



World
Food
Programme

Ocean
Transportation
Service

EMAIL

The Food Aid Organization of the United Nations

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FROM: Amer Badawi – OIC SCOS	DocuSigned by: <i>Amer Badawi</i> 5FD8D002032241F...	Pages: 6	26 March 2024
TO: WFP Brokers BY Email		CC:	FAX :

Subject: WORLD FOOD PROGRAMME US-ORDER

(AB)

**FIRM OFFERS ONLY TO BE SENT BY EMAIL TO WFP /
MR. AMER BADAWI /MS. SABRINA MARISCAL-
PLEASE SEE ALSO SPECIAL NOTE AT THE END OF THE TENDER**

CARGO: TOTAL 17,000 MT BULK WHEAT (SWW) IN ONE LOT:
LOT 1: FR 016/24
17,000 MTONS BULK SOFT WHEAT
(YEMEN-SO#5000831611/SI#7800010625)
INTENTION ADEN, YEMEN

**THE ABOVE LOT TO BE A SINGLE CARGO VENTURE FOR THE VESSEL AND IS NOT
COMBINABLE WITH ANY OTHER CARGO WHATSOEVER.**

LOADING (LP): 1-2 SB(S) PORT(S) FUJAIRAH, UAE

DISCHARGING (DP): 1-2 SB(S) PORTS(S) ADEN, YEMEN

**LP/DP REQUIREMENTS OWNERS TO SATISFY THEMSELVES ABOUT THE PREVAILING CONDITIONS & RESTRICTIONS AT ALL LOADING AND DISCHARGING PORTS AND CHARTERERS ARE NOT RESPONSIBLE FOR ANY FAILURE THERETO.
SDTV VESSELS NOMINATION PARAMETERS AND PORT PERMISSIBLE LIMITS ATTACHED AS GUIDANCE ONLY**

**POSITION/
LAYDAYS: SPOT PROMPT**

CONTRACT AWARDS WILL BE BASED ON BEST VALUE TO THE PROGRAMME, INCLUDING LOGISTICAL CONCERNS, WHICH WILL BE DETERMINED BY THE FOLLOWING CRITERIA: PAST PERFORMANCE, VESSEL POSITION & READINESS, DELIVERY SCHEDULE, PRICE, AND VESSEL CAPACITY. IN ADDITION, AWARDING THE CARGO - USAID/WFP WILL CONSIDER FACTORS INCLUDING THE LOWEST LANDED COSTS BASIS, DESIGNATED WITH "*" IN DISCH RATE SECTION BELOW, AND THE IMPACT OF ANY POTENTIAL AWARD ON USAID/WFP'S ABILITY TO SATISFY THE REQUIREMENTS OF STATUTES AND REGULATIONS INCLUDING THE CARGO PREFERENCE ACT.

Distribution:
Ka / Hansen/ Badawi

Filing:
Order/ Charter Files: FR 016 / 24

DS

SM

LOAD RATE: 3,500 MT PWWD

**DISCH RATE: YEMEN:
ADEN: 5,000 MTONS PWWD OR 3,000 MTONS PWWD**

- TERMS:**
1. TOWED BARGES AND TANKERS NOT ALLOWED. ITBS WORKABLE.
 2. FOREIGN FLAG VESSELS TO BE MAX 20 YEARS OLD. ORIGINAL DATE OF CONSTRUCTION (NOT RE-BUILT DATE) TO APPLY.
 3. GEARLESS VESSELS: NOT WORKABLE
 4. VESSEL TO PROVIDE GEARS NECESSARY (AS PER CLAUSE 15 & 61 TO DISCHARGE ALL CARGO WITH MINIMUM LIFTING CAPACITY OF 20 MTONS SWL EACH CRANE)
 5. DELETED
 6. SUBSTITUTION OF VESSEL IS NOT PERMITTED WITHOUT CHARTERER'S AND USAID/USDA PRIOR APPROVAL. VESSEL SUBSTITUTIONS AS PER NOTICE TO THE TRADE (DATED OCTOBER 20, 2009) AND SHOULD BE OF THE SAME OR SIMILAR TYPE OR BETTER, CLASS, AGE AND WITHIN SAME LAYDAYS AS THE AWARDED VESSEL. THE PROPOSED SUBSTITUTE VESSEL MUST ALSO APPEAR ON THE APPLICABLE MARITIME ADMINISTRATION US OR FOREIGN FLAG VESSEL LIST.
 7. WFP CARGO NOT TO BE SUBLET – SEE RESPECTIVE CLAUSE 3 - PARAGRAPH D OF THE WORLDFOOD 2017 CHARTER PARTY
 8. OWNERS TO APPOINT CHARTERERS' NOMINATED AGENTS AT LOAD AND DISCHARGE PORTS.
 9. BULK CARRIERS TO BE SUITABLE FOR INTRANSIT FUMIGATION BY THE RECIRCULATION METHOD IN ACCORDANCE WITH USDA/FGIS REGULATIONS. FOR ITB'S, THE STANDARD SURFACE METHOD TO BE USED. USAID NOTICE TO THE TRADE DATED FEBRUARY 03, 2023 "PROHIBITION OF METHYL BROMIDE AS A FUMIGANT" AND USAID NOTICE TO THE TRADE DATED FEBRUARY 03, 2023 "BULK VESSEL FUMIGATION WITH PHOSPHINE" TO APPLY ACCORDINGLY.
 10. U.S. FLAG SHIPS TO CONFIRM THAT ALL NECESSARY COST DATA IS ON FILE WITH MARAD.
 11. ITINERARY FROM DAY OF OFFER TO FIRST LOAD PORT TO BE SUBMITTED AND FORM PART OF THE C/P.
 12. 14 DAYS PRE-ADVICE NOTICE REQUIRED. PRE-ADVICE MUST BE RECEIVED BY 1100 HRS NYT ON A BUSINESS DAY TO BEGIN TO COUNT THE SAME DAY.
 13. IF OWNERS INTEND TO LIGHTEN, THE OFFER SHOULD SPECIFY THE COST AND WHETHER FULL OR PARTIAL LIGHTENING. IF LIGHTENING NOT PERFORMED AT THE DISCHARGE PORT AND VESSEL DIRECTLY DISCHARGES AT BERTH, WFP WILL DEDUCT THE LIGHTENING COST FROM THE OCEAN FREIGHT.
 14. USAID FLAG AND BANNER CLAUSE TO APPLY.
 15. USAID NOTICE TO THE TRADE DATED JULY 22, 2009 - FREEDOM OF INFORMATION ACT REQUESTS (FOIA):
PLEASE BE ADVISED THAT EFFECTIVE IMMEDIATELY, ALL OCEAN CARRIERS SUBMITTING FREIGHT PROPOSALS IN RESPONSE TO P.L. 480 TITLE II FREIGHT RFPS FOR MARK AND COUNT CARGOES AND/OR BULK CARGOES AND/OR OVERSEAS AND/OR DOMESTIC PREPOSITION CARGOES MUST INCLUDE ONE OF THE STATEMENTS BELOW IN EACH FREIGHT OFFER SUBMITTED. PLEASE NOTE THAT THIS STATEMENT IS REQUIRED FOR EACH OFFER SUBMITTED. FOR OFFERS SUBMITTED THROUGH WBSCM, ONE OF THE STATEMENTS BELOW MUST APPEAR IN THE FREE FORM REMARKS SECTION FOR EACH OFFER SUBMITTED. EACH PAGE OF EACH OFFER SUBMITTED OUTSIDE OF WBSCM MUST INCLUDE ONE OF THE FOLLOWING STATEMENTS:

1. THIS FREIGHT PROPOSAL, WHETHER SUCCESSFUL OR UNSUCCESSFUL, CONTAINS TRADE SECRETS OR COMMERCIAL FINANCIAL INFORMATION WHICH ARE PRIVILEGED AND CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 5 U.S.C. SECTION 552. FURTHERMORE, THIS INFORMATION IS PROHIBITED FROM DISCLOSURE UNDER THE TRADE SECRETS ACT, 18 U.S.C. SECTION 1905.
— OR —
2. THIS FREIGHT PROPOSAL, WHETHER SUCCESSFUL OR UNSUCCESSFUL, MAY, IN THE FUTURE, BE MADE PUBLIC OR RELEASED UNDER A FOIA REQUEST.

16. IT IS A CONDITION OF THE CONTRACT THAT THE FIXTURE OF ANY PART-CARGO OTHER THAN RELIEF CARGO WILL BE SUBJECT TO PRIOR APPROVAL BY WFP. WITHOUT PREJUDICE TO ANY DAMAGES THAT WFP MAY CLAIM, FAILURE BY OWNERS TO COMPLY WITH THIS CONDITION WILL GIVE WFP THE RIGHT TO TERMINATE THE CONTRACT OR TO IMPOSE ON OWNERS A RATE REDUCTION OF USD 10.00 PER CONTRACTED MT, AS LIQUIDATED DAMAGES. NOTWITHSTANDING, OWNERS ARE TO PROVIDE FULL DETAILS AND ITINERARY OF PART-CARGO TOGETHER WITH THEIR PROPOSAL OF REASONABLE COMMENSURATE REDUCTION IN FREIGHT, UNLESS SUCH HAS BEEN INDICATED IN THE SUBMITTED OFFER.
MILITARY CARGOES/ARMS/AMMUNITION/EXPLOSIVES OR SIMILAR ARE NOT ALLOWED.

- 17 A. ALL OFFERS ARE SUBJECT TO CHARTERER'S APPROVAL AND THE WORLDFOOD 2017 CHARTER PARTY TERMS FOR USIK CARGOES AS AMENDED DECEMBER 2017 ANY PRIOR PART CARGO(ES) INCLUDED IN OFFERS RECEIVED ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE CHARTERERS AND MAY AT THEIR DISCRETION BE REJECTED BASED ON SCHEDULE, VESSEL DESIGN AND OTHER FACTORS THAT THEY DEEM NOT ADVANTAGEOUS TO THE PROGRAMME. (E.G., A SCHEDULE-RELATED FACTOR WILL INCLUDE WHETHER AWARD OF THIS CONTRACT WOULD AFFECT THE TIMELINESS OF DELIVERY OF OTHER USAID-FINANCED EMERGENCY CARGOES.)
B. OFFERS ARE TO PROVIDE PAST PERFORMANCE INFORMATION. IF THE OFFEROR HAS TRANSPORTED ANY WFP/USAID-FINANCED CARGO(ES) THAT HAVE NOT MET THE ETA OF ANY BILL OF LADING/NNCR WITHIN THE PAST YEAR, THE OFFER SHOULD INCLUDE RELEVANT INFORMATION, INCLUDING THE IDENTITY OF THE CHARTERER, THE CONTRACT NUMBER, THE ETA, THE ACTUAL DATE OF DELIVERY, AND CONTACT INFORMATION FOR THE CHARTERER. OFFERS MAY ALSO INCLUDE EXPLANATIONS OF SUCH DELAYS.
C. EVALUATION: WFP WILL AWARD CONTRACT(S) TO THE RESPONSIBLE OFFEROR(S) THAT WILL PROVIDE THE BEST VALUE TO WFP. BEST VALUE SHALL BE DEFINED IN THIS PROCUREMENT AS TOTAL PRICE OF COMMODITY DELIVERED TO DESTINATION WITHIN THE BEST DELIVERY SCHEDULE THAT MEETS THE GOVERNMENT'S REQUIREMENTS. PAST PERFORMANCE INFORMATION TO BE INCORPORATED IN THE RESPONSIBILITY DETERMINATION AND BEST VALUE DECISION. NON-COST/PRICE FACTORS ARE WEIGHTED APPROXIMATELY EQUAL TO COST/PRICE FACTOR. NAMED VESSEL IN AN OFFER ARE VIEWED AS A REPRESENTATION OF THE TYPE AND KIND OF VESSEL THAT WILL BE PROVIDED. FAILURE TO OFFER EXACTLY AS PER THE ABOVE TERMS WILL RENDER AN OFFER NON-COMPLIANT AND AS SUCH THE OFFER WILL NOT BE CONSIDERED.
18. THESE COMMODITIES WILL BE USED BY WFP TO PROVIDE ASSISTANCE UNDER AUTHORITY OF FOOD FOR PEACE ACT (7 U.S.C. § 1722(A)) [SECTION 202(A) (EMERGENCY FOOD ASSISTANCE)] [SECTION 202(B) (NON-EMERGENCY FOOD ASSISTANCE)] [SECTIONS 202(A) (EMERGENCY FOOD ASSISTANCE) and 202(b) (NON-EMERGENCY FOOD ASSISTANCE)], AS SPECIFIED FOR THE CARGOES MENTIONED

ABOVE.

19. WFP RESERVES THE RIGHT TO REQUIRE VESSEL OWNER TO POST A PERFORMANCE BOND.

20. WFP INTENDS TO MAKE AWARD WITHOUT DISCUSSIONS BUT RESERVES THE RIGHT TO CONDUCT DISCUSSIONS AND SEEK FINAL PROPOSAL REVISIONS IF DEEMED NECESSARY.

21. OFFERS TO BE RECEIVED LATEST ON THURSDAY 28th, MARCH 2024 AT 17.00 HOURS ROME TIME TO BE SUBMITTED TO WFP ROME VIA EMAIL.
OFFERS TO BE VALID UNTIL FRIDAY, 29TH, MARCH 2024 AT 11.00 HOURS WASHINGTON DC TIME.

22. ALL OTHER TERMS/DETAILS AND CONDITIONS AS PER WORDLFOOD 2017 USA C/P, (FORMAT/AMENDMENTS ADVISED ON JUNE 26, 2023) AS AMENDED TO APPLY. AMENDED AS FOLLOWS:

CL 8 a) Line 104, 105 & 106, CL 8 c) Line 111 and CL 8 d) Line 118: "loading or" & "load or" to be reinstated.

CL 9 Line 121 "Loading and" to be reinstated.

CL 9 a) Line 122-124 in entirety to be reinstated.

CL 9 b) Line 125 "loading or" to be reinstated.

CL 9 c) Line 128 & 133 "Loading or" & loading and" to be reinstated.

CL 9 d) Line 135 "Loading and" to be reinstated.

CL 9 e) Line 137 "loading" to be reinstated.

CL 9 g) Line 143 & 144 "load" to be reinstated.

CL 9 j) (v) Line 164 "loading or" to be reinstated.

CL 10 a) Line 171 & 172 and Line 176 "at their expenses" to be reinstated.

CL 12 Line 195 "load and" to be reinstated.

CL 12: Line 204" loading and/loading berths and between": to be reinserted.

CL 35 (e) (ii) & (iii) Lines 578-586 in entirety to be reinstated.

23. TRANSSHIPMENT IS NOT ALLOWED.

24. COVID-19 QUARANTINE:

IF AT DISCHARGING PORT(S), BY REASON OF AUTHORITIES NOT GRANTING THE VESSEL PORT ENTRY, OR FREE PRATIQUE, AND IMPOSING THE STANDARD PORT QUARANTINE PROCEDURE RELATED TO COVID 19 RESTRICTIONS, ONLY SUCH PORT AUTHORITY STANDARD QUARANTINE PERIOD, OR THE REMAINING PERIOD OF THE 14-DAY QUARANTINE TIME SHOULD IT BE CALCULATED FROM SAILING TIME FROM THE PREVIOUS PORT, SHALL BE CONSIDERED AS DETENTION TIME. SUCH DETENTION TIME SHALL BE BORNE BY THE CHARTERERS AND PAID TO THE OWNERS AT THE DEMURRAGE RATE WITH FINAL FREIGHT SETTLEMENT.

ANY ADDITIONAL DELAY OR QUARANTINE TIME, BEYOND THE EXPIRY OF THE STANDARD QUARANTINE PERIOD, OR THE REMAINING PERIOD OF THE 14-DAY QUARANTINE TIME SHOULD IT BE CALCULATED FROM SAILING TIME FROM THE PREVIOUS PORT, STRICTLY DUE TO DETERMINATION OF COVID-19 INFECTION BY ANY SHIP PERSONNEL, TIME TO REMEDY SAME, OR DUE TO CONTAMINATION OF THE VESSEL, TIME FOR DISINFECTION OF SAME, INCLUDING VACATION/RE-BERTHING COSTS AND SHIFTING TIME, IF THE VESSEL WAS ALREADY AT/IN BERTH/PORT, SHALL BE ENTIRELY FOR OWNER'S ACCOUNT AND TIME.

25. DEMURRAGE IN THE RATE PROVIDED AT BOX 17 OF THE WORLDFOOD 2017 CHARTER PARTY, AND OTHERWISE ANY REFERENCE TO DEMURRAGE OR DETENTION THEREIN, SHALL BE THE EXCLUSIVE REMEDY FOR ALL LOSSES FLOWING FROM THE FAILURE TO COMPLETE CARGO OPERATIONS WITHIN THE ALLOWED LAYTIME.

26. OWNERS TO ENSURE THAT OFFICER/CREW OF THE PERFORMING VESSEL WILL NOT HAVE BEEN ONBOARD THE PERFORMING VESSEL FOR MORE THAN 9 CONTINUOUS MONTHS, OR AS PER ILO REGULATIONS, AS OF THE COMMENCEMENT OF THE LAYDAYS/VOYAGE, WHICHEVER IS EARLIER.

27. OWNERS HEREBY CONFIRM THAT THE PERFORMING VESSEL IS AND WILL REMAIN IN FULL COMPLIANCE WITH THE BIMCO AIS SWITCH OFF CLAUSE 2021 FOR THE ENTIRE DURATION OF THE CHARTER.

28. THE SUCCESSFUL BIDDER WILL PROVIDE, AS PART OF THE VESSEL FIXTURE DETAILS, A DESIGNATED EMAIL ADDRESS OF THE OWNER FOR THE SPECIFIC PURPOSE OF COMPLYING WITH CLAUSE 43 OF THIS CHARTERPARTY.

29. OWNERS WARRANT THAT AT THE DATE OF SUBMISSION OF OFFER HEREFOR AND THROUGHOUT THE CURRENCY OF ANY SUBSEQUENT CHARTER PARTY, THEY, THE REGISTERED OWNERS, BAREBOAT CHARTERERS, INTERMEDIATE DISPOSENT OWNERS, MANAGERS, THE VESSEL AND ANY SUBSTITUTE ARE NOT A SANCTIONED PARTY DIRECTLY OR BY ASSOCIATION. IF AT ANY TIME THE OWNER IS IN BREACH OF THE ABOVE, THEN WFP MAY TERMINATE AND/OR CLAIM DAMAGES RESULTING FROM THE BREACH. A SANCTIONED PARTY MEANS ANY PERSONS, ENTITIES, BODIES, OR VESSELS DESIGNATED BY A SANCTIONING AUTHORITY OF THE UNITED NATIONS, EUROPEAN UNION, UNITED KINGDOM, UNITED STATES OF AMERICA OR ANY OTHER APPLICABLE COMPETENT AUTHORITY OR GOVERNMENT.

30. FOR EVALUATION PURPOSE, DEMURRAGE AND DETENTION VALUES PER DAY OR PRORATA MUST BE OFFERED AT THE SAME RATE. WFP RESERVES THE RIGHT TO REVIEW EXCESSIVE DEMURRAGE/DETENTION RATES IN ITS SOLE DISCRETION PRIOR TO CONCLUDING FIXTURES.

31. FOR FINAL FREIGHT ACCOUNTS PURPOSES, OWNERS UNDERSTAKE TO SUBMIT ALL RELEVANT CALCULATIONS TOGETHER WITH APPROPRIATE, SUFFICIENT DOCUMENTATION, TO WFP WITHIN 30 DAYS FROM VOYAGE COMPLETION WITHOUT DELAY.

32. USAID NOTICE TO THE TRADE DATED JANUARY 31, 2023 "GHG EMISSIONS REPORTING", UPDATED MAY 31, 2023.

PLEASE BE ADVISED THAT EFFECTIVE IMMEDIATELY, ALL OCEAN CARRIERS SUBMITTING FREIGHT PROPOSALS IN RESPONSE TO TITLE II FOOD AID PROGRAM ARE REQUIRED TO REPORT GREEN HOUSE GAS (GHG) EMISSIONS RELATED TO OCEAN TRANSIT WHEN THEY HAVE USAID CARGO ONBOARD.

THE REPORTING EMAIL ADDRESS IS: USAID-GHG-Reporting@ESGPlusLLC.com

33. DETENTION/DEVIATION CLAUSE

IN THE EVENT OF ANY OCCURRENCE, HAPPENING OR CIRCUMSTANCES GIVING RISE TO A CLAIM BY OWNERS FOR DETENTION OR DEVIATION, THE CHARTER'S DAILY DEMURRAGE RATE PRO RATA SHALL APPLY TO CALCULATE SAME AND SHALL SERVE AS THE ONLY RECOVERABLE CHARGES OR DAMAGES RELATING TO SAME. IN RETURN FOR SUCH PAYMENT, OWNERS AGREE TO RELEASE, ACQUIT AND HOLD HARMLESS CHARTERERS FROM ANY AND ALL CLAIMS, LOSSES, AND DAMAGES OF WHATSOEVER KIND, WHETHER PHYSICAL OR ECONOMIC, IN CONTRACT OR TORT, AT LAW OR IN EQUITY, SUFFERED AS A RESULT OF SUCH OCCURRENCE, HAPPENING OR CIRCUMSTANCES.

Submission of Freight Offers:

WFP BROKER PANEL - PLEASE OFFER DIRECTLY TO WFP/ROME

amer.badawi@wfp.org

sabrina.mariscalholemans@wfp.org

filippo.zunino@wfp.org

Freight offers are due no later than Thursday, 28th March 2024 at 1700 hours Rome time.

World Food Programme