World Food Programme

Ocean Transportation Service

The Food Aid Organization of the United Nations

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# FAX

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| FROM: : | John Crisci - Chief<br>Ocean Transportation Service | Pages 5 06th November 2017 |
| TO: | WFP Brokers<br>Via Email | CC:<br>FAX : |

***Subject: WORLD FOOD PROGRAMME US-ORDER***

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| (OS) | F/R N° 111/17 |
| | WBSCM COMMODITY SOLICITATION N°. 2000005080 |
| | WBSCM FREIGHT SOLICITATION N°. 2000005081 |

***OFFERS TO BE SENT VIA WBSCM WITH COPY OF THE OFFERS BY EMAIL TO WFP / MR. OTTMAR SCHULTE - PLEASE SEE ALSO SPECIAL NOTE AT THE END OF THE TENDER***

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| CARGO: | 10,640 MTONS BULK SORGHUM PLUS EMPTY BAGS<br>(SOM-SO#5000409232 / SI 4500064387/030)<br>INTENDED DISCHARGING PORT FOR EVALUATION PURPOSE ONLY BERBERA |
| LOADING: | 1-2 SB(S) EACH PORT 1-2 PORT(S) USA ALL RANGES |
| DISCHARGING | 1-2 SB(S) EACH PORT 1-2 PORT(S) IN CHARTERERS' OPTION OUT OF PORT SUDAN / DJIBOUTI / BERBERA / DAR ES SALAAM / MOMBASA<br><br>TRANSSHIPMENT IS NOT ALLOWED |
| LDP/DP REQUIREMENTS | OWNERS TO SATISFY THEMSELVES ABOUT THE PREVAILING RESTRICTIONS AT ALL LOADING AND ALL DISCHARGING PORTS AND CHARTERERS ARE NOT RESPONSIBLE FOR ANY FAILURE THERETO |
| NOMINATION DISCHPORT(S) | CHARTERERS TO NOMINATE FINAL DISCHARGING PORT(S)/RATES LATEST UPON PASSING STRAIT OF MESSINA SOUTHOUBOUND |
| ROTATION | ROTATION OF DISCHARGING PORT(S) TO BE IN CHARTERERS' OPTION – INTENTION IS GEOGRAPHICAL HOWEVER PORT SUDAN IS ALWAYS FIRST PORT OF DISCHARGE AND MOMBASA LAST PORT OF DISCHARGE |
| POSITION: | 05th / 15th DECEMBER 2017 |
| | 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 |

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| Distribution:<br>CRISCI/STOLK/BADAWI/SCHULTE | Filing:<br>ORDER / CHARTER FILES: FR XXX/17 |

FACTORS INCLUDING THE LOWEST LANDED COST, 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.

LOAD RATE: SCALE GROSS LOAD

DISCH RATE: PORT SUDAN

MINIMUM ONE DAY WHERE APPLICABLE

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| 3,500 MT PWWD – SELF TRIMMING BULK CARRIERS | BSS CGO QTY OVER 30,001 MT |
| 2,500 MT PWWD – CONBULKER | BSS CGO QTY OVER 30,001 MT |
| 2,400 MT PWWD – ALL TYPE OF DRYCARGO VESSELS | BSS CGO QTY 10,001-30,000 MT |
| 1,500 MT PWWD – ALL TYPE OF DRYCARGO VESSELS | BSS CGO QTY UP TO 10,001 MT |

CHARTERERS' OPTION: LO BAGGED/STACKED ONTO TRUCKS WITH NO DEM/DES/DET

DJIBOUTI:

MINIMUM ONE DAY WHERE APPLICABLE

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| 6,000 MTONS PWWD FOR SD BULK CARRIERS | BSS CGO QTY 15,001 MTS AND ABOVE |
| 5,000 MTONS PWWD FOR SD BULK CARRIERS | BSS CGO QTY UP TO 15,000 MTS |
| 5,000 MTONS PWWD FOR TWEENDECKERS | BSS CGO QTY 15,001 MTS AND ABOVE |
| 4,000 MTONS PWWD FOR TWEENDECKERS | BSS CGO QTY UP TO 15,000 MTS |
| 5,000 MTONS PWWD FOR GEARLESS SDBC | BSS CGO QTY 15,001 MTS AND ABOVE |
| 4,000 MTONS PWWD FOR GEARLESS SDBC | BSS CGO QTY UP TO 15,000 MTONS |

OR AT CHARTERERS' OPTION:
2,500 MTONS PWWD

OR AT CHARTERERS' OPTION:
LO BAGGED/STACKED ON TO TRUCKS WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINWE OUT BAGGED/STACKED ON TO TRUCKS OR STACKED IN PORT WAREHOUSE WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINER OUT INTO OWNERS' STEVEDORES' PORT WAREHOUSE WITHIN THE PORT AREA AND RELOAD SAME ONTO RECEIVERS'/CONSIGNEE'S CONVEYANCES W/ NO DEM/DES/DET

BERBERA:
2,500 MTONS PWWD

OR AT CHARTERERS' OPTION:
LO BAGGED/STACKED ON TO TRUCKS WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINWE OUT BAGGED/STACKED ON TO TRUCKS OR STACKED IN PORT WAREHOUSE WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINER OUT INTO OWNERS' STEVEDORES' PORT WAREHOUSE WITHIN THE PORT AREA AND RELOAD SAME ONTO RECEIVERS'/CONSIGNEE'S CONVEYANCES W/ NO DEM/DES/DET

**DAR ES SALAAM:**
2,500 MTONS PWWD

OR AT CHARTERERS' OPTION:
1,500 MTONS PWWD

OR AT CHARTERERS' OPTION:
LO BAGGED/STACKED ON TO TRUCKS WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINWE OUT BAGGED/STACKED ON TO TRUCKS OR STACKED IN PORT WAREHOUSE WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINER OUT INTO OWNERS' STEVEDORES' PORT WAREHOUSE WITHIN THE PORT AREA AND RELOAD SAME ONTO RECEIVERS'/CONSIGNEE'S CONVEYANCES W/ NO DEM/DES/DET

**MOMBASA: (ALWAYS BASED ON MINIMUM 3 HOLDS OTHERWISE PRORATA)**
MINIMUM ONE DAY WHERE APPLICABLE
9,000 MTONS PWWD FOR STBC
7,000 MTONS PWWD FOR OTHER TYPES OF BULK CARRIERS
3,000 MTONS PWWD FOR TWEENDECKERS AND IF ARTIFICIAL SEPARATION USED IN ANY ONE HOLD

OR AT CHARTERERS' OPTION:
3,800 MTONS PWWD OR
2,500 MTONS PWWD OR
2,000 MTONS PWWD

OR AT CHARTERERS' OPTION:
LO BAGGED/STACKED ON TO TRUCKS WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINWE OUT BAGGED/STACKED ON TO TRUCKS OR STACKED IN PORT WAREHOUSE WITH NO DEM/DES/DET

OR AT CHARTERERS' OPTION:
LINER OUT INTO OWNERS' STEVEDORES' PORT WAREHOUSE WITHIN THE PORT AREA AND RELOAD SAME ONTO RECEIVERS'/CONSIGNEE'S CONVEYANCES W/ NO DEM/DES/DET

TERMS:
NOTE:

*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 UNLESS OWNERS WILLING TO ACCEPT ALL COSTS AND ARRANGE FOR ANY EXTRA HANDLING OF EQUIPMENT AND ANY OTHER GEAR(S) NECESSARY TO DISCHARGE /TRIM AS REQUIRED BY THE TERMINALS/PORTS. ALL TIME, RISK AND EXPENSE FOR OWNERS' ACCOUNT IN CASE OWNERS OFFER A GEARLESS VESSEL THEN OWNERS TO SPECIFY THE DISCHARGING METHOD AND WHAT DISCHARGING EQUIPMENT WILL BE USED AND SAME IS ALWAYS SUBJECT TO CHARTERERS' FINAL APPROVAL.

4. VESSEL TO PROVIDE GEARS NECESSARY (AS PER CLAUSE 15 & 53 TO DISCHARGE ALL CARGO (GUIDANCE: MIN LIFTING CAPACITY OF 20MT).
5. CARRIAGE OF EMPTY BAGS FREIGHT FREE (AS PER CLAUSE 56)
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, CLASS, 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.
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.
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.

MILITARY CARGOES/ARMS/AMMUNITION/EXPLOSIVES ETC ARE NOT ALLOWED

17 A. ALL OFFERS ARE SUBJECT TO CHARTERER'S APPROVAL AND THE WFP 99 USA PROFORMA CHARTER PARTY TERMS AS AMENDED. 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 PROGRAM. (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: THE GOVERNMENT WILL AWARD CONTRACT(S) TO THE RESPONSIBLE OFFEROR(S) THAT WILL PROVIDE THE BEST VALUE TO THE GOVERNMENT. 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. PER FAR 15.304, 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 METIONED ABOVE
19. WFP/USAID RESERVES THE RIGHT TO REQUIRE VESSEL OWNER TO POST A PERFORMANCE BOND.
20. PER FAR 15.306 AND FAR 15.307, WFP/USAID 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 HERE LATEST ON WEDNESDAY 08th NOVEMBER 2017 AT 17.00 HOURS ROME TIME AND TO BE VALID UNTIL FRIDAY, 10th NOVEMBER 2017 AT 17.00 HOURS WASHINGTON TIME.
22. OTHERWISE AS PER WFP 99 USA C/P, AS AMENDED
23. N.O.R. AND LAYTIME CLAUSES, INCLUDING COMMENCEMENT OF LAYTIME, AS PER WFP 99 C/P, HOWEVER AT FIRST OR SOLE DISCHARGING PORT WITH FREE OUT TERMS, LAYTIME SHALL COMMENCE AT 07.00 HOURS ON THE NEXT WORKING DAY FOLLOWING TENDERING OF NOTICE OF READINESS IN ACCORDANCE WITH CLAUSE 8 - PORT(S) IN WHICH "LINER OUT TERMS" HAVE BEEN DECLARED ARE ALWAYS EXCLUDED FROM LAYTIME CLAUSES.

## Submission of Freight Offers:

To determine the lowest landed cost, all carriers are required to submit offers electronically for the cargoes advertised by this Tender via the USDA Web Based Supply Chain Management (WBSCM) system for the Solicitation Number referenced above.

All offers are subject to all requirements of WBSCM and of the afore-mentioned Solicitation, including the deadline for submission of bids therein.

Freight offers are due no later than 08th November 2017 at 11.00 hours USEC

The Web Based Supply Chain Management (WBSCM) system can be accessed through the following website:

http://www.usda.gov/wps/portal/usdahome?navid=WBSCM

Carriers must be assigned a USDA eAuthentication logon ID and password to access WBSCM system. Contact the WBSCM Help Desk for information regarding logon IDs, passwords, and WBSCM system questions or concerns:
Tel (877) 927-2648
Email WBSCMhelp@ams.usda.gov

A COPY OF THE OFFER ALSO TO BE SENT BY EMAIL TO WFP ROME BEFORE THE DEADLINE.

***World Food Programme***