



**Governments of Saint Lucia, Saint Vincent and the Grenadines  
and Grenada**

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**OECS REGIONAL TOURISM COMPETITIVENESS PROJECT**

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**Terms of Reference**

**for**

**Consultancy to Review the Legislative Framework and Technical  
Standards for Water Transport**

**SVGRTCP-C-CQS-1**

**November, 2018**

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## **A. BACKGROUND**

The Governments, of Saint. Lucia, Grenada and Saint Vincent and the Grenadines in an effort to resume growth in a sustainable and inclusive manner, have negotiated and signed credit agreements with the World Bank Group (WBG) to finance the OECS Regional Tourism Competitiveness Project. The project is estimated to cost US\$26.0 million.

In the Organization of Eastern Caribbean States (OECS), Tourism is the main driver of economic growth. The sector has a comparative advantage in the global arena, and accounts for 61 percent, 50 percent, and 45 percent of export earnings in Saint Lucia, Saint Vincent and the Grenadines, and Grenada, respectively<sup>1</sup>. Therefore, a competitive tourism sector could create new employment opportunities and promote shared prosperity for those countries.

One of the Project's development objectives is to facilitate the movement of tourists among the participating countries – namely Saint Lucia, Saint Vincent and the Grenadines and Grenada, thus stimulating growth in the number of stay-over visitors. In addition to tourists originating from the OECS, adventure tourists have been identified as the desirable group to attract, because of their appetite for multi-island (multi-destination) tourism and their propensity to spend.

In the OECS however, regional connectivity or the lack thereof does not augur well for multi-island tourism as the current transport system, primarily based on air transport, is not designed to facilitate such.

To alleviate this apparent short-coming and to capitalize on pent-up demand for multi-destination tourism, Component one (1) of the OECS Regional Tourism Competitiveness Project has been designed to facilitate the movement of people via a pilot ferry service, using existing assets in the region.

The purpose of the pilot ferry service is to test and demonstrate the demand and viability of the use of ferries in connecting the islands, as a reliable and affordable alternative to air transport.

Domestic ferry services already exist in St. Vincent and the Grenadines, and in Grenada. In the case of Saint Vincent and The Grenadines, services exist between Kingstown and the Grenadine

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<sup>1</sup> World Travel and Tourism Council, 2014. Cited in ORTCP PAD, March 2016.

Islands of which the most southern is Union Island. Likewise, domestic services exist between Grenada and Carriacou, which is very close to Union Island. Accordingly, a link between Carriacou and Union Island, is one of the two international connections to be established in the project, via a ferry corridor consisting of approximately 6 kilometers of open water.

On the other hand, Saint Lucia already has international ferry services between its capital, Castries, and its northern neighbor, Martinique, but, no services exist southbound to St. Vincent. This is the second of the two international connections to be established by the project. A ferry corridor which would involve approximately 44 kilometers of open water, between Castries and Kingstown on St. Vincent.

In order to mitigate the risk to private operators providing ferry service in the start-up period, a temporary financial incentives program is being implemented as part of the project. This incentive program will require operators to comply with operational requirements and safety standards, which need to be harmonized amongst the three islands as well as be compliant with international standards.

More importantly, given that the vessels offering this service, are expected to travel across state boundaries, a harmonized legislative framework that is relevant to water transportation: technical standards; safety, and their enforcement, is paramount. Accordingly, a consultancy to review the legal, institutional, and operational framework related to water transportation and to harmonize and ensure international compliance among the participating member states of St. Lucia, St. Vincent and the Grenadines, and Grenada is critical for ease of operation.

## **B. OBJECTIVES:**

The primary objectives of the consultancy are to:

1. Develop an inventory of Laws, Regulations and International Conventions governing the operations of international ferry transport /water Transportation on St. Lucia, St. Vincent and the Grenadines, and Grenada;
2. Identify the gaps in the Laws, regulations and international conventions listed in the inventory, and state the actions necessary by each member state to synergize and harmonize their laws, regulations and international conventions, ensuring international compliance and facilitating seamless operation of the pilot ferry system;

3. Establish the optimal and minimal technical specifications and safety standards by which-passenger ferries will be expected to adhere to, when rendering services to the routes. Special attention should be given to typical sea conditions with special reference to related meteorology. These specifications shall serve as inputs for a subsequent consultancy, to develop bidding and other documents for the temporary financial incentives program.

## **C. SCOPE OF WORK**

The Consultant will be required to liaise with all relevant stakeholders in each participating country, including but not limited to: The Ministries of Tourism; The Port Authorities; Maritime Administrations; Customs and Excise; Ministries of Legal Affairs and Boats and Ferry Owners/Operators Associations.

The Consulting firm would be expected to complete the following tasks, *inter alia*:

1. Undertake a diagnostic assessment of all pertinent laws, regulations and international conventions signed and/or ratified by Saint Lucia, Saint Vincent and the Grenadines and Grenada, that are applicable to the maritime transportation of passengers. These shall be juxtaposed with regulations of the International Maritime Organization (IMO), and the gaps highlighted.
2. Base on the diagnostic assessment, propose a set of actions to be undertaken by each participating country to facilitate harmonization amongst the countries as well as compliance with the International Maritime Organization's standards.
3. Develop a roadmap highlighting the steps each participating country must undertake to implement the proposed modifications.
4. Review and analyse the maritime conditions of the routes that link the three islands. This shall include but not be limited to (typical weather, sea conditions). This must corroborate with vessel technical standards, to ensure the safety and comfort of ferry passengers and operations.
5. Recommend a set of optimal standards for ferry operators to adhere to, when providing services to passengers (cargo may be part of the services)
6. Recommend a set of minimum technical standards for compliance, that considers ferry size and passenger capacity, number of crew, hull design (fast ferry multi-hull or full displacement hulls), ferry loading procedures, and operations.

## D. SCHEDULE AND DELIVERABLES

The deliverables shall be in the form of two (2) Reports.

The first Report - **Diagnostic Assessment Report**, shall cover tasks 1, 2 and 3 of the “Scope of Works” and shall include a matrix of laws, regulations and conventions signed or ratified by participating member states.

The second Report shall consider tasks 4, 5, and 6 of the “Scope of Works”. It shall consist of two parts: Part 1 – **Review and Analysis of Maritime Conditions** and Part 2 - **Recommendations**.

Deliverable		Due Date
<b>Report 1-</b>	<i>shall include but not limited to:</i>	
<b>Diagnostic Assessment Report</b>	<ul style="list-style-type: none"> <li>A matrix of laws, regulations and conventions signed or ratified by participating member states</li> </ul>	40 days after contract signing
	<ul style="list-style-type: none"> <li>identify the gaps</li> </ul>	
	<ul style="list-style-type: none"> <li>articulate clearly and precisely the actions to be taken by each country to ensure harmonization amongst the countries, as well as compliance with international standards</li> </ul>	
<b>Report 2-</b>	<i>shall include but not limited to:</i>	
<b>Review and Analysis of Maritime Conditions and Recommendations</b>	Part 1- <ul style="list-style-type: none"> <li>Review of maritime conditions of the routes that link the three islands</li> </ul>	40 days after contract signing
	Part 2- <ul style="list-style-type: none"> <li>Recommendations of optimal standards for ferry operators to adhere too.</li> <li>Recommendations of minimum technical standards for ferries compliance.</li> </ul>	
Circulate Reports 1 and 2 for comments		41 days after contract signing
Incorporate Comments		55 to 59 days after contract signing
Submit Final Report		60 days after contract signing

## E. DURATION

The overall duration of the assignment is sixty (60) days (2 months) from the date of signing the contract.

## **F. OTHER INFORMATION AND REQUIREMENTS**

### **Reporting Requirements:**

The Project Coordination Unit (PCU), Saint Vincent and the Grenadines will manage the consultancy on behalf of the RTC Project in Saint Lucia, St. Vincent & the Grenadines, and Grenada. For all reports associated with the expected deliverables, the Consultant shall submit three hard copies and one electronic copy to the PCU, Saint Vincent and The Grenadines as per the above identified schedule.

All reports shall be submitted in standard English, using font Times New Roman size 12, with line spacing 1.5. Satisfactory submission of deliverables is subject to approval by the team of RTC Project Managers, led by Saint Vincent and The Grenadines.

### **Client's responsibility and facilities to be provided:**

The Client shall provide the following facilities and services to the Consultant:

- Make available a list that is not exhaustive, of legislation relevant to water transportation (See Annex 1)
- Facilitate interaction between the Consultant and other Government Ministries and Agencies and ensure that the Consultant has access to all information as may be legally allowed for the performance of his duties.

### **Consultant's responsibility additional to the Contract**

- The Consultant shall be responsible for the provision and maintenance of his/her office and residential accommodation.
- The Consultant shall also be responsible for the provision of computers, laptops, printers, and other equipment to be used for the assignment.

### **Conduct of the Consultancy**

The Consultant will be expected to visit the participating countries of St. Lucia, St. Vincent and the Grenadines, and Grenada to verify and ascertain the relevant laws, regulations and international conventions in operation in each country. The respective project managers in the participating countries will oversee the consultancy services in their respective countries. The study will commence in each country with a briefing from the PCU. The Consultant will work closely with the project technical working group and the PCU in the respective countries.

### **Ownership of Data and Third-Party Usage**

All the computer software, data and information developed and collected during this exercise shall be the property of the member states of St. Lucia, St. Vincent and the Grenadines, and Grenada, the Client. No third-party usage shall be made of them without prior authorisation from the Client.

At the end of the consultancy, the Consultant shall relinquish all data, software and information to the Client and shall not use all or any part thereof, in any other study without prior authorization from the Client.

### **G. CONSULTANT'S QUALIFICATION AND EXPERIENCE REQUIREMENTS AND SELECTION CRITERIA:**

The Consulting firm must: be capable of successfully carrying out all aspects of the Terms of Reference; have working knowledge of the OECS legislative system; have knowledge of marine engineering; be fluent in English; and have experience in executing at least, two (2) similar consultancies within the past five years.

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<b>Position</b>	<b>Qualifications</b>	<b>Experience</b>
<b>Expert 1-</b> Lawyer	Master's Degree in: Maritime Law, or International Law, or Law of the Sea.	At least seven (7) years work experience
	<b>Or</b> Bachelor's Degree in Law (LLB),	A minimum of ten (10) years relevant work experience
<b>Expert 2-</b> Marine Engineer	Bachelor's Degree in Marine Engineering or Marine Operations	A minimum of five (5) years of work experience
	<b>Or</b> Certificate in Marine Engineering or Marine Operations	A minimum of ten (10) years' work experience

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## **ANNEX 1**

The following is a list that is not exhaustive, of legislation relevant to Water Transportation in the respective countries of Grenada, Saint Lucia & Saint Vincent & the Grenadines.

### **SAINT VINCENT AND THE GRENADINES**

Laws of Saint Vincent and the Grenadines, Volume 11: Chapters 344 to 365

List of Treaties ratified/acceded to by Saint Vincent and the Grenadines

1. International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended.
2. International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL).
3. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) as amended, including the 1995 and 2010 Manila Amendments.
4. Convention on the International Regulations for Preventing Collisions at sea (COLREG), 1972.
5. International Convention on Load Lines (LL), 1966.
6. International Convention on Tonnage Measurement of Ships (TONNAGE), 1969.
7. Convention for the Suspension of Unlawful Acts Against the Safety of Maritime Navigation (SUA), 1988, and Protocol for the Suspension of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf (and the 2005 Protocols).
8. Special Trade Passenger Ships Agreement (STP), 1971 and Protocol on Space Requirements for Special Trade Passenger Ships 1973.
9. 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992).
10. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.  
The Maritime Administration is guided by the Shipping Act, 2004 which incorporates most of the conventions and codes listed. We are also working towards a National Ocean Policy and a Shipping Marine Pollution Prevention Bill that are currently in draft format

## SAINT LUCIA

DOS,

The Standards are in keeping with the Regional Shipping standards as espoused in the Shipping Amendment Act No. 5 of 2011 capturing the Small Commercial Vessel Code (SCV) for vessels below 24 meters; also applies to Saint Lucian foreign going ships.

The National Shipping Laws are:

### Regulations as of September 2017

1. Shipping Act Cap.13.27 (Primary legislation)

Powers to surveyors to inspect any foreign ship- Port state including Flag state vessels (National)

Detention of unseaworthy vessels- Load line submersion, overloading, under manning, insufficient documentation

Adherence to International IMO Conventions state is signatory

2. Shipping Amendments Act 2016

3. Shipping Amendment Act 2011 (Small Commercial Vessel) Code

All boat operators MUST have a valid Boat masters License upon training from local/foreign recognized establishments

All commercial vessels (plying for hire) are inspected annually and issued a Safety Inspection Certificate if determined to be seaworthy

All Private vessels are inspected biannually

The crew onboard vessels must be certified in basic seamanship

4. Shipping (Registration & Proprietary Interest in Ships) Regulations 2011
5. Shipping (Distress Signals and Collision) Regulations 2011
6. Shipping (Tonnage) Regulations 2016
7. Shipping (Safety of Pleasure Vessels) Regulations 2011
8. Shipping (Medical Examination) Regulations 2016
9. Shipping (Accident Reporting and Investigations) Regulations 2016

SLASPA Act- Protocols and laws for vessels operating within the Port confines

## **GRENADA**

### Standards for Maritime Transport – Grenada – Relevant Legislations

1. POWER-CRAFT-ACT, CAP. 249 (REVISED LAWS OF GRENADA, 1990) and POWER CRAFT (LICENSING) REGULATIONS, 2000

Act and Regulations speak to the licensing of Vessels / Power craft as defined within Act

2. SHIPPING ACT, 1994 - ACT NO. 47 OF 1994

Speak to matters related to Registration of vessels, Engagement & Welfare of seamen, Prevention of collision & safety navigation, Safety of life at sea, etc.

Large section of Act relates to the “Safety Convention and all its related instruments,” and is applicable to all Grenadian ships and all other ships while they are in Grenadian waters

Safety Convention” means the International Convention for the Safety of Life at Sea, 1974 and its Protocol of 1978

3. GRENADA PORTS AUTHORITY CAP. 247 / 1978

Particular section relates to “the regulation and control of navigation within the limits of Grenada’s ports and their approaches”

4. GRENADA TOURISM AUTHORITY (TOURIST ACCOMMODATION AND TOURISM ENTERPRISE) REGULATIONS