



FEDERATION OF EAST AFRICAN FREIGHT FORWARDERS ASSOCIATIONS

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TERMS OF REFERENCE FOR CUSTOMIZING THE CUSTOMS AGENTS AND FREIGHT FORWARDERS MANAGEMENT BILL IN KENYA

1. Background

The Federation of East African Freight Forwarders Associations (FEAFFA) is a regional private sector apex body of the Customs Clearing and Freight Forwarding (CFA) industry in East Africa representing over 2500 CFA firms. The Federation aims at promoting a professional freight logistics industry for trade facilitation and regional economic growth. FEAFFA strives to address the challenges experienced by its members at Association and firm levels through provision of training and other aspects of capacity building. It advocates for the removal of barriers that impede the full implementation of the East African Community (EAC) Customs Union.

The customs clearing and freight forwarding industry in the region has been plagued with many challenges including inefficiency, low levels of compliance with existing regulations, lack of ethical standards, integrity challenges and skills and competence gaps. To address these issues, FEAFFA, East African Revenue Authorities (EARAs) and the EAC Directorate of Customs jointly developed the model Customs Agents and Freight Forwarders Management Bill 2017 for accreditation and self-regulation of the customs clearing and freight forwarding industry by creating and establishing standards, guidelines principles and institutional arrangements. The regional Model Bill was launched during the East African Global Logistics Summit in Dar es Salaam Tanzania in August 2017. This Bill is intended to guide respective East African countries in developing their respective laws and also ensure the laws are similar for harmony and mutual recognition across the EAC.

Since the launch of the model Bill, FEAFFA has been supporting national associations of customs agents and freight forwarders in East Africa to develop national Bills based on the Model Bill. The process is ongoing throughout the region. In Kenya, the Kenya International Freight and Warehousing Association (KIFWA), the national association for Kenya is leading this process. KIFWA has a membership of 955 registered clearing agents and freight forwarders and is the focal implementing entity.

FEAFFA seeks to hire a consultant to draft the national Customs Agents and Freight Forwarders Management Bill for Kenya by customizing the regional Model Bill.

2. Objective of the assignment

To domesticate the regional model Customs and Freight Forwarders Management Bill to provide a legal backing for self-regulation of customs agencies and freight forwarders in Kenya.

3. Scope of work

The legal consultant will be required to carry out the following tasks:

1. Review documentation from FEAFFA on the growth and development of the customs clearing and freight forwarding industry in Kenya and in the region.
2. Rationalize the role and identify the challenges facing the Customs clearing and freight forwarding industry on governance, professionalism and capacity building in Kenya;
3. Review the regional model Customs Agents and Freight Forwarders Management Bill 2017 and assess its appropriateness in addressing the key industry challenges;
4. Develop a draft National Customs and Freight Forwarders Management Bill 2019 based on the regional model Customs Agents and Freight Forwarders Management Bill 2017 and other relevant laws in the Country.
5. Present the draft Bill to the technical committee to be organised by FEAFFA.
6. Submit the draft Customs and Freight Forwarders Management Bill 2019 for consideration and approval by FEAFFA prior to subjecting the draft to a stakeholder's forum.
7. Subject the draft Bill to at least two stakeholders' forums for additional input.
8. Submit the final draft Bill incorporating the views and suggestions of the stakeholders where appropriate.
9. Develop a memorandum to accompany the draft Bill to be used in subsequent advocacy by FEAFFA.

4. Outputs and Deliverables

The consultant will be required to deliver the following:

- I. Inception report - to be prepared after the inception meeting with FEAFFA.
- II. Draft national Customs Agents and Freight Forwarders Management Bill 2019.
- III. Facilitation of stakeholders' workshop to review the draft Bill.
- IV. A revised draft national Customs Agents and Freight Forwarders Management Bill 2019.
- V. A memorandum to be attached to the final draft Bill ready to be presented to the National Assembly.

5. Estimated period of the assignment

The assignment is expected to take not more than fifteen (15) man days commencing in February 2019.

6. Qualifications of the consultant

- Bachelor's degree in LLB with a focus on Public Policy.
- Demonstrate good understanding of customs clearing and freight logistics sector and regional trade and integration
- Understanding of the Kenyan law-making process
- Demonstrate communication skills
- Minimum 5 years' experience.

7. Proposal submission

The proposal documents should include:

- a) Profile of the organization, staff and Lead Consultant
- b) Technical proposal outlining:
 - an explanation of the approach to be taken;
 - time schedule to conduct the assignment;
 - detailed budget with breakdown on number of man days required to conduct the assignment;
 - CVs of all consultants involved, detailing their role in the project and their relevant experience;
 - Previous report completed on a similar project undertaken in Kenya in the last 3 years; contracting party and contact details.

8. How to apply

Submit a detailed technical and financial proposal to these terms of reference through email only, to info@feaffa.com no later than 18th February, 2019