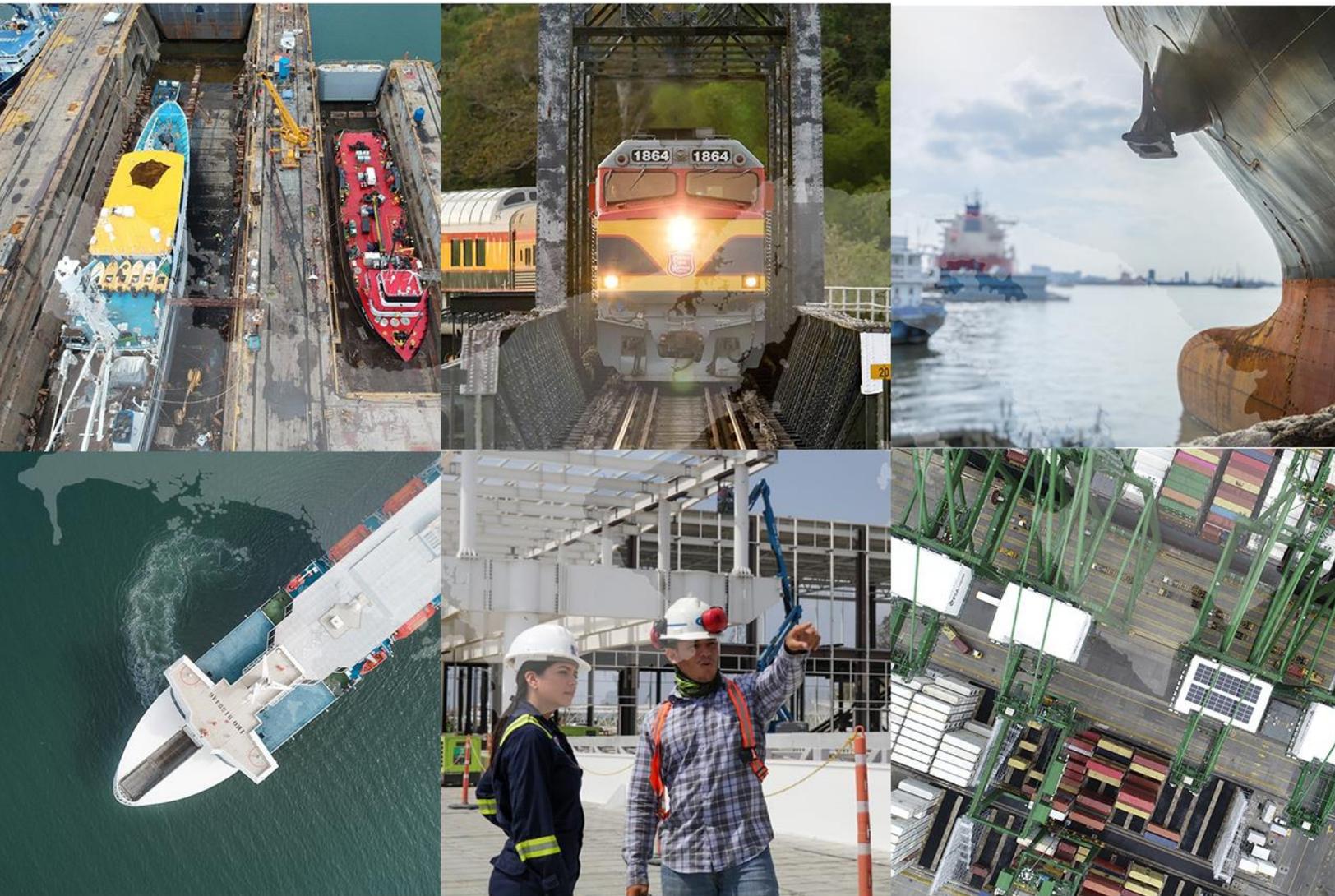


SERVICE OF CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW, UPDATING OF REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE AREA CONCESSIONS

Market Consultation based on Article 58 of Law 22 of June 27, 2006, which regulates Public Procurement



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE AREA
CONCESSIONS**"

March 8, 2021

PANAMA MARITIME AUTHORITY

**SERVICE OF "CONTRACTING A CONSULTANCY FOR THE
PREPARATION OF A REVIEW, UPDATING OF
REQUIREMENTS, CURRENT RATES AND SANCTIONS OF
THE AREA CONCESSIONS"**

**General Directorate of Ports and Auxiliary Maritime Industries
03/08/2021**



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1. LEGAL BASIS

The Panama Maritime Authority carries out this consultation to the market based on:

- Decree Law No. 42 of May 02, 1974 - Creation of the National Port Authority.
 - That Article 5, numeral 4 of Decree Law No. 42 of May 2, 1974, states "granting concessions for the exploitation of national ports"
- Executive Decree No. 7 of April 14, 1976 - Regulation of navigation and services in ports.
- Agreement N ° 9-76 of April 24, 1976 of the Executive Committee of the National Port Authority, which established - Regulations to grant concessions.
- Decree Law No. 7 of February 10, 1988 - Creation of the Panama Maritime Authority.
 - That Article 3, Numerals 1 and 3 of Decree Law No. 7 of February 10, 1998, indicate that the Authority has among its main objectives, to administer, promote, regulate, project and execute the policies, strategies, legal regulations and laws, plans and programs that are directly, indirectly and related, with the operation and development of the maritime sector; and to serve as the supreme maritime authority of the Republic of Panama to exercise the rights and fulfill the responsibility of the Panamanian State within the framework of the United Nations Convention on the Law of the Sea of 1982 and other laws and regulations in force.
 - That Numeral 6 of Article 31 of Decree Law No. 7 of February 10, 1998 indicates that the General Directorate of Ports and Auxiliary Maritime Industries is responsible for processing and supervising the concessions for the exploitation of existing national ports and those built in the future.
- Resolution J.D. No. 026-2008 of January 21, 2008, which modified articles 8, 27 and 43 of Agreement 9-76 of April 24, 1976, which regulated the granting of Concessions.
- Law No. 55 on Maritime Commerce, approved by the National Assembly on August 6, 2008. Official Gazette of August 7, 2008.
 - Repeals and modernizes the private law regulations of Book II of the Commercial Code and in Title II Chapter III regulates the Multimodal Transport Contract.
- Law No. 56 General Law of Ports approved by the National Assembly on August 6, 2008 published in the Official Gazette on August 7, 2008.
 - Establishes the governing norms for the activity of ports and maritime facilities that exist or are being built in Panama, the use of goods granted under concession and the provision of maritime services, whether of public or private nature.
- Article 40 of Executive Decree No. 40 of April 10, 2018, which regulates Law 22, which regulates Public Procurement that says: the bidding entities, before the conclusion of the contractor selection procedure, may carry out consultations or meetings with suppliers, through public and open calls through emails, invitation notes, publications in printed media or other mechanisms that it deems appropriate, in order to obtain information about prices, associated costs, characteristics of goods, services or Required works, proposal preparation time or any other information required for the preparation of the statement of objections.



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2. BACKGROUND

Since the opening of the Panama Canal in 1914, the Republic of Panama has become a very important and outstanding route for the transit of vessels from different countries, promoting national and international trade in services and products. We can see this reflected in the 144 maritime routes that cross the country, reaching 1,700 ports in 160 countries.

At the beginning of the 70s, the National Port Authority was created, but it was not until two years later, after the signing of the Torrijos - Carter treaties in 1977, that Panama had the opportunity to start operations and administration of ports in the national territory.

At the beginning of the 80s, the number of transit through the country stabilized in a range of 12,000 to 14,000 ships per year, while the tonnage continued to grow, allowing ports to receive many of these ships to carry out their operations of loading and unloading goods.

In the 90s through concession models to international private port operators, such as Manzanillo International Terminal, Colon Container Terminal and Panama Port Company, which has two terminals, one in the Atlantic sector and the other in the Pacific sector, it was in 2001 that it enters the PSA market located in the Pacific sector.

Panama is a country that has a wide network of ports, where 25 are State Ports and 22 are Concession Ports; which provide a wide variety of services to both ships and cargo, whether in solid bulk, liquid bulk, containerized, Ro-Ro, Lo-Lo, liquefied gas ships and chemical tankers, among others.

3. CONSULTATION WITH INTERESTED PARTIES

The Panama Maritime Authority, as part of the market consultation, seeks information from companies interested in hiring a consultancy for the preparation of a review, update of requirements, current rates and sanctions of area concessions.

As part of this process, the AMP seeks to obtain preliminary market information and to find out the signs of interest on the part of qualified companies with high world prestige that are carrying out the activities of a consultancy.

The Consultancy Project is entitled, "**CONTRACTING A CONSULTANCY FOR THE ELABORATION OF A REVIEW, UPDATING OF REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE AREA CONCESSIONS**" and aims to develop a consultancy that yields the recommendations and specific improvement documents to be applied to each of the requirements within the granting of an area concession, according to each of the activities of the port sector based on international standards, technical requirements and best practices in the industry, both at the form level, technical and legal parameters, tariffs, penalties, sensitivity analysis, all these points linked to the international application in the same sector, the review, recommendation, development and submission of



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documents for the granting of area concession must be submitted in both languages (Spanish and English maritime port technical).

In this sense, it also seeks to encourage and promote the profitability and competitiveness of the port sector, and boosts the competitiveness of the Republic of Panama worldwide; this requires a comparative analysis at the regional and international level of current regulations and requirements, to identify a strategic framework and guidelines to consolidate and strengthen port concessions.

The project will allow the area concessions, regularized by the Panama Maritime Authority, to achieve an improvement in administrative aspects, from the point of view of execution and practice, through the application of international standards at a legal and technical level.

A sensitivity analysis is also sought to cover at least the following:

- Inclusion of all variables that have an impact on the final result of the consultancy.
- Know the effects of a set of variables in certain specific conditions and how it will be reflected in the sector.
- Analyze the changes that would occur within the business in the future.
- Conducting an economic impact study.

The scope of this consulting project is based on obtaining information on:

- Business model for the granting of area concessions, in which the following factors are taken into account:
 - Socio-economic factors of the applicant.
 - Business growth projection.
 - Type of maritime port work to be carried out.
 - Type of operations to be carried out.
 - Type of business to be developed.
 - Type of traffic and cargo to be handled.
 - Project development area.

The information to be studied for the development of consulting work by the interested companies is the following:

- Requirements for the application to exploit property owned by the state (area concession).
- Requirements for marinas under resolution J.D. N ° 057-2020.
- Requirements for presentation of measurement plans.



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- Requirements for presentation of bathymetry plans.
- Requirements for the execution of dredging works.

All this information will be evaluated by the Panama Maritime Authority for the preparation of the statement of charges.

4. INTERESTED PARTIES

For this consultation, the Panama Maritime Authority will consider as a qualified interested party, a consulting firm with proven experience for this type of service which meets the following profile and that all interested parties present evidence of their experience in the following areas:

4.1. Consulting firm:

- More than ten (10) years of experience in international consulting in general, preferably including the Latin American region.
- More than ten (10) consultancies and/or studies on topics related to the object of the work, preferably in matters related to requirements for operating licenses and area concessions.
- Must present five (5) letters of completion of consultancies and/or studies related to the maritime port sector, preferably in the Latin American region.

4.1.1. Profile of key personnel:

- Professionals preferably engineers, economists, administrators or related professions, with more than ten (10) years of work experience in the area of port consultancies and/or studies, logistics in general, maritime transportation, etc. Experience in Latin American countries is desirable.
- Desirable specialization at the post-graduate level, master's or doctoral studies in logistics management, transportation, land use planning, environment, economic development, foreign trade, project evaluation or other related specialties.

4.1.2. Specific profile of key personnel:

- **Team or Project Manager:** University Degree, Civil, Nautical, Nautical, Port, Coastal Engineer or equivalent in their country of origin with demonstrable experience of more than ten (10) years in area concession work for maritime and/or port works, Port Planning and Management, Project Formulation or Evaluation, who can demonstrate having developed functions of director or head of the development of consultancies of this type of projects for government entities at the international level, preferably in the Latin American area.
- **Specialist in port planning:** Civil, nautical, port, coastal engineer or equivalent in his/her country of origin with demonstrable experience of more than ten (10) years in planning or development of port investment projects or consultancies related to



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- feasibility studies or public-private initiatives in port area concession issues at national and international level, preferably in the Latin American area.
- **Coastal Engineering Specialist:** Civil, nautical, port, coastal engineer or equivalent in his/her country of origin with demonstrable experience of more than ten (10) years in planning or development of port investment projects or consultancies related to feasibility studies or public-private initiatives, performance of work related to port infrastructure design, experimentation of simulation models in seaports related to port area concession issues at national and international level, preferably in the Latin American area.
 - **Specialist in Port Engineering:** Civil, nautical, coastal engineer or equivalent in his/her country of origin with demonstrable experience of more than ten (10) years in works related to port infrastructure design, experimentation of simulation models in maritime ports, at national or international level, preferably in the Latin American area.
 - **Specialist in Port Regulations and Legislation:** A qualified professional in legal and social sciences or its equivalent in his country of origin with experience in maritime port legislation, which covers issues of contracting, negotiations, arbitration and litigation, mastery of laws applied to public-private partnerships at national or international level, preferably in the Latin American area.
 - **Specialist in Economics and Financial Analysis:** Qualified professional in economic or financial sciences with experience in socioeconomic work of micro and macro environment in the development of port activities, evaluation of project alternatives, plans or equation models for the establishment of rates and penalties of area concessions for maritime port infrastructure, at national and international level, preferably in the Latin American area.

This consultation is only to obtain information from consulting companies with extensive experience in the development of this type of information, which will be used in the planning phase of the public procurement process.

5. OPERATIONAL PERFORMANCE

One of the most important elements of this process, in terms of the regulatory entity, is to determine the utilization and capacity that can be given to this consultancy.

Manage to incorporate the best ideas for the elaboration of a consultancy for the elaboration of a review, update of requirements, current rates and penalties of the area concessions.

6. INTERESTED

The AMP welcomes the responses to this consultation from companies or corporations and joint ventures or associations that have a potential interest in applying to the



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consultancy for the preparation of a review, update of requirements, current rates and sanctions of area concessions.

7. CONSULTATION PLANNING

| | |
|--|----------------|
| Publication / Sending of the Market Consultation | March 08, 2021 |
| Consultation period | March 08, 2021 |
| Submission of Responses by Stakeholders | April 08, 2021 |

8. CONTACT POINTS

The responses to the Market Consultation should be sent via email to the following addresses:

- fpitty@amp.gob.pa
- jcardoze@amp.gob.pa
- victor.perez@amp.gob.pa
- karla.villarreal@amp.gob.pa

9. PRESENTATION OF RESPONSES

The responses to this consultation must contain information necessary for the AMP to review the criteria identified in this invitation. Provide a brief statement of interest, with the following information:

- Company name, key company directors, contact point, general company information, background.
- Primary business lines related to the object of this consultation.
- Technical, operational, financial and administrative recommendations to be executed in the elaboration of a consultancy for the elaboration of a review, review update, requirements update, current rates and sanctions of area concessions.
- International comparison of equation models for the calculation of fees and penalties in the granting of area concessions for maritime port activities and the creation and implementation of equations for the calculation of area concession fees and penalties in which different variables are taken into account.



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10. USE AND CONFIDENTIALITY OF INFORMATION

All information received from interested parties will be used exclusively for the purposes of this Market Consultation.

The AMP will guarantee that the data, figures and other information provided will be treated confidentially and under no circumstances will such information be published.

The AMP is not obliged to use the information provided in the subsequent phases of the bidding process, although this phase of the process is not a requirement of strict compliance to participate in the following phases, we invite those interested in the bidding process for the preparation of a review, update of requirements, current rates and sanctions of the area concessions that participate in this announcement, since from this exercise will most likely come out the business model and the contracting conditions that will be used in the following process.





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