



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
MARITIME INDUSTRY AUTHORITY
OFFICE OF THE ADMINISTRATOR



COOPERATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This contract is for conducting Stage 2 of the Independent Evaluation of the Philippines in accordance with Regulation I/8 of the STCW Convention, 1978, as amended entered into by and between:

The **MARITIME INDUSTRY AUTHORITY**, a government agency created by virtue of P.D. No. 474, with principal office address at 20th Street corner Bonifacio Drive, Port Area, South Harbor, Manila, represented by its Administrator, **VADM ROBERT A EMPEDRAD AFP (Ret)**, hereinafter called "MARINA",

-and-

MR. MILHAR FUZUDEEN, FinMar Consultants Ltd., Trident Court, 1, Oakcroft Road, Chessington, KT9 1BD Surrey, United Kingdom, hereinafter called "The Evaluator".

-and-

PROF. MALEK POURZANJANI, 23 Hill Farm Road, Southampton, SO15 5SP, United Kingdom, hereinafter called "The Evaluator".

1. PURPOSE

- .1 The Independent Evaluation of the Philippines' Quality Standards System pursuant to regulation I/8 of the STCW Convention, aimed at ensuring effective compliance with regulation I/8 and section A-I/8 of the STCW Convention and Code respectively, will be conducted in two stages, namely, Stage 1: to conduct the independent evaluation; and Stage 2: to verify any corrective actions and close out the evaluation.
- .2 This Contract is for the purpose of conducting Stage 2 of the two-stages of the Independent Evaluation of the Philippines' Quality Standards System pursuant to regulation I/8 of the STCW Convention, aimed at ensuring effective compliance with regulation I/8 and section A-I/8 of the STCW Convention and Code respectively in accordance with the terms of reference set out in paragraphs 5.2 to 5.3 below.

2. BACKGROUND INFORMATION

- .1 The Philippines; as a Party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended has the obligation to give full and complete effect to the provisions of the said Convention.
- .2 Pursuant thereto, the Maritime Industry Authority (MARINA), a government agency established pursuant to Presidential Decree No. 474 (1974) and attached to the Department of Transportation (DOTr), was established as the single Maritime administration responsible for the implementation and enforcement of the STCW Convention by Republic Act No. 10635 (2014).
- .3 MARINA, has decided to establish a project that intends to engage the services of highly technical experts to conduct an independent evaluation of the knowledge, understanding skills and competence acquisition and assessment activities, as well as

the administration of the Philippines STCW certification system in compliance with Regulations I/7 and I/8 of the STCW Convention.

3. OBJECTIVES OF THE PROJECT

The conduct of independent evaluation is aimed at verifying that:

- 3.1 All applicable provisions of the STCW Convention, 1978, as amended and the STCW Code, are covered by a Quality Standard System (QSS);
- 3.2 All internal management control and monitoring measures and follow-up actions comply with planned arrangements and documented procedures and are effective and ensuring achievement of the defined objectives;
- 3.3 The result of each independent evaluation is documented and brought to the attention of those responsible for the area evaluated;
- 3.4 Timely action is taken to correct deficiencies; and
- 3.5 Comply with the requirements as specified in Regulations I/7 and I/8 of the STCW Convention.

4. SCOPE OF SERVICES

The scope of services shall include the following:

- 4.1 The Independent Evaluators will travel to the Philippines and re-visit:
 - .1 the Central Office of MARINA, CHED and DOH in Manila City; and
 - .2 the approved education and training providers and assessment centers previously evaluated in stage 1
- 4.2 Prepare and provide the final report of the Independent Evaluation pursuant to Regulation 1/8 of the STCW Convention and Section A-I/8 of the STCW Code.
- 4.3 Other relevant information pertaining to the contract:
 - .1 **Evaluation Date:**
 - a. Stage 2 shall be conducted between the second and third quarter of 2022, on dates to be mutually agreed by MARINA and the Independent Evaluators; and
 - b. Tentative commencement will be in June 2022 (dates to be confirmed in due course).
 - .2 **Evaluation Site:**
 - a. Stage 2 of the Independent Evaluation shall be conducted at the Central Office of the MARINA, located at 20th Street corner Bonifacio Drive, Port Area, South Harbor, Manila;
 - b. Offices of CHED and DOH in Manila City; and
 - c. Specific maritime education and training institutions and assessment centers previously visited during stage 1 of the Independent Evaluation.

5. THE INDEPENDENT EVALUATORS, THEIR ROLES AND RESPONSIBILITIES

- 5.1. The independent evaluators are:
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- .1 Mr. Milhar Fuazudeen, Director, FinMar Consultants Limited, United Kingdom; and
- .2 Mr. Malek Pourzanjani, Head of Naval Education, Marine Learning Alliance, United Kingdom.

5.2. When conducting the independent evaluation of the Philippines, pursuant to regulations I/7 and I/8 of the STCW Convention, 1978, as amended, and sections A-I/7 and A-I/8, and the guidance provided in sections B-I/7 and B I/8 of the Code, as amended, the independent evaluators shall take the following into account:

- .1 Quality assurance and audit functions of the administration of training, assessment of competence, certification including issue of certificates of competency, medical certificates, endorsements, and revalidation of certificates;
- .2 Administrative responsibilities for arrangements for internal audits and management reviews;
- .3 The level of knowledge, understanding and skills appropriate to examinations and assessments required for each certificate are identified;
- .4 Education and training objectives and related standards of competence are clearly defined;
- .5 Procedures followed to authorize, accredit, or approve training courses, medical fitness, and competency assessment pursuant to the provisions prescribed in the STCW Convention, 1978, as amended; and
- .6 Implementation of mandatory amendments to the STCW Convention and Code which entered into force prior to the date hereof.

5.3. The standards, specification, and legislation relevant to the above activities will be the:

- .1 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;
- .2 Seafarers' Training, Certification and Watchkeeping Code, as amended;
- .3 National laws, regulations, and administrative guidance related to the implementation of the STCW Convention, 1978, as amended; and
- .4 Quality Standards System of the Philippines, as appropriate.

5.4. The Independent Evaluators shall:

- .1 Evaluate the adequacy of Corrective Actions for any findings identified in the relevant paragraphs of the preliminary report of independent evaluation on conclusion of stage 1;
- .2 Verify that the corrective actions proposed to address any findings in paragraph 5.4.1 above have been carried out;
- .3 Verify outstanding corrective actions, if any, to be completed as appropriate within agreed timelines;
- .4 Close out all corrective actions and complete the Independent Evaluation of the Quality Standards System pursuant to regulation I/8 of the STCW Convention; and

- .5 Provide a final report based on objective evidence of satisfactory completion by MARINA of all relevant corrective actions, for submission by the Philippines to IMO in accordance with STCW Convention, regulation I/8.

6. ROLES AND RESPONSIBILITIES OF MARINA

- 2-1-2
- 6.1. Identify the focal point/contact persons/point of contact in the Philippines to coordinate all the activities related to the conduct of the Independent Evaluation;
 - 6.2. Make available all relevant documents and provide access to all information deemed relevant and necessary to support the work of the Independent Evaluators;
 - 6.3. Avail relevant staff members, and related resources, as and when required, through the focal point/principal point of contact;
 - 6.4. Provide all required internal logistical arrangements (e.g., travel to the evaluation locations, accommodation, setting up of relevant appointments with identified training institutions, etc.) to ensure implementation of the consultants' terms of reference; and
 - 6.5. Provide any other assistance and support as may be required for the independent evaluators to conclude the independent evaluation.

7. TENTATIVE TIMELINES

7.1. STAGE 2: Tentative Dates (to be confirmed)

- .1 (subject to the date of completion of Stage 1) for our mutual agreement could be as follows:

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to

[25 - 26 June 2022]	-	Travel from London to Manila
[27 June – 5 July 2022]	-	Conduct verification and close out
[6-7 July 2022]	-	Travel from Manila to London
[9-10 July 2022]	-	Finalize and submit the Report of Independent Evaluation to MARINA

8. FINANCIAL IMPLICATIONS

- 1-9
- 8.1. The Evaluators' fees are US\$1,000.00 (exclusive of Philippine tax) or its equivalent in Philippine peso but will not exceed the amount of Php57,865.17 per day (inclusive of Philippine tax) at the time of payment per person per day for the appropriate number of days.
 - 8.2. The number of days for the completion of Stage 2 of the Independent Evaluation will be nine (9) days per person including report writing, not including travel time.
 - 8.3. The Evaluators' fees exclude the costs relating to items 1 to 7 below, as applicable:
 - .1 Return airfare (LHR/LGW)/MNL/(LHR/LGW))
 - .2 COVID-19 Swab tests – UK & Philippines (if applicable)
 - .3 Quarantine accommodation (if applicable)
 - .4 Accommodation (TBA)
 - .5 Daily stipend
 - .6 Transportation (Airport/Hotel/Airport and Hotel/MARINA/Hotel)
 - .7 Entry Visa fees
 - 8.4. MARINA would provide the two Evaluators with the following (based on IMO/UNDP best practice*):

- .1 Business class air tickets (for travel more than 5.5 hours) from the United Kingdom to the Philippines and back; and
- .2 DSA for the relevant city(s) in the Philippines to be visited by the Evaluators (to be decided in consultation with MARINA) at the applicable IMO DSA rates for applicable locations for the appropriate number of days, or MARINA to arrange hotel accommodation and pay a daily stipend at UNDP rates for the locations.

*The IMO/UNDP format has been used for air travel, accommodation, and DSA to optimize costs.

- 8.5. The Evaluators will commence travel from their home counties, viz: Surrey and Hampshire respectively, on [Saturday, 25 June 2022**] via London Heathrow/Gatwick Airports to arrive in Manila on Sunday, [26 June 2022].
- 8.6. The Evaluators will commence their return from Manila on [Wednesday, 6 July 2022] to arrive in the United Kingdom on [Thursday, 7 July 2022] depending on flight schedules.

** – subject to any applicable travel restrictions in the United Kingdom and/or any applicable quarantine requirements in the Philippines in June 2022.

- 8.7. Both parties agree that the Terms of Reference for the Engagement of Highly Technical Experts for the Conduct of an Independent Evaluation in Accordance with Regulations I/7 and I/8 of the STCW, 1978, as amended are made integral part of this Cooperation Agreement between MARINA and Mr. Milhar Fuazudeen and Prof. Malek Pourzanjani.
- 8.8. Both parties agree that any obligation incurred by MARINA or the government in accordance with this Cooperation Agreement shall not exceed the Approved Budget of the Contract (ABC) which is ONE MILLION AND SEVENTY-TWO THOUSAND PESOS (PHP 1,072,000.00) and shall be subject to the usual accounting and auditing procedures of the Philippine government.

For MARINA


VADM ROBERT A EMPEDRAD AFP (Ret)


MARISSA G. ESGUERRA

Evaluator


MR. MILHAR FUAUDEEN


PROF. MALEK POURZANJANI

ACKNOWLEDGEMENT

NAME

TAX IDENTIFICATION NUMBER

VADM ROBERT A EMPEDRAD AFP (Ret)

MR. MILHAR FUZUDEEN

N/A

PROF. MALEK POURZANJANI

N/A

Known to be the same persons who executed the foregoing instrument and acknowledged to me that the same is their own free will and voluntary act and deed.

This instrument consists of five (5) pages, including this page wherein this Acknowledgement is written, and is signed by the parties and their instrumental witnesses on each and every page hereof.

WITNESS MY HAND AND SEAL this MAY 16 2022 day of 2022 at Manila, Philippines.

DOC No. 695
PAGE No. 141
Book No. 98
Series of 2022

ATTY. ROBERTO J. BOLIVAR
NOTARY PUBLIC IN QUEZON CITY
Commission No. Adm. Matter No. NP 204 (2021-2022)
IBP O.R. No. 132134 MD 2021 & IBP O.R. No. 133976 MD 2022
PTR O.R. No. 2463255D 1/3/22 / Roll No. 33832 / TIN# 129-871-009
MCLE No. VI-0029583 valid from 12/16/19 valid until 04/14/22 Quezon City
Address: 31-F Harvard St., Cubao, Q.C.