



The Government of the Democratic Socialist Republic of Sri Lanka

Ministry of Ports Shipping and Aviation

Merchant Shipping Secretariat

Invitation for Expression of Interest (EOI)

From the Interested local or foreign Companies or individuals for the “Promotion of Registration of Ships under the Sri Lankan Flag”.

REF NO: MSS/ACC/01/27-01

Expressions of Interest are invited by the Ministry of Ports Shipping and Aviation from interested local or foreign Companies or individuals for the “Promotion of Registration of Ships under the Sri Lankan Flag”.

1. Introduction

- 1.1.** The Merchant Shipping Secretariat (MSS) function under the purview of the Ministry of Ports, Shipping and Aviation has been vested with the total responsibility of regulating Merchant Shipping activities, in Sri Lanka. The Secretariat acts as the lawful authority in Sri Lanka to implement the conventions to which Sri Lanka is a party and is the focal point for the International Maritime Organization (IMO) and the International Mobile Satellite Organization (IMSO) in addition to functioning as the competent authority for Maritime Labour Convention-2006.
- 1.2.** The main task of the Merchant Shipping Secretariat is to implement the provisions in the following enactments.
 - a) Merchant Shipping Act, No.52 of 1971.
 - b) Licensing of Shipping Agents Act, No.10 of 1972
- 1.3.** As such, some of the major responsibilities entrusted under these Acts are to formulate and regulate laws/legislation on merchant shipping activities in Sri Lanka, prepare and implement national legislation and regulations in line with ratified conventions, conduct examinations for seafarers under the international conventions and issue of the certificates required for serving on vessels, approve/regulate/monitor and auditing maritime training institutes, register vessels under the Sri Lanka flag, inspect the conditions of vessels and issuing statutory certificates, act as the chief receiver of wreck around Sri Lanka and dispose of them appropriately. Port State Control activities and issuing licenses to Shipping agents, Container operators, Freight forwarders, and NVOCC operators in Sri Lanka.
- 1.4.** PART III - REGISTRY of the Merchant Shipping Act No. 52 of 1971 provides provisions on the ship registrations and the relevant Regulations have been promulgated under the said Act.

2. Objective

The main objective of inviting EOIs is:

To identify and register eligible companies or individuals in Sri Lanka or overseas to promote ship registrations under the Sri Lankan flag.

3. Eligibility

3.1 The eligible Companies or Individuals should,

- 3.1.1** Have registered under the law of their country of origin for undertaking the businesses related to ship registration.
- 3.1.2** Be able to produce self-expression of experience in the relevant field, **or**
- 3.1.3** Submit a proposal/action plan with an anticipated timeline for Promoting and Registering ships under the Sri Lankan Flag.

4. Benefits to Eligible Companies or Individuals

The Government of Sri Lanka (GOSL) will offer attractive financial incentives to the companies or individuals who have succeeded in promoting the flag upon successful registration of ships.

5. Contents of the EOI

- 5.1.1.** EOI to be submitted by the Applicants along with relevant details as outlined in section 3 (Eligibility) to the Merchant Shipping Secretariat.
- 5.1.2.** It is also mandatory to include the following information including the attested copies of relevant documentation.
- 5.1.3.** The proof of the Applicant's Identity (The Company or an Individual as applicable)
- 5.1.4.** Qualifications and Experience of relevant Companies/Individuals in the field of Ship Registration.
- 5.1.5.** The track record of implementing similar assignments with a list of clients and the details of the ships, in form "C". (Submit evidence of successful ship registrations executed during previous years will be considered favourably.)
- 5.1.6.** Submit a proposal/action plan with an anticipated timeline for the Registration of ships under the Sri Lankan Flag.
- 5.1.7.** Power of Attorney for the Agent signing of EOI as applicable.
- 5.1.8.** Submit details of two independent references/referees.
- 5.1.9.** All information on litigation if any. (self-declaration if there is no litigation)

6. Submission of EOI

6.1 The Language of Application

The Application and all correspondence and documents concerning EOI shall be in English. Supporting documents and printed literature furnished with the Application may be in other languages, provided they are accompanied by a translation of all pertinent pages in the English language, duly authenticated by the authorized notary.

6.2 Format and signing.

The Applicant shall provide all the information sought under this EOI in the formats/forms given in Section 10 of this invitation and relevant additional supporting documents. The Ministry will evaluate only those applications received in the required formats and complete them in all aspects. The ministry may reject incomplete or conditional Applications.

6.3 Requirements:

Selected companies or individuals shall agree to sign a Non-Exclusive Memorandum of Understanding (MOU) with the Merchant Shipping Secretariat on the Promotion of Registration of ships under the Sri Lankan Flag in the terms & conditions set out for the purpose in the MOU.

6.4 Sealing and Marking of EOI document

The Applicant shall submit the EOI, together with documents as specified in Sections 3 & 5, and seal them. The envelope shall then be sealed in an outer envelope which shall also be marked in accordance with the above Sections.

Each envelope shall contain,

- (a) The documents prescribed in Sections 3 and 5
- (b) Certified copy of Company Registration, if the Applicant is an incorporated body, and if a partnership then a copy of its partnership deed, if an Individual a proof of Registration for undertaking relevant business activities.

6.5 Applications can be downloaded from the official websites of the Ministry of Ports Shipping and Aviation <http://www.portmin.gov.lk/or>

Merchant Shipping Secretariat <http://www.dgshipping.gov.lk/>

6.6 Applications submitted by fax, telex, telegram, or e-mail will not be entertained and shall be rejected.

7 Amendments to the EOI

7.1 The Ministry/Merchant Shipping Secretariat shall, either on their motion or in response to any clarification or for any other reason whatsoever, provide interpretation, amendments, revisions, and/or clarification to this EOI issued as an addendum before the application closing date. Addendums will be published on the same media channels and completed applications that are not in compliance with the amended requirement of the Ministry will not be accepted.

7.2 To allow the applicants a reasonable time to take the addendum into account or for any other reason, the Ministry may, at its sole discretion extend the application closing date. Unless otherwise given a written notice by the Ministry, verbal clarification given by the Ministry, or its employees or representatives shall not in any way or manner be binding upon the Ministry.

8 Request for Clarification

The Applicant may ask for clarifications regarding this EOI via email/letter to the following email or postal address. No later than the last day for the receiving query stage.

Email Address: dgms@sltnet.lk

9 Closing date for Submission of EOI

Completed and sealed EOI should be submitted to the address provided below in the manner and form as detailed in this EOI before **14.00 hrs of 08 July 2024**.

Chairman
Cabinet Appointed Procurement Committee.
Ministry of Ports Shipping and Aviation
No 19, Chaithya Road
Colombo 01,
Sri Lanka.

EOI will be opened and evaluated at the Ministry of Ports Shipping and Aviation, No 19, Chaithya Road, Colombo 01, Sri Lanka.

The Ministry may at its sole discretion extend the closing date of applications in accordance with section 7.2.

9.1 Schedule of EOI Phase:

Phase	Period
i. First day of notice publication	26-05-2024
ii. Issuance of EOI documents	From 27-05-2024 to 10-06-2024
iii. Last day for receiving requests for clarification	25-06-2024
iv. Application closing date & time	08-07-2024 at 14:00 hours
v. Evaluation of EOI and notification of shortlist	Approx. 14 days from the closing date

10 Evaluation Process

10.1 Opening and Evaluation of Applications (EOIs).

10.1.1 The Ministry shall open the Applications on the Application Closing Date at the address specified in Section 9 and in the presence of the Applicants who choose to attend. The absence of applicants will not impede the opening of Applications.

10.2 Confidentiality

Information relating to the examination, clarification, evaluation, and recommendation of the Shortlisted Applicants shall not be disclosed to anyone not officially concerned with the

Selection Process. The Ministry will treat all information submitted as part of the Application in confidentiality.

10.3 Responsiveness

10.3.1 For the purpose of evaluation of EOI, the Ministry shall determine whether each Application is substantially responsive to the requirements of this document. An Application shall be considered substantially responsive for further evaluations only if:

- a. it is received as per the format given in Appendix I including Form A, Form B, and Form C.
- b. it is received by the Application Closing Date including any extension thereof pursuant to Section 7.2.
- c. it is signed by an authorized signatory.
- d. it contains all the information and documents as requested in this EOI.
- e. it contains information in formats the same as those specified in this EOI.
- f. it is non-responsive or non-compliant in terms hereof 6.3, Ministry reserves the right to reject any Application and no request for alteration, modification, substitution, or withdrawal shall be entertained by Ministry in respect of such Application.

11. Fraud and Corrupt practices

11.1 Anticorruption-related laws require that government officials (including beneficiaries of funds), Applicants, suppliers, contractors, and their sub-contractors under Ministry contracts (including any prospective Applicant), observe the highest standard of ethics during the assignment and execution of such contracts. For the purposes of this EOI, the terms set forth below are as follows:

- a. “Corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.
- b. “Fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
- c. “Coercive practice” means impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.
- d. “Collusive practice” means an arrangement between two or more parties designed to achieve an improper purpose, including improperly influencing the actions of another party; and
- e. “obstructive practice” means: deliberately destroying, falsifying, altering, or concealing evidence material of the investigation or making false statements to investigators in order to materially impede Ministry investigation into allegations of a corrupt, fraudulent, coercive, or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation; or acts intended to materially impede the exercise of Ministry’s inspection and audit rights

11.2 The Ministry will reject an application if it determines that the Applicant has, directly or through an agent, engaged in corrupt, fraudulent, collusive, coercive, or obstructive practices in relation to this Procurement.

12. Miscellaneous

12.1 The EOI and EOI Phase shall be governed by, and construed in accordance with, the laws of Sri Lanka and shall have exclusive jurisdiction over all disputes arising under, pursuant to, and/ or in connection with the EOI and EOI Phase.

13. Forms & Documentations

13.1 Technical Capacity Requirements: As per Eligibility Criteria

13.2 Experience: As per Eligibility Criteria

Form 'A'
Detail of Foreign Applicants

Name of Foreign Company/Person :
.....

Country :

Registration and No. :

Place of Registration :

Address of the corporate Head Quarters/Individuals:
.....

Date of incorporation and commencement of business:

Phone No. :

Fax No.:

e-mail address :

Web detail :

Address of other offices and subsidiaries, if any:

Tax Registration No. :

Copies of the relevant industry-standard certification:

Detail of contact person:

Name :

Position / Designation :

E-mail address :

TP No. :

Particulars of authorized signatory

Name :

Designation :

Address :

TP No. :

Email :

Fax :

Detail of Sri Lankan party of Joint Venture / Consortium/ Individual (As Applicable)

Name of Sri Lankan Company:

Registration and No. :

Place of Registration :

Address of the corporate Head Quarters:

Date of incorporation and commencement of business:

Phone No. :

Fax No :

e-mail address :

Web detail :

Address of other offices and subsidiaries, if any:.....

Tax Registration No. :

Copies of the relevant industry-standard certification:

Detail of contact person:

Name :

Position / Designation :

E-mail address :

TP No. :

.....
Authorized Signatory

Date:

Name Position Official Frank

Form 'B'

Brief Description of the Operational Model

Applicant should explain in brief the following areas related to this contract. (Annex document as Form 'B'). It is compulsory that if any applicant fails to respond, it may cause them to reject the EOI.

1) Planning :.....

2) Entire Management System :.....

3) Implementation :.....

4) Execution :.....

Note: Include the relevant page No. of your proposal under the respective title.

.....

Authorized Signatory

Name Date

Position Official Frank

Letter of Submission of EOI

(Alteration/substitution/modification are not accepted)

.....(Date)

The Chairman,
Cabinet Appointed Procurement Committee,
Ministry of Ports Shipping and Aviation
19, Chaithya Road
Colombo 01
Sri Lanka.
Dear Sir,

Application for EOI from the Interested, qualified, and capable parties through the respective Governments for “Promotion of Registration of Ships under the Sri Lankan Flag”.

With reference to your EOI document dated,... I/we, having examined the EOI document and understood its contents, hereby submit my/our Application for Shortlisting for Evaluation Form.

1. I/ We acknowledge that Ministry will be relying on the information provided in the Application and the documents accompanying such Application for shortlisting of the Applicants for the aforesaid Procurement, and we certify that all information provided in the Application and forms ‘A’, ‘B’, & ‘C’ is true and correct; nothing has been omitted which renders such information misleading; and all documents accompanying such Application are true copies of their respective originals.

2. I/ We shall make available to the Ministry any additional information it may find necessary or require supplementing or authenticating this Application.

3. I/ We acknowledge the right of the Ministry to reject our Application without assigning any reason or otherwise and hereby waive our right to challenge the same on any account whatsoever.

4. I/ We certify that in the last seven years, we/ or with partnership or any involvement have neither failed to perform on any contract, as evidenced by the imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part.

5. I/ We declare that:

(a) I/ We have examined and have no significant reservations about the EOI document, including any Addendum issued by the Ministry.

(b) I/ We do not have any violation of conflict of interest.

In witness thereof, I/ we submit this Application under and in accordance with the terms of the EOI document.

Yours faithfully,

.....

Authorized Signatory Date:

Name:

Position:

Place:

Official Frank

Recommendations from the respective governments or foreign missions in Sri Lanka facilitated through the Ministry of Foreign Affairs in Sri Lanka.

I hereby certify that (Company Name) is a registered company in(County Name) and fulfils the qualified,

.....

Authorized Signatory

Name Date:

Position Official Frank