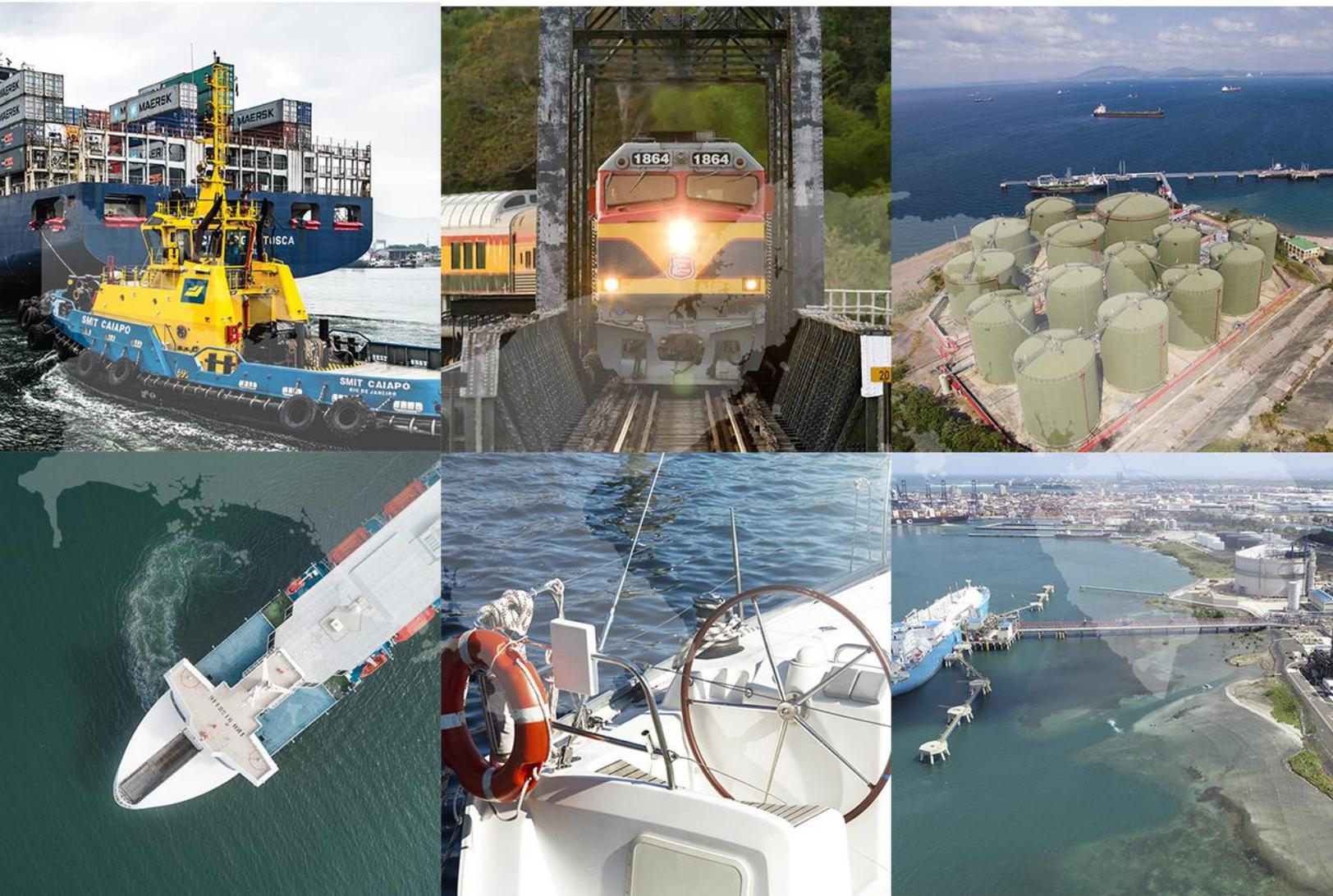


# SERVICE OF CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW, UPDATING OF REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES

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 OPERATING LICENSES**  
TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"

---

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 OPERATING LICENSES TO PROVIDE THE SERVICES  
OF AUXILIARY MARITIME INDUSTRIES"**

---

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

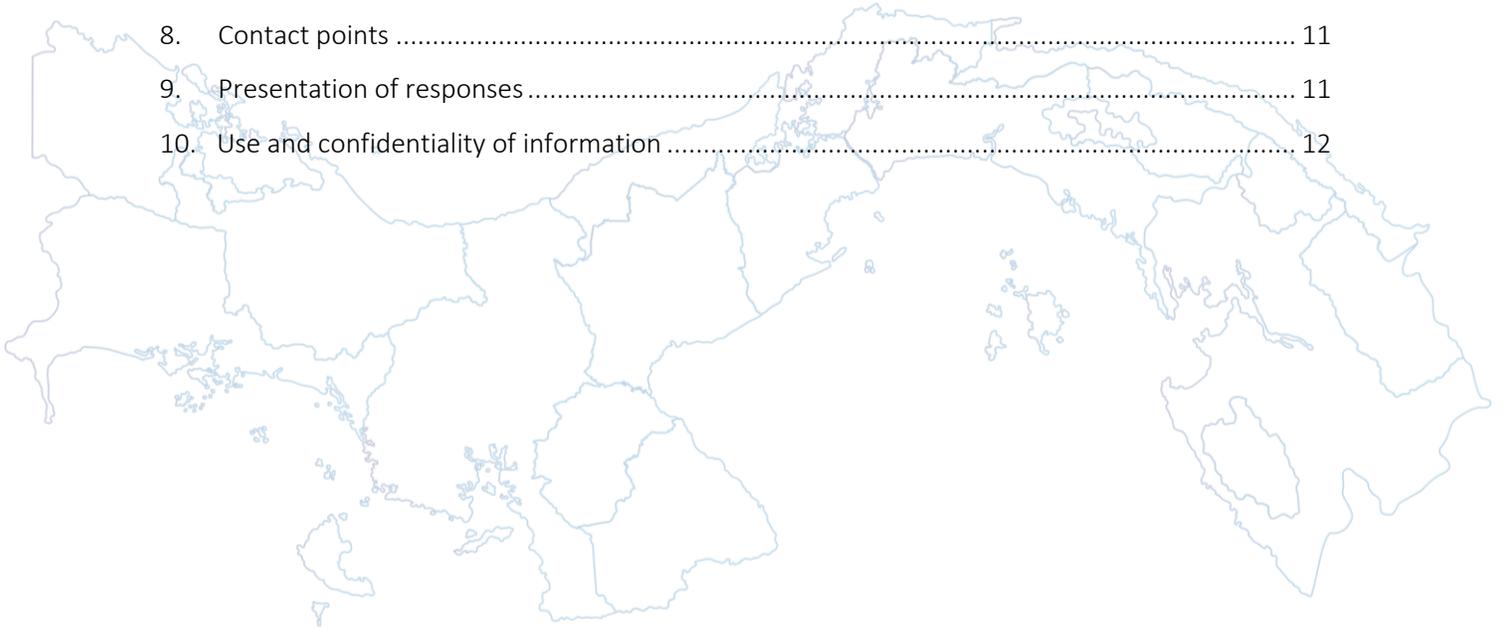


SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

March 8, 2021

**Content**

1. Legal Basis.....	4
2. Background.....	4
3. Consultation with interested parties .....	7
4. Interested parties .....	9
5. Operacional performance.....	11
6. Interested parties .....	11
7. Consultation planning.....	11
8. Contact points .....	11
9. Presentation of responses .....	11
10. Use and confidentiality of information .....	12



March 8, 2021

## 1. LEGAL BASIS

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

- 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, 1988, 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 to 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 Article 31, Numeral 10 of Decree Law No. 07 of February 10, 1998 indicates that the General Directorate of Ports and Auxiliary Maritime Industries is responsible for promoting the adaptation of auxiliary maritime companies to the demands of the Panama Canal traffic and the port system.
- That Article 24 of Law 56 of August 6, 2008 "General of Ports of Panama" establishes that for the granting of concessions and operating licenses, the Panama Maritime Authority will apply the provisions established by this Law and the regulations applicable in accordance with this and, additionally, the legal provisions that, by reason of the matter, correspond to apply and it will be the responsibility of the Board of Directors of the Panama Maritime Authority to dictate the respective Regulation of Concessions and Operating Licenses.
- Resolution J.D. N ° 027-2009 of January 21, 2008, approves the Regulation for the Operating License of Auxiliary Maritime Services.
- Resolution J.D. N ° 011-2019 of March 27, 2019, approves the new Regulation for the Operating License of Auxiliary Maritime Services.

## 2. BACKGROUND

Economic growth and the globalization of markets have been the driving force for the continuous development of the local market, providing the arrival of many investors or the diversification of companies, which are immersed in maritime trade, providing an endless number of new auxiliary maritime services that satisfy the need of the sector. These companies play an important role in the exchange of goods and services within the sector, but since there is such an overwhelming growth of companies with new business ideas, it has been chosen in the last years to the constant



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

---

March 8, 2021

creation of new operating license requirements by the Panama Maritime Authority in order to regulate and supervise the nature of its operations, something that has overloaded the processing, documentation and management times, as well as the increase of legal expenses on the part of users who wish to obtain one of these operating licenses, and the increase of the list of IMA services.

The Republic of Panama has a wide range of auxiliary maritime services for cargo, crew and the various vessels that transit the isthmus. Currently, the Panama Maritime Authority has a total of sixty-three (63) operating licenses, divided into nine (9) clusters, which, in order to be provided, requires compliance with all the requirements requested by the AMP. Once completed, they are granted an operating license, which is valid for 10 years.

In recent years, an increase in the number of companies that provide auxiliary maritime services has been observed, due to the increase in maritime traffic, which requires that a large number of demands be met by companies to maintain optimal service.



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW, UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES**"

March 8, 2021

We have to take into account the nature of the existing services at the time of the development of this study according to resolution J.D. 011- 2019, which we detail below:

**1 ABASTECIMIENTO**

1. TRANSPORTE Y SUMINISTRO DE GAS NATURAL LICUADO A TRAVÉS DE EQUIPO FLOTANTE
2. TRANSPORTE Y SUMINISTRO DE COMBUSTIBLE
3. SUMINISTRO DE COMBUSTIBLE, LUBRICANTES O DERIVADOS DEL PETRÓLEO A TRAVÉS DE EQUIPO TERRESTRE
4. TRANSPORTE Y SUMINISTRO DE AGUA EQUIPO TERRESTRE
5. TRANSPORTE Y SUMINISTRO DE AGUA EQUIPO FLOTANTE
6. DESPACHO DE COMBUSTIBLE
7. TRASIEGO DE COMBUSTIBLE
8. AVITUALLAMIENTO (SHIP CHANDLERS)
9. PROVEEDOR O SUMINISTRO DE EQUIPOS DE TRANSFERENCIAS PARA OPERACIONES DE TRASBORDO BUQUE A BUQUE (SHIP TO SHIP TRANSFER.)
10. TRANSFERENCIA DE PRODUCTOS DE UN CONTENEDOR ISOTANK O FLEXITANK (RÍGIDO O FLEXIBLE) A OTRO EN INSTALACIONES PORTUARIAS
11. TRANSPORTE Y SUMINISTRO DE AMONIACO ANHIDO A TRAVÉS DE EQUIPO TERRESTRE
12. TRANSFERENCIA DE PRODUCTOS DE UN CONTENEDOR ISOTANK O FLEXITANK (RÍGIDO O FLEXIBLE) A OTRO A TRAVÉS DE EQUIPO FLOTANTE

**2 MANEJO DE DESECHOS Y FUMIGACIÓN**

1. RECOLECCION DE DESECHOS PROVENIENTES DE BUQUES A TRAVÉS DE EQUIPO FLOTANTE
2. TRANSPORTE DE DESECHOS PROVENIENTES DE BUQUES
3. LIMPIEZA DE TANQUES U OTRO COMPARTIMIENTO DE LAS NAVES
4. LIMPIEZA DE DERRAMES POR HIDROCARBUROS PROVENIENTES DE NAVES E INSTALACIONES PORTUARIAS
5. DESGUACE DE NAVES
6. INSTALACIONES RECEPTORAS DE DESECHOS DENTRO O FUERA DEL RECINTO PORTUARIO
7. INCINERADORES DE BASURA
8. TRANSPORTE DE AGUA DE LASTRE PROVENIENTE DE BUQUES POR MEDIO DE EQUIPO FLOTANTE
9. INSTALACIONES RECEPTORAS DE AGUA DE LASTRES Y SEDIMENTOS DEL BUQUE EN UNA INSTALACION PORTUARIA
10. FUMIGACIÓN, DESINFECTACIÓN Y DESRATIZACIÓN

**3 CONSTRUCCIÓN, REPARACIÓN Y MANTENIMIENTO DE NAVES E INSTALACIONES PORTUARIAS**

1. REPARACIÓN, MANTENIMIENTO, REMODELACIÓN O REESTRUCTURACIÓN A FLOTE O SUBMARINA
2. REPARACIÓN Y MANTENIMIENTO DE EQUIPOS ELECTROMECÁNICOS DE LAS NAVES
3. REPARACIÓN Y MANTENIMIENTO DE EQUIPOS ELÉCTRICOS Y ELECTRÓNICOS DE LAS NAVES
4. REPARACIÓN, MANTENIMIENTO, REMODELACIÓN O REESTRUCTURACIÓN EN INSTALACIONES PORTUARIAS
5. SERVICIO DE CALIBRACIÓN DE COMPAS MAGNETICO
6. REPARACIÓN Y MANTENIMIENTO DE AYUDAS A LA NAVEGACIÓN
7. REPARACIÓN Y MANTENIMIENTO DE CONTENEDORES
8. INSTALACIÓN, MONITOREO Y MANTENIMIENTO DE EQUIPO GPS DE SEGUIMIENTO DE CONTENEDORES DENTRO DE LOS RECINTOS PORTUARIOS
9. SERVICIO DE REPARACIÓN, MANTENIMIENTO Y LIMPIEZA DE TANQUES EN INSTALACION PORTUARIA

**4 TRANSPORTE**

1. SERVICIO DE LANCHAS
2. TRANSPORTE DE CARGA EN GENERAL
3. SERVICIO DE TRANSPORTE DE VALORES
4. AUTOSERVICIO DE LANCHAS
5. TRANSPORTE DE ARENA O CUALQUIER OTRO MINERAL Y MATERIALES DE CONSTRUCCIÓN
6. TRANSPORTE DE PASAJEROS
7. TRANSPORTE DE PASAJEROS Y TURISTAS A TRAVÉS DE UNA AGRUPACION LEGALMENTE ESTABLECIDA DE BOTEROS
8. TRANSPORTE DE CARGA EN GENERAL POR FLOTA TERRESTRE

**5 MANIOBRAS MARÍTIMAS Y PORTUARIAS**

1. SERVICIO DE AMARRE Y DESAMARRE DE LAS NAVES
2. SERVICIO DE EMPRESA ESTIBADORA
3. MANIOBRA DE TRINCADO Y DESTINCADO
4. SERVICIO DE DRAGADO
5. SERVICIO DE INGENIERIA MARÍTIMA
6. PRACTICAJE
7. SERVICIO DE GENERACIÓN DE ELECTRICIDAD POR BARCAZA
8. REMOLCADORES

**6 INSPECCIONES DE NAVES E INSTALACIONES PORTUARIA**

1. INSPECCIÓN DE LAS CONDICIONES GENERALES DE LAS NAVES
2. INSPECCIÓN DE CONTROL DE GASES PELIGROSOS
3. INSPECCIÓN DE LOS EQUIPOS DE SEGURIDAD Y SALVAMENTO EN LAS NAVES
4. INSPECCIÓN DE CARGA EN GENERAL
5. INSPECCIÓN DE HIDROCARBUROS Y OTROS DERIVADOS DEL PETRÓLEO
6. INSPECCIÓN DE LAS CONDICIONES DE LOS CONTENEDORES

**7 SEGURIDAD E HIGIENE**

1. SERVICIO DE CUSTODIA, VIGILANCIA Y SEGURIDAD PRIVADA A BORDO DE NAVES EN INSTALACIONES PORTUARIAS
2. SERVICIO MEDICO A BORDO DE LA NAVE

**8 MODU'S**

1. RESGUARDO DE UNIDADES MÓVILES DE PERFORACIÓN MAR ADENTRO O MODU'S

**9 AGENCIAMIENTO NAVIERO**

1. AGENCIAMIENTO NAVIERO



March 8, 2021

### 3. CONSULTATION WITH INTERESTED PARTIES

The Panama Maritime Authority, as part of the market consultation, seeks information from companies interested in the preparation of a review, update of requirements, current rates and sanctions of operating licenses to provide services for auxiliary maritime industries.

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 titled, "**CONTRACTING A CONSULTANCY FOR THE ELABORATION OF A REVIEW, UPDATING OF REQUIREMENTS, CURRENT FEES AND PENALTIES OF THE OPERATING LICENSES TO PROVIDE SERVICES OF AUXILIARY MARITIME INDUSTRIES**" and aims to develop a consultancy to provide recommendations and specific improvement documents to be applied to each of the operating license requirements, according to each of the activities of the auxiliary maritime industries based on international regulations, technical requirements and best practices in the industry, both at the form level for the issuance of operating licenses, technical and legal parameters, tariffs, penalties, sensitivity and elasticity of the market, all these points linked to the international application in the same sector, the review, recommendation, development and presentation of documents must be applied in both languages (Spanish and English maritime port technical).

In this sense, it also seeks to incentivize, promote the profitability and competitiveness of the Auxiliary Maritime Industry Service, and boost the competitiveness of the Republic of Panama worldwide; for this purpose, a comparative analysis is required at the regional and international level of the regulations with the current requirements, in order to identify a strategic framework and guidelines that will serve to consolidate and strengthen the clusters that are currently in place.

The project will enable auxiliary maritime services, regularized by the Panama Maritime Authority, to improve their administration, from the point of view of execution and practice, through the application of international standards at the technical, operational, financial and administrative levels.

Among the objectives of this project is to improve the standards of the current requirements, taking into account the following topics:



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

---

March 8, 2021

- Legal parameters (conventions, standards, national and international laws applied to each auxiliary maritime service).
- Technical parameters, which include, among others, risk assessment (Risk Assessment) and occupational health and safety plans for each of the licenses that require it, maritime and port operations, maritime and port works. (That covers all the requirements of each of the operating licenses).
- Current rates
- Sanctions
- Any other new recommendation that the consultant considers pertinent for the requirements.

It is also sought as a complement to carry out the following points by the consulting company, which covers the following:

- Carry out a benchmarking with countries in America, Europe and Asia.
- Analysis of the macroeconomic and competitiveness contexts of the medium and long term, national and international, that allow guaranteeing the sustainability of the adjustments or new requirements proposed by the future consultant on the side of the institution.
- Analyze the impact of the changes in rates and sanctions proposed within the project.
- Sensitivity analysis that covers 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 in the future business.
  - Conducting an economic impact study.
- Elasticity analysis in which at least the following is covered:
  - Price-demand determination based on all existing variables.
  - Elasticity with respect to competition within the region.
  - Measurement of the effects that the changes to be applied within the sector will have on the different markets and on the competition.

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

- Business model for the granting of operating licenses, in which the following factors are taken into account:
  - Socio-economic factor of the applicant
    - Business growth projection



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

---

March 8, 2021

- Type of maritime port service that will be offered
  - General - Complementary - Port
- Type of equipment to be used within the activity
- Type of business to be developed
- Type of cargo to be mobilized
- Area where the activity will take place

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 issues related to the purpose of the work, preferably in matters related to requirements for operating licenses and area concession.
- Must submit 05 (five) letters of completion of consultancies and / or studies related to the maritime port sector, preferably 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 consultancies and / or studies of ports, logistics in general, maritime transport, etc. It is desirable to have experience in Latin American countries.
- 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



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

---

March 8, 2021

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 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 Environmental Engineering:** Environmental engineer or its equivalent in his country of origin with demonstrable experience of more than ten (10) years in work related to comprehensive waste management, ecosystem protection, control of water, soil, air pollution and waste within the maritime port sector, evaluation and quantification of pollutants, handling of environmental management instruments, according to the conventions (MARPOL), standards, laws and regulations within the maritime port sector at the 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 models of equations 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 solely to obtain information from consulting firms with extensive experience in the development of this type of information, which will be used in the planning phase of the public procurement process.



March 8, 2021

## 5. OPERACIONAL 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 review, update of requirements, current rates and sanctions of the operating licenses.

## 6. INTERESTED PARTIES

The AMP welcomes the responses to this consultation from companies or corporations and joint ventures or associations that have an interest in the development of a review, update of requirements, current fees, and penalties for operating licenses.

## 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](mailto:fpitty@amp.gob.pa)
- [jcardoze@amp.gob.pa](mailto:jcardoze@amp.gob.pa)
- [victor.perez@amp.gob.pa](mailto:victor.perez@amp.gob.pa)
- [karla.villarreal@amp.gob.pa](mailto: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 principals, point of contact, general company information, history.
- Primary lines of business related to the subject matter of this consultation.
- Technical, operational, financial and administrative recommendations to be executed in the development of a review, update of requirements, current tariffs and penalties for operating licenses to provide auxiliary maritime industry services.



SERVICE OF "CONTRACTING A CONSULTANCY FOR THE PREPARATION OF A REVIEW,  
UPDATING OF **REQUIREMENTS, CURRENT RATES AND SANCTIONS OF THE OPERATING LICENSES**  
**TO PROVIDE THE SERVICES OF AUXILIARY MARITIME INDUSTRIES"**

---

March 8, 2021

- Technical, operative, financial and administrative recommendations for the development of a structure for the establishment of organizations for the validation and certification of technical capacities in port services and auxiliary maritime industries by the Panama Maritime Authority for the verification, certification, validation and follow-up of the experience, expertise, training, certifications and expiration dates of all the documentation that a company that provides auxiliary maritime services under an operating license issued by the institution maintains as a guarantee.
- International comparison of equation models for the calculation of fees and penalties for the granting of operating licenses for maritime port activities and the creation and implementation of equations for the calculation of fees and penalties for the granting of operating licenses in which different variables are taken into account.

## 10. USE AND CONFIDENTIALITY OF INFORMATION

All information received from interested parties will be confidential and 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 to prepare 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.





**PANAMA**  
**MARITIME AUTHORITY**