



# GOVERNMENT OF THE VIRGIN ISLANDS

## REQUEST FOR EXPRESSIONS OF INTEREST

### LEGISLATIVE DRAFTING SERVICES (MARITIME PANEL) (MARITIME LAWS REVIEW PROJECT) BRITISH VIRGIN ISLANDS

SEPTEMBER 2022

GOVERNMENT OF THE VIRGIN ISLANDS  
CENTRAL ADMINISTRATION COMPLEX  
33 ADMIN DRIVE  
ROAD TOWN, TORTOLA  
BRITISH VIRGIN ISLANDS

## LEGISLATIVE DRAFTING SERVICES (MARITIME PANEL)

### SPONSORING OFFICE

Attorney General  
Attorney General's Chambers  
TTT Building, Wickham's Cay 1  
Road Town, Tortola VG1110  
British Virgin Islands

### Request for Expressions of Interest: Legislative Drafting Services (Maritime Panel) for the British Virgin Islands

#### 1. INTRODUCTION

- 1.1. The Government of the Virgin Islands (GoVI or "Government"), acting through the Attorney General's Chambers, desires to create a specialist panel to provide legislative drafting services to the Government of the Virgin Islands for the comprehensive review of the maritime laws of the British Virgin Islands (the "Services").
- 1.2. GoVI shall conclude framework agreements, with agreed daily fee rates, with candidates deemed to have the necessary qualifications and experience and these consultants shall form part of the Legislative Drafting Services Maritime Panel ("Maritime Panel"). The Attorney General's Chambers will compare and select suitably qualified legislative drafters from the Maritime Panel for specific assignments and "call down" services under their framework agreements.
- 1.3. GoVI therefore invites interested qualified, experienced and competent individuals as a part of a pre-qualification process to appoint the Maritime Panel to submit Expressions of Interest (EOI) to provide legislative drafting services for the Project in a non-editable format to the Procurement Coordinator (Mrs. Ishma Rhymer) at email address [procurement@gov.vg](mailto:procurement@gov.vg).

#### 2. BACKGROUND

- 2.1 The Government of the Virgin Islands has launched a comprehensive review of the maritime laws of the British Virgin Islands (the "Project") comprising:
  - a. primary legislation (principally the Merchant Shipping Act 2001);
  - b. local subsidiary legislation;
  - c. UK legislation adopted under the Merchant Shipping (Adoption of UK Enactments) Order 2005, and
  - d. UK legislation extended to BVI by Orders in Council or directly.

The aim of the Project is to consolidate and localise this legislation (as far as is possible) into local BVI laws.

2.2 The intention is that the Merchant Shipping Act 2001 should be repealed in its entirety and replaced by a new 'Merchant Shipping' Act. This Act would cover the four principal subject areas of maritime regulatory laws:

- i. Regulation of merchant shipping (which includes the maritime administration, ship registration, ships' crew, ship safety and the associated enforcement);
- ii. Regulation of fishing vessel safety;
- iii. Wreck and salvage; and
- iv. Measures to protect the marine environment (which includes prohibitions on causing pollution, measures to be taken to respond to pollution and the mechanisms for securing compensation for pollution damage).

2.3 The Project also involves localising the relevant subsidiary merchant shipping legislation to improve transparency and accessibility as well as to reduce the reliance on adopted UK regulations. Consequently, a number of sets of regulations will need to be drafted to accompany the new Merchant Shipping Bill. Some of these will be required to give effect to international conventions which have been extended to BVI.

2.3 Admission to the Maritime Panel is by means of an open advertisement and application process. This EOI is seeking applications for the appointment to the Maritime Panel from individuals to undertake services in the identified subject area to meet the needs of GOVI. Successful candidates will be registered on the Maritime Panel for an initial period of two (2) years, with the possibility of an extension. Appointment to the Maritime Panel does not provide a guarantee of any work. This will depend on forthcoming needs and a further selection process for the specific assignment in question.

### 3. OBJECTIVES

3.1. The primary objective of this undertaking is to create a Legislative Drafting Maritime Panel consisting of individuals who can efficiently and effectively provide the required legal drafting services to the Government as follows:

- To draft the primary and subsidiary legislation required to give effect to the review of the British Virgin Islands' maritime laws.
- To undertake peer review of drafts produced by other drafters as part of the Project and to liaise with them on their projects where appropriate.
- The current intention is that a package of instructions will be issued to drafters (either individually or in teams) by theme, with drafters expected to have the experience and ability to draft both the primary and subsidiary legislation required under that particular theme. The proposed themes are set out below. However, once the Maritime Panel has been selected, the approach and the packages may be reviewed and adjusted as appropriate.

3.2. Indicative themes for instructions:

#### A. General / Preliminary and End Measures

[1] Merchant Shipping Bill - Part J1

#### B. Maritime Administration

[2] Merchant Shipping Bill - Part J2

#### C. Registration and Ownership

[3] Merchant Shipping Bill - Part J3

[4] Registration of Ships Regulations

[5] Tonnage Regulations

#### D. Crewing of Ships

[6] Merchant Shipping Bill - Part J4

[7] Maritime Labour Convention Regulations - review and revise existing regulations

[8] STCW Regulations

#### E. Ship Safety

[9] Merchant Shipping Bill - Part J5

[10] SOLAS Regulations

[11] Safety of Navigation Regulations

[12] Load Line Regulations

[13] Tonnage Regulations

[14] Accident Reporting and Investigation Regulations - review and revise existing regulations

[15] Port State Control Regulations - review and revise existing regulations

[16] Small Cargo Vessel Regulations - review & revise (or draft new consolidated)

#### F. Fishing Vessel Safety

[17] Merchant Shipping Bill - Part J6 (new)

[18] Fishing Vessel Safety Regulations (as/if required)

#### G. Wreck and Salvage

[19] Merchant Shipping Bill - Part J7

[20] Wreck Removal Regulations - review and revise

[21] Salvage Regulations

#### H. Protection of the Marine Environment

[22] Merchant Shipping Bill - Part J8

[23] MARPOL Regulations - replace adopted UK regulations

[24] Civil Liability for Oil Pollution Damage Regulations - replace MSA XIV

[25] Civil Liability for Bunker Oil Pollution Damage Regulations

[26] IOPC Compensation Fund Regulations - replace MSA XIV

[27] Limitation of Liability for Maritime Claims Regulations - replace Part XV

[28] Anti-Fouling Systems Convention Regulations - replace adopted AFS regs

[29] Ballast Water Management Regulations - new provisions to implement BWMC

[30] OPRC Regulations - replace adopted regulations

I. Repeal of UK Merchant Shipping Legislation Bill (to repeal remaining elements of MSA 1894 - 1921)

[31] Repeal of extended MSA 1894 - 1921

J. Revocation or amendment Adoption of UK Enactments Order

[32] Revoke Merchant Shipping (Adoption of UK Enactments) 1994, 2005, 2010

[33] Revoke Validation (Adoption of UK Enactments) Act 2017

3.3. Successful candidates will have expertise in

- Drafting primary and subsidiary legislation in a common law jurisdiction
- Preferably, advising on and/or drafting legislation relating to Maritime Law (and in particular the areas of Maritime Law listed in 3.2)
- Preferably, drafting legislation that implements international or regional treaties or conventions
- Acting as drafters in a team, including instructing lawyers and policy and operational clients, which is responsible for undertaking a major legislative review and reform project.

Candidates must:

- be a qualified Solicitor, Barrister or Attorney-at-Law;
- preferably possess a diploma or Master of Laws in legislative drafting;
- be able to demonstrate an advanced level of the English language;
- have an ability to assimilate complex facts quickly; and
- be able to exercise sound judgment.

3.4. We seek strategic relationships that will provide high quality and consistent service, predictable costs, and knowledge sharing.

3.5. The GoVI will compensate at a maximum rate of \$300/day.

#### 4. SUBMISSION OF EXPRESSIONS OF INTEREST

4.1. **Electronic submissions in a non-editable format not exceeding 10 MB should be sent to the Procurement Coordinator (Mrs. Ishma Rhymer) at email address [procurement@gov.vg](mailto:procurement@gov.vg). The filename and the email subject must bear the Applicant's name and "EOI for Legislative Drafting Services (Maritime Panel) for BVI".**

4.2. Expressions of Interest must be submitted electronically to the Procurement Coordinator no later than **Monday 26<sup>th</sup> September, 2022 at 12:00 p.m (local time)**. Expression of Interest submitted after this time will not be considered and will be rejected. Submissions will be opened on **Tuesday 27<sup>th</sup>**

**September, 2022 at 11:00 a.m (local time).** Bidders who wish to witness the opening process may request the WebEx access code and password from the Procurement Coordinator at [procurement@gov.vg](mailto:procurement@gov.vg) with subject “EOI for Legislative Drafting Services (Maritime Panel) for BVI” by noon on Monday, 26<sup>th</sup> September, 2022.

- 4.3. It is the responsibility of the bidder to ensure that his EOI submission is received by the Procurement Coordinator before the aforementioned submission deadline.
- 4.4. Expressions of Interest must be submitted with documentary evidence that includes the following:
  - 4.4.1. Detailed individual profile and statement of capability;
  - 4.4.2. Curriculum Vitae of the individual;
  - 4.4.3. General information on the bidder as per attached **Form I: General Information**;
  - 4.4.4. A list of governments (jurisdictions) that are your clients and the nature of your engagement unless there is an obligation of confidentiality precludes you doing so as per attached **Form II: Other Government Clients**
  - 4.4.5. A list with brief descriptions of legal services at the community or local government level in which the Individual has participated in in the last three (3) years as per attached **Form III: Statement of Experience on Similar Assignments**;
  - 4.4.6. Description of your expertise in the practice areas as per **Form IV: Expertise in Practice Areas**; and
  - 4.4.7. Any other documentary evidence to establish credentials.

## 5. ASSESSMENT CRITERIA

- 5.1. Expressions of Interest will be assessed in accordance with the criteria in **Form V: Detailed Assessment Criteria**:
- 5.2. Assessment will comprise a technical assessment and an interview.
- 5.3. Individuals achieving a score of 70 or more would be deemed to have qualified and may be invited to be a part of the Maritime Panel.

## 6. OTHER CONDITIONS

- 6.1. GoVI reserves the right to accept or reject any or all EOI(s) without assigning any reasons and is not obliged to correspond with the Applicants in this regard. Further, GoVI reserves the right to

change and/or cancel the pre-qualification and tender process without assigning any reasons and without prejudice to its right to re-tender at any time in the future and in such case no bidder/intending bidder shall have any claim arising out of such action.

- 6.2. GoVI reserves the right to invite revised responses from the Applicants by issue of an addendum, prior to the tender deadline, without liability or any obligation for such invitation and without assigning any reason. This request for EOI does not give rise to any rights and is not an offer or an invitation to offer.
- 6.3. The GoVI, by this process, does not intend to assume any legal obligation whatsoever, including any binding relationship of any kind, with any Applicant, nor will the GoVI accept any liability howsoever arising, in relation thereto. By this document, applicants are so informed, and unconditionally acknowledge that they are fully aware that through an expression of interest, no entitlement whatsoever vests, or will vest in them.
- 6.4. Participation by any party in this EOI pursuant to the invitation by GoVI shall be considered to be an acceptance of all the terms and conditions of this invitation by such party and no claims or disputes raised by it during or subsequent to the award process shall be entertained by GoVI.
- 6.5. All documents and other information supplied by GoVI or submitted by an Applicant to GoVI shall remain or become the property of GoVI. GoVI will not return any application or any information provided along therewith.
- 6.6. The applicants shall bear all costs associated with the preparation and submission of its EOI. GoVI will in no case be responsible or liable for these costs, regardless of the conduct or outcome of the EOI process.
- 6.7. Expressions of Interest must be submitted in accordance with Section 4 of this Request for Expressions of Interest. GoVI shall not be responsible for the loss or non-receipt or delay in the receipt of any Expressions of Interest application.
- 6.8. The address to be used for communication with GoVI is:

**Mrs. Ishma Rhymer**  
**Procurement Coordinator**  
Procurement Unit  
Ministry of Finance  
Rita Frett Georges Place, 2<sup>nd</sup> Floor  
Tortola, British Virgin Islands

Tel: (284) 468-4243  
Email: [procurement@gov.vg](mailto:procurement@gov.vg)

## FORMS FOR EXPRESSIONS OF INTEREST

### FORM I – General Information

Item	Bidder's Information
Bidder's name or registered name:	
Bidder's country of birth:	
Bidder's [date of birth]:	
Bidder's address:	

**Note:**

- Please provide a certified true copy of the data page from your passport;



**FORM II – Other Government Clients**

Government or Jurisdiction		Year(s) Assignment was Fulfilled
1		
2		
3		
4		
5		

**FORM III – Statement of Experience in Similar Assignments**

<b>Client Name, Address, Representative and Phone No.</b>	<b>Description of Services</b>	<b>Value (USD)</b>	<b>Start/ Stop dates</b>	<b>Schedule (On schedule/ delayed)</b>

**FORM IV – Expertise in Practice Area**

Practice Area	Expertise <sup>1</sup>
Legislative drafting in the area of primary and secondary legislation	Preferably, advising on and/or drafting legislation relating to Maritime Law (and in particular the areas of Maritime Law listed in 3.2) Preferably, drafting legislation that implements international or regional treaties or conventions Acting as drafters in a team, including instructing lawyers and policy and operational clients, which is responsible for undertaking a major legislative review and reform project

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<sup>1</sup> Give at least one client for whom you as the legal advisor in the practice area. Describe how you managed the allocation and delivery of work and how the client benefitted.

**FORM V – Detailed Assessment Criteria**

<b>Assessment Criteria</b>		<b>Maximum Score (100)</b>
<b>1</b>	<b>Qualifications and competence of the individual to provide the Services</b>	<b>30</b>
1.1	Bidder has attained Bachelor’s degree in Law (10 pts)	25
1.2	Bidder has attained a Graduate degree in Law (10 pts)	
1.3	Bidder has attained a Post-Graduate degree in Law (5 pts)	
1.4	Bidder has professional licence(s) and registrations	5
<b>2</b>	<b>Experience of individual or firm in performing similar assignments</b>	<b>50</b>
2.1	Number of years of practical experience	10
2.2	Experience in similar assignments for the past 3 years	7
2.3	Experience with other government or jurisdictions as client	5
2.4	Experience in the practice area maritime law	10
2.5	Experience in practicing in the BVI	4
2.6	Experience in common law jurisdiction	4
2.7	Experience in primary legislation	4
2.8	Experience in secondary legislation	4
2.9	Experience in practicing in other Overseas Territories	2
<b>3</b>	<b>Interview on previous skills and experience</b>	<b>20</b>
	Total	100

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