lankan Budget Speech 2017, Section 206 it has been proposed to promote the Sri Lankan Flag ship Registry and ancillary services to increase shipping tonnage registered under the Sri Lankan Flag in order to earning foreign exchange for the country. In view of this proposal, the Merchant Shipping Secretariat (MSS) and Ceylon Shipping Corporation Ltd. (CSC) being the state owned National Sea Carrier have agreed to collaborate in promoting the Sri Lankan Flag. In this exercise the Merchant Shipping Secretariat (MSS) would continue its role as the Sri Lankan Flag registry and CSC's role would be to attract more ships to Sri Lankan Flag as the marketing arm.

CSC intends to join with a suitable party to promote a Sri Lankan Flag registry to encourage Ship owners for registering foreign ships under Sri Lankan Flag. The suitable party should prepare a

Marketing plan and the operational plan as to how to expand Sri Lanka Flag registry worldwide. Also, the partner should declare the positioning of the registry along with the global Agency network. In addition the Partner will identify the areas to be developed and modified in the Sri Lankan Flag registry in par with Flag of Convenience (FOC)/Flag of Opportunity (FOO) to attract more Ship owners.

7.4 STRUCTURE OF THE TECHNICAL & FINANCIAL PROPOSAL

Technical and Financial proposals are requested from the prospective Proponent to submit in the areas mentioned in Annexure 4 & 5 for the evaluation and selection purposes in order to identify the best Proponent for this business proposition.

All Proposals should contain adequate particulars as required. Failure to furnish the supporting documents and details may result in the proposals being rejected. All documents shall be in English Language.

7.5 MODIFICATION OF EXISTING REGULATION

An expertise knowledge and clear understanding of the FOC market is vital to modify the existing regulations and relax the terms and conditions under Sri Lankan Flag registry (<http://www.dgshipping.gov.lk>) in line with the requirements in Flag of Convenience (FOC) / Flag of Opportunity (FOO) for the purpose of secure more foreign vessels. The proposal shall be contained the technical proficiency to update the existing regulations. Further note that the Expert Committee appointed by the General Treasury will review and rationalize the existing Tariffs in order to obtain the competitive advantage for Sri Lankan ship registry.

7.6 MARKETING STRATEGIES

The obligation of the Parties to undertake the administration of Sri Lanka's International Ship Registration stems with the view to raising the standard of delivery required to increase the shipping tonnage registered under the SL flag. Flexibility and ease in the process of marketing in the international ship registration strategically and expansively. Parties will make suitable marketing strategy to increase the Sri Lankan Flag Registry Operating Model.

The Promoter shall inform the way of operating in the RFP. The Promoter shall ensure or cause to ensure that the process is accepted by all the class survey societies. The duties of the Flag States are set forth to define the jurisdiction and control of the flag State may assert over the administrative, technical and social matters of the vessels flying with its flag, safe, secure and pollution free ship operation and good employment condition for seafarers.

7.7 RULES AND REGULATIONS

The Party(ies) shall initially comply with all the laws, rules and regulations relating to the proposed FOC stipulated in the Merchant Shipping Act of Sri Lanka and the Regulations promulgated under the Act.

7.8 TERMINATION

CSC shall have the right to terminate the Service Agreement giving notice period of 30 days. However, all the unsettled payments, bills and accounts shall be settled by both Party(ies) within forty five (45) days after termination of the Agreement. CSC shall not be liable and shall not become responsible to settle unpaid any dues for whatever the vendor except settling revenue and expenses as between CSC and the Proponent on agreed.

SECTION 8: EVALUATION OF PROPOSALS

8.1 RESPONSIVENESS OF PROPOSALS

The sealed proposals shall be received in two envelop systems as the Technical Proposal and Financial Proposal. The Technical Proposal would be evaluated initially and the Proponents who have obtained 70 or more than 70 marks out of 100 will be subjected to financial evaluation.

The proposals received by the deadline specified in this RFP will be evaluated by the project committee (PC) in three stages.

- i) The assessment of adequacy of proposal
- ii) The assessment of responsiveness to the requirements
- iii) Rank the proposals on competitive basis

The Proposal shall not contain any condition(s) or qualification(s) if it is to be substantially responsive in terms of hereof. The Project Committee (PC) shall carry out the evaluation of Proposals which have been fulfilled at the examination of the Proposals.

Determination of a Proposal's responsiveness will be based on the requirement stated in the RFP document.

A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.

If a Proposal is not substantially responsive, it shall be rejected and may not subsequently be made responsive by the Party(ies) by correction of the material deviation, reservation, or omission.

In the evaluation process the PC with the sanction of SCAPC may at its sole discretion, seek clarifications in writing from any Party(ies) through CSC regarding its Proposal. To assist in the examination, evaluation and comparison of Proposals, PC may obtain the services of consultant(s) or advisors(s) if necessary.

If any proposal is found to be non responsive (including not complying with eligibility criteria) will be rejected.

8.2 TECHNICAL EVALUATION OF PROPOSALS

The Proposals shall be examined based on the completeness of the proposals and responsiveness as per the Section 3.5 of the RFP document. The envelope containing the Technical Proposal evaluates the first. The substantial responsiveness of the proposal will be checked at this stage.

A Marking Scheme stated in the RFP document (Annexure 8 & 9) will be used for evaluation. The minimum marks for Technical Evaluation is 70 marks.

The Financial Proposal forwarded by the proponents who obtained less than minimum marks for Technical evaluation will not be opened.

8.3 FINAL SELECTION

The Project Committee (PC) shall initially examine and evaluate the Technical Proposals. The Proposals which are successful in Technical evaluation will be subjected to the financial evaluation.

The Proponent who obtains highest marks in the financial evaluation would be recommended to award the contract.

8.4. TECHNICAL EVALUATION CRITERIA

Detailed Technical Evaluation Criteria of the Technical Proposal	
(i) <u>Eligibility</u>	
Compliance ;	
a) Company profile	Yes/No
b) Certificate of incorporation	Yes/No
c) Copies of the Vessels Registration Certificates	Yes/No
d) 03 consecutive Audited Financial Accounts	Yes/No
e) Compliance of all terms & conditions of RFP	Yes/No

<p>(ii) Number of Years of Experience in Promoting the Ship Registries Year 03 to 06 More than 06 years</p>
<p>(iii) No. of vessels registered and name of the Registry (Copies of the Registration Certificates should be submitted along with the Proposal)</p> <p>No. of vessels less than 25 No. of vessels 25-50 No. of vessels 50-100 No. of vessels more than 100</p>
<p>(iv) Details of the Professional Staff (Marine Engineers/Masters/Naval Architectures/Bankers/Finance Managers)</p>
<p>(v) Submission of required Documents</p> <ul style="list-style-type: none"> -Company Profile - Audited Financial Statements for last 03 consecutive years -Certificate of incorporation -Business Plan <ul style="list-style-type: none"> a) SWOT analysis b) Marketing Strategy c) Financial Forecast d) Sales Forecast -Operational Plan <ul style="list-style-type: none"> a) Worldwide agency network coverage b) Proposals to amend or revisions to modify the existing regulations of Sri Lanka Ship registry

- a. PC shall examine the Proposals to confirm that all terms and conditions under the General Terms and Conditions and Special Conditions have been accepted unconditionally by the Party(ies) without any deviation or reservation.
- b. The PC shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other documentation provided. , Each responsive Proposal will be given a technical score. A Proposal shall be rendered nonresponsive at this stage if it does not substantially respond to the RFP particularly the demands of the Terms of Reference, which also means that it fails to achieve the minimum technical score.
- c. The only Proposals which obtained the minimum marks and above at the Technical Evaluation

will be evaluated under Financial Evaluation.

8.5 FINANCIAL EVALUATION CRITERIA

Detailed Financial Evaluation Criteria of the Financial Proposal	
All commission should be quoted in %	
i	Goodwill share offered to CSC per registered tonnage
ii	Class Certificates
iii	Trading Certificates
iv	Certificates of Deletion
v	Any other Services as required

In the Financial evaluation stage, only the Financial Proposals of those Party(ies) who achieve the minimum technical score will be evaluated. .

SCAPC reserves the right to undertake a post qualification exercise aimed at determining, to its satisfaction the validity of the information provided by the Party(ies). Such post qualification shall be fully documented and, among those that may be listed and may include, but need not be limited to all or any combination of the following:

- a) Verification of accuracy, correctness and authenticity of information provided by the Party(ies) on the legal, technical and financial documents submitted;
- b) Validation of extent of compliance to the RFP requirements and evaluation
- c) Inquiry and reference checking with Government entities with jurisdiction on the Party(ies), or any other entity that may have previous experience with the Party(ies);
- d) Inquiry and reference checking with other previous clients on the quality of performance on ongoing previously completed projects;
- e) Physical inspection of the Party(ies)'s offices, branches or other places where business transpires, with or without notice to the Party(ies);

8.6 FINAL EVALUATION & THE SERVICE AGREEMENT

The final evaluation will be confined to the proposals which have passed the preliminary and detailed evaluation and rank according to the highest financial offer made to CSC. The Proponent may provide the draft terms and the conditions for the Service Agreement and the Final Agreement will be

reached at the total discretion of the Board of Directors of CSC.

SECTION 9 : SIGNING OF SERVICE AGREEMENT

9.1 ACCEPTANCE OF PROPOSAL

Prior to expiration of the period of proposal validity, upon necessary approval by the SCAPC, The Party adjudged as the Selected Service Provider in terms of the highest total points obtained in the Evaluation.

In the event the highest scored Party withdraws or is disqualified for any reason in the first instance the SCAPC may invite the next highest scored Party.

9.2 PERFORMANCE GUARANTEE

The Performance Guarantee shall be provided in the form provided in Annexure 7 for the amount and by the deadline indicated in the DS No. 6, as applicable. The submission of the Performance Guarantee and the confirmation of its acceptance by CSC, shall be a Condition Precedent of the agreement to be signed between the successful Party and CSC.

The Performance Guarantee shall be valid up to 45 Calendar Days beyond the Intended Completion date of the period under the Agreement.

The Performance Guarantee shall be in the Form of a Bank Guarantee, issued by a bank operating in Sri Lanka, approved by the Central Bank of Sri Lanka. If the Contract is extended, the Performance Guarantee shall be extended by the party accordingly.

9.3 SIGNING OF AGREEMENT

After selection, a Letter of Intent (LOI) shall be issued in duplicate by CSC to Selected Party and the Selected Party shall, within 07 (seven) days of the receipt of LOI, sign and return the duplicate copy of the LOI in acknowledgement thereof.

In the event the duplicate copy of the LOI duly signed by the Selected Party, is not received by CSC in the stipulated date on the LOI, the CSC may, unless, it consents for extension of time for submission thereof, recover from the Proposal Guarantee of such Selected Party as genuine Pre-estimated loss and damage suffered by CSC on account of failure of the Selected Party to acknowledge the LOI, and the next highest scorer may be considered.

After acknowledgement of the LOI as aforesaid within one week of the date of acknowledgement the Selected Party shall furnish a Performance Guarantee to assure his obligations, valid up to 45 Calendar Days beyond the Intended Completion date of the period

under the Service Agreement and which is encashable without recourse to the Selected Party in the form of a Bank Guarantee to the value of USD 2750.00 or equivalent in Sri Lankan Rupee. It shall also execute the Service Agreement with CSC within a period of 07 days upon submitting the Performance Guarantee.

9.4 THE SERVICE AGREEMENT

The selected party should enter into an Agreement with CSC for the services to be provide a containing the following Terms and Conditions,

- a) Period – 3 years
- b) Law and jurisdiction of Sri Lanka
- c) Arbitration (in case of a foreign company only in Singapore)
- d) Service Commission to be paid to CSC as per the section 8.3.2

SECTION 10: DATA SHEET

The following Data Sheet shall complement, supplement, or amend the provisions in the Instructions to Party(ies). In the case of a conflict between the Instructions to Party(ies), the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall govern.

DS No.	ITP Reference	Data	Specific Instructions/Requirements
1.		Title of RFP	Request for Proposal for Selection of a Partner to promote Sri Lanka Flag Registry.
2.		Date & Number of the RFP	No. CSC/RFP/FOC/2019/ Date: 16.06.2019
3.		Format of the Proposal Guarantee	Annexture 3
4.		Value and validity of the Proposal Guarantee	USD 500.00 (USD Five Hundred) and valid up to 120 days from the date of closing of proposal.
5.		Format of the Performance Guarantee	Annexture 7
6.		Value and Validity of Performance Guarantee	USD 2750.00 (USD Two Thousand Seven Hundred and Fifty) valid up to 45 days from the date of closing of Proposals

7.	Deadline for submitting requests for clarifications / questions	14 days prior to 29.07.2019
8.	Number of copies	Original 01 Copy 01
9.	Contact Details for submitting clarifications / questions	<p>Contact Party:</p> <p>Mr. Ajith Rathnayake Deputy Manager Business Development Division Ceylon Shipping Corporation Ltd.</p> <p>Tel. +9411 2328772 / 3, Ext. 277 Mob. + 9471 0215710 Fax: +9411 2327801 Email: ajith@cscl.lk</p> <p>Ms. Rashmi Nadeeshani Assistant Manager Business Development Division Ceylon Shipping Corporation Ltd.</p> <p>Tel. +9411 2328772 / 3, Ext. 243 Mob. + 9471 0215727 Fax: +9411 2327801 Email: rashmi@cscl.lk</p>
10.	Technical Proposal Format and Content	Annexure 4
11.	Other documents that may be Submitted to establish Eligibility	As deemed necessary by the Party(ies) for an objective Evaluation as Certified true copy.

12.	Required Documents that must be submitted to Establish Eligibility and Qualification of Proponents (in "Certified True Copy" form only)	<ul style="list-style-type: none"> (i) Company Profile. (ii) Members of the Governing Board and their Designations duly certified by the Corporate Secretary, or its equivalent document if Proponent is not a corporation. (iii) Certificate of Registration of the business, including Articles of Incorporation, or equivalent document if Party(ies) is not a corporation. (iv) Latest Audited Financial Statement (Income Statement and Balance Sheet) including Auditor's Report for the past 3 consecutive years up to 31st March 2018. (v) All information regarding any past and current litigation during the last five (5) years, in which the Party(ies) is involved, indicating the Party(ies) concerned the subject of the litigation, the amounts involved, and the final resolution if already concluded. (vi) Copies of the Vessels Registration Certificates
13.	Period of Proposal Validity commencing on the submission date	Up to 90 days
14.	Deadline of Submission	15.00 hrs on 29.07.2019
15.	Proposal Submission Address	Chairman - Standing Cabinet Appointed Procurement Committee, Ministry of Ports & Shipping and Southern Development No 19, Chaithya Road, Colombo 01, Sri Lanka.
16.	Date, time and venue for opening of Proposals	Date and Time : 15.00 hrs on 29.07.2019 Ministry of Ports & Shipping and Southern Development No 19, Chaithya Road, Colombo 01, Sri Lanka.
17.	Evaluation method to be used in selecting the most responsive Proposals	As stated in Section 8

18.		Signing of Agreement	Within 07 days from the date of issuance of Letter of Acceptance by CSC
19.		Account Details	<p>1. Commercial Bank LKR Account Beneficiary -Ceylon Shipping Corporation Ltd, Account No. -1400209102 SWIFT Code -CCEYLK LX Name & Address of the Bank- Commercial Bank of Ceylon PLC, Foreign Branch, 21, Sir Razik Fareed Mawatha, P.O. Box 853, Colombo 01, Sri Lanka.</p> <p>2. People's Bank USD Account Beneficiary -Ceylon Shipping Corporation Ltd, Account No. -004-4021-6-0210916 SWIFT Code -PSBKLK LX Name & Address of the Bank- People's Bank, Corporate Banking Division, No.91, ACHC Building, Sir Chittampalam A Gardiner Mawatha, Colombo 02, Sri Lanka.</p>

SECTION 11: ANNEXTURES

ANNEXTURE – 1 PROPOSAL SUBMISSION FORM

The Chairman

Date :

.....

Standing Cabinet Appointed Procurement Committee
Ministry of Ports & Shipping and Southern Development
Colombo 01
Sri Lanka.

PROPOSAL TO PROMOTE SRI LANKA FLAG REGISTRY

I/ We, the undersigned, having read and fully acquainted myself/ ourselves with the contents of "TOR" and "Terms and Conditions" of RFP document dated....., we are hereby submitting our Proposal, which includes the Technical Proposal, Financial Proposal and documents listed in section 3.5 of the RFP.

We hereby declare that:

- a) All the information and statements made in this Proposal are true and correct to the best of my/our knowledge and we accept that any misrepresentation contained in it may lead to our disqualification;
- b) We have no outstanding bankruptcy or pending litigation or any legal action that could impair our operation as a going concern; and

We confirm that we have read, understood and hereby accept the Terms of Reference, the duties and responsibilities required of us in this RFP.

We agree to abide by this Proposal for [insert: period of validity as indicated in Data Sheet].

We undertake, if our Proposal is accepted, to initiate the implementation of the project commencing not later than days from the date of signing the Service Agreement with CSC.

We fully understand and recognize that CSC may cancel the RFP process at anytime and that CSC is neither bound to accept any RFP that may receive nor to invite the proposal. We shall bear all costs associated with its preparation and submission, and CSC will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the evaluation.

Authorized Signature [In full and initials]:

.....

Name and Title of Signatory:

Name of Firm:

Contact Details:

Date.....

ANNEXTURE – 2 INFORMATION FORM

Date: [insert date (as day, month and year)] of Proposal Submission]

RFP No.: [insert number]

Page _____ of _____ pages

1. Party(ies)'s Legal Name		
2. Countries of Operation	3. No. of staff in each Country	4. Years of Operation in each Country
5. Registered Address/es in Country/ies of Registration/Operation:		
6. The Experience of Flag Registration		
7. Name of All Directors		
8. Brief description of litigation history (disputes, arbitration, claims, etc.), indicating current status and outcomes, if already resolved.		
9. Party(ies)'s Authorized Representative Information Name: Address: Telephone/Fax numbers: Email Address:		
10. Attached are copies of original documents of: All eligibility document requirements listed in the Data Sheet		

Date -

[Signature (s) of Authorized Representative]

ANNEXTURE – 3 PROPOSAL GUARANTEE

[this Guarantee form shall be filled in accordance with the instructions indicated in brackets] *insert issuing agency’s name, and address of issuing branch or office.....

Beneficiary : Ceylon Shipping Corporation Ltd.....

Date (insert by issuing agency) date

GUARANTEE NO*Insert (by issuing agency) number

We have been informed that *insert (by issuing agency) name of the Prospective Developer; if a joint venture, list complete legal names of Proponents (hereinafter called “the Prospective Developer”) has submitted to you its Proposal dated *insert (by issuing agency) date] (hereinafter called “the Proposal” Under Invitation of proposals.

Furthermore, we understand that, accordingly to your conditions, proposals must be supported by a Guarantee for the Proposal.

At the request of the Prospective Developer, we *insert name of issuing agency hereby irrevocable undertake to pay any sum or sums not exceeding in total an amount of *insert amount in figures *insert amounts in words upon receipt by us of your demand in writing accompanied by a written statement stating that the Prospective Developer is in breach of its obligation (s) under the conditions, because the Prospective Developer.

- (a) has withdrawn its Proposal during the period of validity specified; or
- (b) having been notified of the acceptance of its proposal by the Ceylon Shipping Corporation Ltd. during the period of validity of proposals fails or refuses to execute the Agreement, if required, in accordance with the conditions for submission of proposal.

This Guarantee shall expire: (a) if the Prospective Developer is the successful Developer upon or receipt of copies of the Contract signed the Developer or (b) if the Prospective Developer is not the successful Developer, upon the earlier of our receipt of a copy of your notification to the Prospective Developer that he was unsuccessful, otherwise it will remain in force up to (insert date).

Consequently, any demand for payment under this Guarantee must be received by us at the office on or before that date

Date -
Representative]

[Signature (s) of Authorized

ANNEXTURE – 4 TECHNICAL PROPOSAL

- (i) **Cover Letter and Proposal Summary Form:** This section must include a letter that briefly describes the proposal, identifies the benefits that the project will create for CSC and the country. The letter must be signed by an authorized representative of the responding entity.
- (ii) **Contact information:** for all future communications-Include contact person's name, title, organization, address, telephone number and e-mail address.
- (iii) **Company Profile** of the Party and describe the experience and professional staff (attached their CV) in relevant field.
- (iv) **Business Plan**

This section must provide a detailed description of the proposal and the ways in which it satisfies the goals and objectives of this RFP.

 - (a) Qualifications: Describe qualifications and capabilities of the Proponent.
 - (b) Past and Present Experience: Details of three (03) years in ship registry service or similar magnitude;
 - (c) Market strategy- include Business Plan & Financial Plan
 - (d) SWOT Analysis,
 - (e) Brief description on the proposed Business Activities
 - (f) Sales Forecast
- (v) **Operational Plan**

The Operational Plan should describe the modus operandi in securing and providing further services to Ship owners on regional basis and worldwide.

 - (a) References: any special references highlighting capabilities of the organization.
 - (b) Proposal to modify existing regulations of the Sri Lankan Flag registry
 - (c) Any additional information for a better understanding of the proposal
- (vi) **The Party(ies) warrant that:**
 - (a) All information submitted is completed and authentic and accurate in all material aspects and is not misleading whether by omission or otherwise;
 - (b) None of the information it submits breaches any third party's rights and the use of the information in relation to this RFP will not breach such rights;
 - (c) It has not withheld any information potentially relevant to CSC consideration of its response, including any actual or potential controversies, disputes or claims involving the respondent.

Date -

[Signature (s) of Authorized Representative]

ANNEXTURE – 5 FINANCIAL PROPOSAL

Area	Price Offer in USD
All commission should be quoted in %	
i. Goodwill share offered to CSC per registered tonnage	
ii. Class Certificates	
iii. Trading Certificates	
iv. Certificates of Deletion	
v. Any other Services as required	

Date -
Representative]

[Signature (s) of Authorized

ANNEXTURE – 6 ANNUAL TURNOVER

Each Party(ies) must fill out this form.

Annual Turnover Data for the last three (3) years			
Year	Amount Currency	Exchange rate if applicable	US\$ Equivalent

Date -

[Signature (s) of Authorized Representative]

ANNEXTURE – 7 PERFORMANCE GUARANTEE

(Unconditional)

(Issuing agency’s name, and address of issuing Branch or Office

Beneficiary : Ceylon Shipping Corporation Ltd.,.....

Date :

PERFORMANCE GUARANTEE NO:.....

We have been informed that.....(name of Contractor) (hereinafter called “the Contractor”) has entered into Contract No.....(reference number of the Contract) dated.....with you, for the construction of.....(name of contract and brief description of Works) (hereinafter called “the Contract”).

Furthermore, we understand that, according to the Conditions of the Contract, a performance guarantee is required.

At the request of the Contractor, we.....*(name of agency) hereby irrevocably undertake to pay you any sum or sums not exceeding in total an amount of.....(amount in figures).....(amount in words) upon receipt by us of your first demand in writing accompanied by a written statement stating that the Contractor is in breach of its obligation(s) under the Contract, without you needing to prove to show grounds for your demand or the sum specified therein.

This Guarantee shall expire, no later than the.....day of.....,2019 (insert date, 45 days beyond the Intended Completion Date) and any demand for payment under it must be received by us at this office on or before that date.

Date -

[Signature (s) of Authorized Representative]

ANNEXTURE – 8 MARKING SCHEME FOR TECHNICAL EVALUATION

	Criteria	Marks
(i)	Number of Years of Experience in promoting the Ship Registries Year 03 to 06 More than 06 years	(Max. 30) 10 30
(ii)	No. of vessels registered and name of the Registry No. of vessels less than 25 No. of vessels 25-50 No. of vessels 50-100 No. of vessels more than 100	(Max. 50) 10 20 30 50
(iii)	Business Plan a) SWOT analysis b) Marketing Strategy including Sales Forecast	05 05
(iv)	Operational Plan a) Worldwide Network b) Proposed to modify the existing regulations of Sri Lanka Ship registry	05 05
	Total	100

Note;

Item No. III & IV full marks will be given to the received Business Plan and Operational Plan submitting with the detailed report with quality analysis. The marks will be proportionately given depending on the in depthness of the report.

The marks as stated above will be given for item No.III and IV after evaluating the Business Plan and the Operational Plan in qualitative and quantitative aspects. Accordingly the marks will be allocated proportionately.

ANNEXTURE – 9 MARKING SCHEME FOR FINANCIAL EVALUATION

Detailed Evaluation of Financial Criteria	Marks
All commission should be quoted in %	
i. Goodwill share offered to CSC per registered tonnage	50
ii. Class Certificates	20
iii. Trading Certificates	10
iv. Certificates of Deletion	10
v. Any other Services as required	10
Total	100

Note;

Highest Marks will be offered for the highest % given and proportionately reduced in descending order.