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## **TERMS OF REFERENCE**

### **TENDER FOR CONSULTANCY SERVICES TO REVIEW THE CURRENT PRESCRIBED FEES & LEVIES PERTAINING TO THE MARITIME TRANSPORT ACT 2013 & SHIP REGISTRATION ACT 2013 INCLUSIVE OF SUBSIDIARY LEGISLATION**

**January, 2025**

#### **1. Introduction**

The Maritime Safety Authority of Fiji (MSAF) is a dynamic, internationally respected regulator, provider and promoter of maritime safety and marine environment protection. Our vision is navigating Fiji into a safe maritime environment and our mission is charting towards a safe and sustainable course for the maritime future of Fiji.

Since the inception of the Ship Registration Act 2013, the Maritime Transport Act 2013 and its subsidiary legislation, all prescribed fees and levies in these laws require review to accommodate the change and development of the maritime industry.

#### **2. Objectives**

MSAF, through this Tender, seeks to:

- a. engage a qualified Consultant to provide direct support to MSAF in reviewing any and all fees and levies stipulated in the Ship Registration Act 2013, the Maritime Transport Act 2013 and its subsidiary legislation; and
- b. Produce a report that contains recommendations and gap analysis for the adjustment and implementation of prescribed fees and levies to meet the current market standards and MSAF's operational demands.

#### **3. Reporting Arrangements and Timeframe**

The Consultant(s) during the course of its contract will be expected to:

- a. report to the Chief Executive Officer and work closely with MSAF's Heads of Departments;
- b. provide substantive inputs as and when required between January, 2025 to April, 2025 based on the availability of funding.

#### **4. Key Responsibilities**

The Consultant(s) in carrying out its role and to ensure that the project's objectives are met effectively must:

- a. conduct a detailed analysis of the existing fees and levies in light of local market factors and compare with those of similar jurisdictions, sectors, and international best practices;
- b. provide insights on whether the current rates are competitive, reasonable and aligned with the economic context;
- c. consider the economic impact of current fees and levies, considering factors such as inflation, cost of service delivery, market conditions, improved services and stakeholder satisfaction;
- d. provide recommendations on fee adjustments to ensure they reflect the current economic realities;
- e. prepare a comprehensive report detailing findings, analysis and recommendations for revising the fees and levies and mitigation strategies to address any adverse impacts identified;
- f. develop an implementation plan for the revised fees and levies structure, outlining the steps, timelines and resources required to put the changes into effect;
- g. Propose a monitoring mechanism to ensure ongoing review and adjustment of fees as needed;
- h. Meet respective phases deadlines of the project;
- i. have a flexible approach and understand that specific roles and responsibilities may change; and
- j. undertake travel and meet with MSAF personal as and when required, depending on the situation.

#### **5. Deliverables and Schedule**

Deliverables and schedule will be proposed and confirmed prior to the commencement of this project.

#### **6. Selection Criteria**

- a. Experience in working in high level commercial advisory support to Commercial Statutory Bodies with a focus on provision of technical advice Sound understanding of the Pacific Islands context or small island developing states maritime development needs;

- b. Demonstrated experience working alongside civil-society organisations, preferably in the Pacific or small island developing states, to support implementation of maritime development plans and or delivery of maritime legislation;
- c. Strong experience in working in the field of maritime safety and security in development contexts is desirable;
- d. Strong communication skills including the ability to speak and write effectively in English;
- e. Possess strong legal drafting skills is desirable;
- f. Strong time management skills with the ability to work with limited supervision and remotely, and a consultative approach that is open to feedback;
- g. A Master's Degree in maritime law, maritime science or relevant field is desirable;
- h. An understanding of MSAF's vision, mission and values, and a commitment to uphold the MSAF's policy for the duration of the assignment.

## **7. Personal Accountability**

- a. Compliance with MSAF values, code of conduct, policies and procedures and standards where relevant;
- b. Compliance with all Fiji laws;
- c. Declare anything that you become aware of through the course of your engagement which may impede your delivery of services; and
- d. Take reasonable care for your own health and safety.

## **8. Additional Requirements**

8.1. Successfully candidates will be required to:

- a. Provide insurance coverage for Professional Indemnity and Public Liability, if available and if not available, candidates must provide an explanation for its unavailability;
- b. Reading and sign of relevant MSAF Policies;
- c. Undergo reference checks which will be conducted by MSAF;
- d. Enter into formal agreement with MSAF for provision of consultancy services.

8.2. Interested candidates are required to submit:

- a. an expression of interest
- b. a succinct cover letter stating:
  - i. How you meet the selection criteria;
  - ii. Your likely availability during the January 2025 - April 2025 period;
  - iii. Your proposed daily rate; and
- c. A Resume detailing qualification, previous relevant experience and at least three referees and their contact details and provide your confirmation for approaching referees

8.3. The proposal submitted by the Consultant shall also comprise the following details:

a. Financial Proposal

- Must be quoted in Fijian Dollar (FJD\$);
- Outline all costs associated with the undertaking of the services including a daily professional fee, related overhead costs and reimbursement costs (e.g. International flight, per diem, etc.)
- Quote to be valid for a period of 90 days from the deadline of submission.

All documents relating to the proposal shall be in the English language and must be submitted in writing.

The consultant might be required to provide additional information relating to their submitted proposal, if the Tender Evaluation Committee requests further information for the purpose of tender evaluation.

The consultant shall bear all costs associated with preparing and submitting a proposal, including cost relating to contract award; MSAF will, in no case, be responsible or liable for those costs, regardless of the conduct or outcome of the tender process.

MSAF encourages and celebrates diversity. Please contact Mr Tui Kilakila on email [tkilakila@msaf.com.fj](mailto:tkilakila@msaf.com.fj) if you have any questions about this Tender.

**Expressions of Interest should be submitted to the Tender Board Secretary on email: [anaka@msaf.com.fj](mailto:anaka@msaf.com.fj) by 15th February, 2025.**

Approved by  
Maritime Safety Authority of Fiji  
January 2025