

Solicitation Conference

Request for Proposals for the International Registry for MAC Equipment

1 April 2022, Online Webinar
UNIDROIT Secretariat



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Programme of the Event

- Opening of the Session (5 Minutes) – Professor Ignacio Tirado, Secretary- General
- Introduction to the MAC Protocol (5 Minutes) – Professor Anna Veneziano, Deputy Secretary-General
- Description of the Request for Proposals (40 Minutes) – Mr Hamza Hameed, Legal Consultant
- Q&A with the attendees (25 Minutes)

Instructions for Participants

- Participants are invited to ask questions at any point of the presentation using the Q&A feature available at the bottom of your screen.
- The Secretariat will only answer questions of an administrative nature. All technical questions will be answered at a later stage as part of the Clarifications Process of this RFP. All clarifications will be released on 21 June 2022.
- For any additional questions or requests relating to the RFP, the participants are invited to email macrfp@unidroit.org



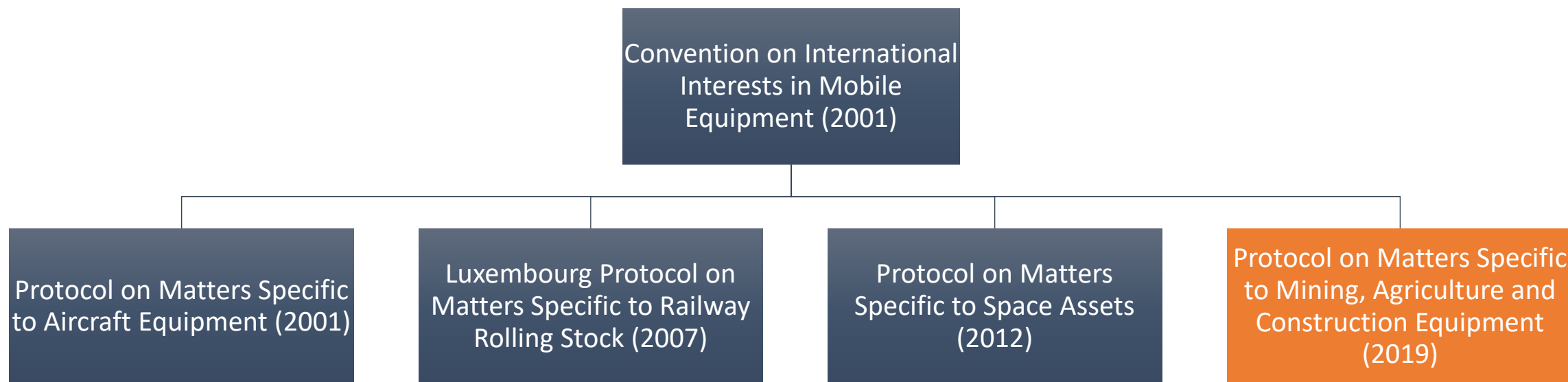
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The Cape Town Convention System

The Cape Town Convention treaty system's primary aim is to facilitate asset-based financing and leasing for specific types of high value, mobile, and uniquely identifiable pieces of equipment.

This is accomplished through a two-tier umbrella structure with the Convention being supplemented by individual Protocols for specific industries:

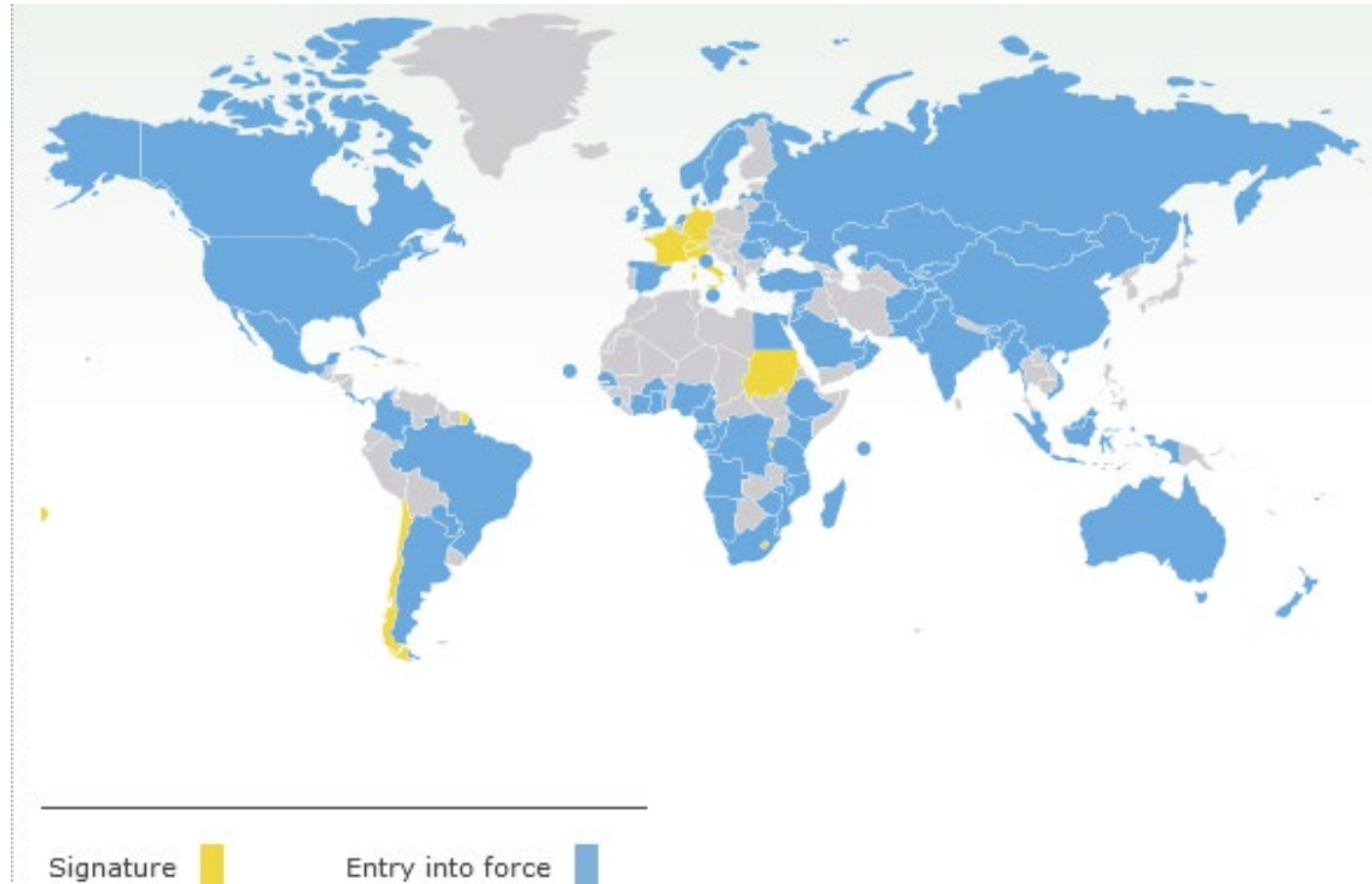


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The Cape Town Convention: Status Map

The Convention currently has 83 contracting States and has been approved by the European Union.



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Main Objectives of the Cape Town Convention and its Protocols

1. To facilitate the acquisition and financing of economically important items of mobile equipment by providing for the creation of an international interest which will be recognised in all Contracting States;
2. To provide the creditor with a range of basic default and insolvency-related remedies and, where there is evidence of default, a means of obtaining speedy relief pending final determination of its claim on the merits;
3. To establish an electronic international registry for the registration of international interests which will give notice of their existence to third parties and enable the creditor to preserve its priority against subsequently registered interests and against unregistered interests and creditors in the debtor's insolvency;
4. To ensure through the relevant Protocol that the particular needs of the industry sector concerned are met;
5. To grant Contracting States a degree of flexibility in adhering to the international regime, by allowing, to a well-defined and limited extent, policy choices through declarations, while preserving the basic uniformity of the legal regime;
6. By these means to give intending creditors greater confidence in the decision to grant credit, enhance the credit rating of equipment receivables and reduce borrowing costs and credit insurance premiums to the advantage of all interested parties.



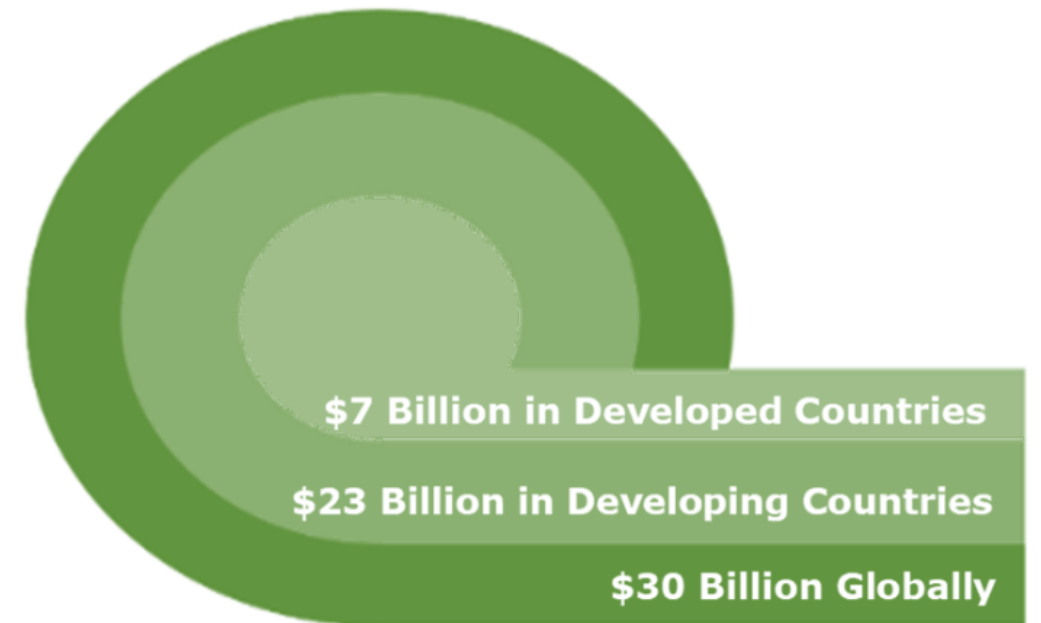
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MAC Protocol: Economic Benefits

The expected economic benefits are enormous for countries that ratify the MAC Protocol.

A 2018 independent report prepared by Warwick Economics and Associates states that the MAC Protocol is predicted to have a positive impact of **\$23 billion on GDP** in developing countries and of **\$7 billion in developed countries, for a total impact on GDP equivalent to \$30 billion a year**. It is estimated that over a ten-year period, the Protocol may **increase the stock of MAC equipment in developing countries by \$90 billion**. As the scope of the economic assessment was limited to UNIDROIT's 63 Member States, the actual global economic impact is likely to be much higher.



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RFP for the International Registry for MAC Equipment

Published on 21 March 2022 on behalf of the **Preparatory Commission** for the Establishment of the International Registry for MAC Equipment pursuant to the MAC Protocol.

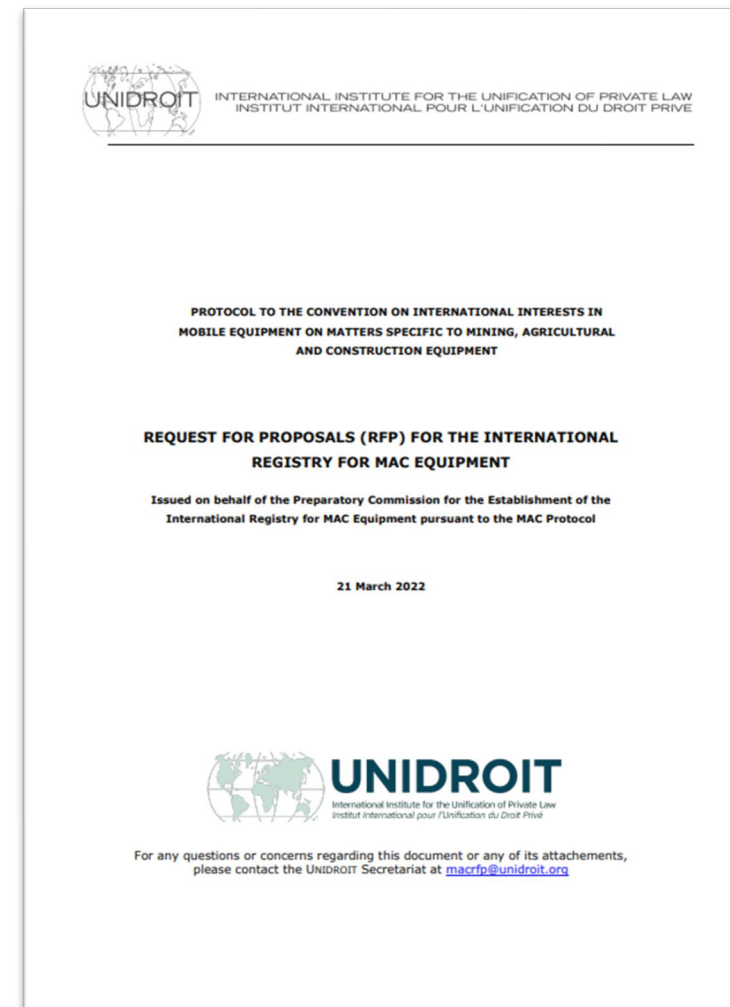
What/who is the Preparatory Commission?

Pursuant to [Resolution 1](#) of the Diplomatic Conference for the adoption of the MAC Protocol, a Preparatory Commission was established to act as **Provisional Supervisory Authority** until the MAC Protocol enters into force.

The Preparatory Commission operates under the guidance of the Governing Council and General Assembly of UNIDROIT. The Preparatory Commission has three key responsibilities:

- (a) **Selection of a Registrar to operate the MAC Protocol International Registry**
- (b) Establishment of a Supervisory Authority
- (c) Preparation of the first edition of the International Registry Regulations

The MAC Preparatory Commission has 16 Member States, as well as several Observers.



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Structure of the RFP

The RFP has the following structure:

- Part 1: Introduction
- Part 2: Technical Requirements
- Part 3: Cost Specifications
- Part 4: Information about Key Contract Provisions
- Part 5: Practical Information about the Solicitation Process
- Annex 1: Additional Background Information Relevant to the International Registry
- Annex 2: Relevant Provisions of the Convention and the MAC Protocol
- Annex 3: Statement of Requirements (SOR)
- Annex 4: Illustrative Model of a Position Layout of an International Registration Form
- Annex 5: MAC Registry Regulations
- Annex 6: Guide on Best Practices to be Followed in the Design and Operation of an Electronic Collateral Registry
- Appendix A: Submission Forms



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Part 1: Introduction

Overview

- Background and details of the task
- Basic description of the Registry

What we are looking for

- Description of the nature of the participating entities
- Basic description of the items being desired
- Basic description of the types of information which need to be submitted

The role of the Supervisory Authority and the Preparatory Commission

- Explanation of the role of the Supervisory Authority and its relationship with the Registrar
- Explanation of the role of the Preparatory Commission and its relationship with the Registrar

Promotion and industry support

- Recognition of the role the Registrar will play in promotion and industry support for the MAC Protocol



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Part 2: Technical Requirements

General Technical Requirements

- 1.General overview
- 2.An electronic, internet-based registry
- 3.Process for the authorisation of registered users
- 4.Minimised risk of unauthorised registrations and/or incomplete registrations
- 5.Registration process: minimal information to be required
- 6.Basis for registrations – unique identification criteria
- 7.Registration of various interests
- 8.Registration of an R-NCRI
- 9.Registration of a notice of sale
- 10.Registration of an assignment
- 11.Registration of a block assignment
- 12.Additional functions – Contracting State information
- 13.Round the clock, accurate recording of time of registration activities
- 14.Notice-based system
- 15.Integrity of registration process
- 16.Entry points designated by Contracting States
- 17.Languages
- 18.FAQ, technical support and helpdesk
- 19.Scalability
- 20.Software applied
- 21.Software upgrades and enhancements
- 22.System availability
- 23.System integrity
- 24.Contingency and data recovery plans
- 25.Capacity for permanent storage of records
- 26.Domain names, logos etc. – Ownership by the Supervisory Authority
- 27.Location of the Registry

Technical Functions and Specifications

- 1.Review and finalisation of data entered by registered users
- 2.Search certificates displayed online and searchable
- 3.Secure Payment system
- 4.VAT
- 5.Electronic signature
- 6.Printability of information
- 7.System design document

System Requirements

- 1.Environment - Telecommunications
- 2.Environment - Workstation
- 3.Database
- 4.Security
- 5.Maintenance
- 6.Connect Times
- 7.Application Infrastructure - Data
- 8.Application infrastructure - Edits
- 9.Application infrastructure - Applications
- 10.Application infrastructure - Interfaces
- 11.Application infrastructure - Reporting
- 12.Application infrastructure - Support
- 13.Technology enhancements

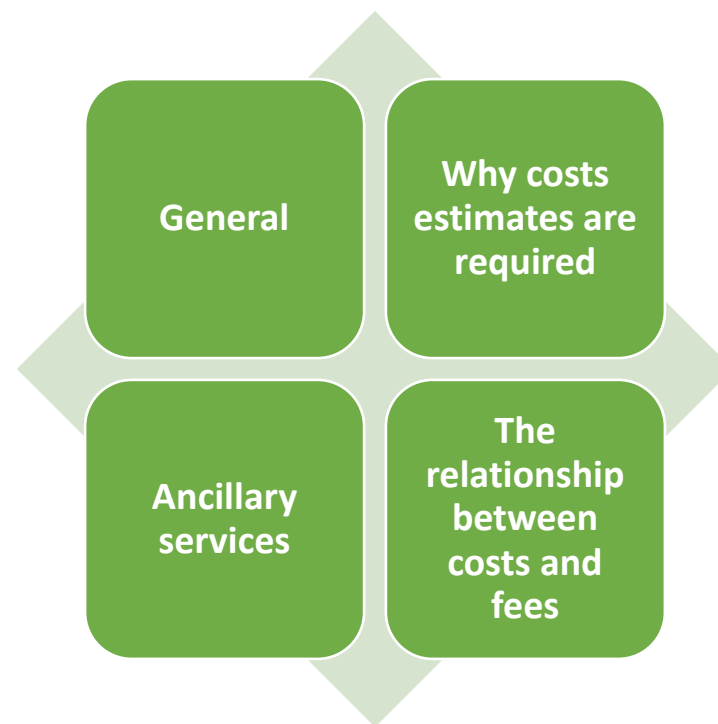
Supplemented by Annex 3 (Statement of Requirements), and to be completed using Forms 3 and 4



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Part 3: Cost Specifications



To be completed using Form 9



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Part 4: Information about Key Contract Provisions

8 Mandatory Provisions	4 Non Mandatory Provisions
Requirement to operate International Registry in conformity with the Regulations	Performance guarantees
Contract to define portability of custom software	Test phase
Proprietary rights in databases	System design documentation
Contract to define termination	Law of the Contract
Change in the legal or beneficial ownership or control of the Registrar	
Costs of the International Registry	
Liability and insurance	
Ownership of domain names and logos	
Parties to the Contract	

To be completed using Form 5 (Excel Spreadsheet)



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Part 5: Practical Information about the Solicitation Process

Requests to participate and offer - content and format

Supplementary information

Practical information in relation to submission of request to participate and offer

Evaluation and selection process

Illustrative time frames

Communication



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Part 5: Practical Information about the Solicitation Process

Requests to participate and offer - content and format



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Part 5: Practical Information about the Solicitation Process

Supplementary Information

Deadline to Request Clarifications	21 May 2022
Release of the responses to the clarifications	21 June 2022

All requests for clarifications must be emailed to macrfp@unidroit.org



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Part 5: Practical Information about the Solicitation Process

Practical information in relation to submission of request to participate and offer

A. Cover Letter
B. Forms 1-9

The elements **A and B** shall be submitted by email in machine readable format (at least MS Office 2007 or later, or Adobe Reader Version 9.0 or later) to macrfp@unidroit.org. All documents must be submitted in the English language. **All the forms shall be attached as separate files**, with the overall size of the email not exceeding 10MB.

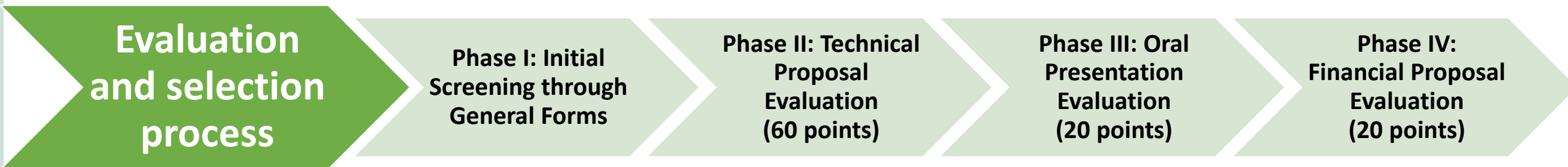
In order to be taken into consideration, requests to participate and offers must be received by UNIDROIT no later than 11:59 CET on **21 July 2022**. The Preparatory Commission reserves the right to exclude from the tender process any proposal received after that date and time.



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Part 5: Practical Information about the Solicitation Process



Phase II: Technical Proposal Evaluation	
Capability and relevant experience operating registries	10 points
Registry operating team composition and qualification of personnel	10 points
Technical solution fitness for purpose	30 points
Solution build & implementation team composition and qualification of personnel	10 points
TOTAL	60 points

Phase III: Oral Presentation	
Confirmation of the proposed technical solution, adaptability and problem-solving skills.	10 points
Confirmation of approach to supporting sustainability, building institutional capacity and security of solution.	10 points
TOTAL	20 points

Phase IV: Financial Proposal	
Points = (Lowest evaluated costs / Tenderer's total cost) X 20	
Example:	Tenderer A's price is the lowest at €100. A receives 20 points
	Tenderer B's price is €125. B receives (€100/€125) X 20 points = 16 points

Final score for tender = Technical score + Oral presentation score + Financial score



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Part 5: Practical Information about the Solicitation Process

Illustrative time frames

- a) 21 March 2022 – RFP is issued;
- b) 21 May 2022 (a + 2 months) – Final date for request for clarifications
- c) 21 June 2022 (a + 3 months) – Optional deadline for submitting notice of intent to submit a bid
- d) 21 June 2022 (a + 3 months) – Release of the responses to the clarifications
- e) 21 July 2022 (a + 4 months) – final date for the request to participate and offer to be submitted;**
- f) [DD MM] (d + 3 months) – evaluation by Preparatory Commission and notification of all tenderers on their ranking, notification to the preferred tenderer – preferred tenderer should be prepared to commence contract negotiations within 4 weeks of the notification – although may be subject to change;
- g) [DD MM] (estimated) (e + 6 months) – finalisation of contract negotiations between the Preparatory Commission and the preferred tenderer;
- h) [DD MM] (estimated) (f + 1 month) – approval by the Preparatory Commission of the final contract between the Supervisory Authority and the preferred tenderer;
- i) [DD MM] (g + 3 months) – submission to the Supervisory Authority by the Registrar of the System Design Document (SDD) as referred to in Paragraph 78;
- j) No later than 6 months after (h) – commencement of test phase of the International Registry;
- k) No later than 9 months after (h) – completion of test phase of the International Registry;
- l) No later than 12 months after (h) – full implementation and commissioning of the International Registry. The full implementation and commissioning of the International Registry refers to the preparedness for the International Registry to immediately begin full operations. However, the precise date of the entry into force of the MAC Protocol, and of the actual commencement of full operations of the International Registry, will be determined in accordance with Article XXV of the MAC Protocol, and that date may be after the date that the full implementation and commissioning of the International Registry is achieved.



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Part 5: Practical Information about the Solicitation Process

Communication

All communications should only be directed to macrfp@unidroit.org



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Annexes

Annex 1: Additional Background Information Relevant to the International Registry

Annex 2: Relevant Provisions of the Convention and the MAC Protocol

Annex 3: Statement of Requirements (SOR)

Annex 4: Illustrative Model of a Position Layout of an International Registration Form

Annex 5: MAC Registry Regulations

Annex 6: Guide on Best Practices to be Followed in the Design and Operation of an Electronic Collateral Registry



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Annex 3: Statement of Requirements

- **Components Overview**
 - User Experience
 - Core Capabilities
 - Supporting Capabilities
- **Functional Requirements**
 - F1: User Access
 - F2: Information Management and User Support
 - F3: Account Registration and Identification
 - F4: Registration, Assignment, Amendment, Subrogation and Discharge of International Interests by Users
 - F5: Searching for International Interests by Users
 - F6: Amendment, Removal and Reinstatement of Registrations by Registrar
 - F7: Complaints and Reviews
 - F8: Compliance and Enforcement
 - F9: Reporting and Data Analytics
 - F10: Quality Assurance & Fraud Control
 - F11: Enablers
- **Non-Functional Requirements**

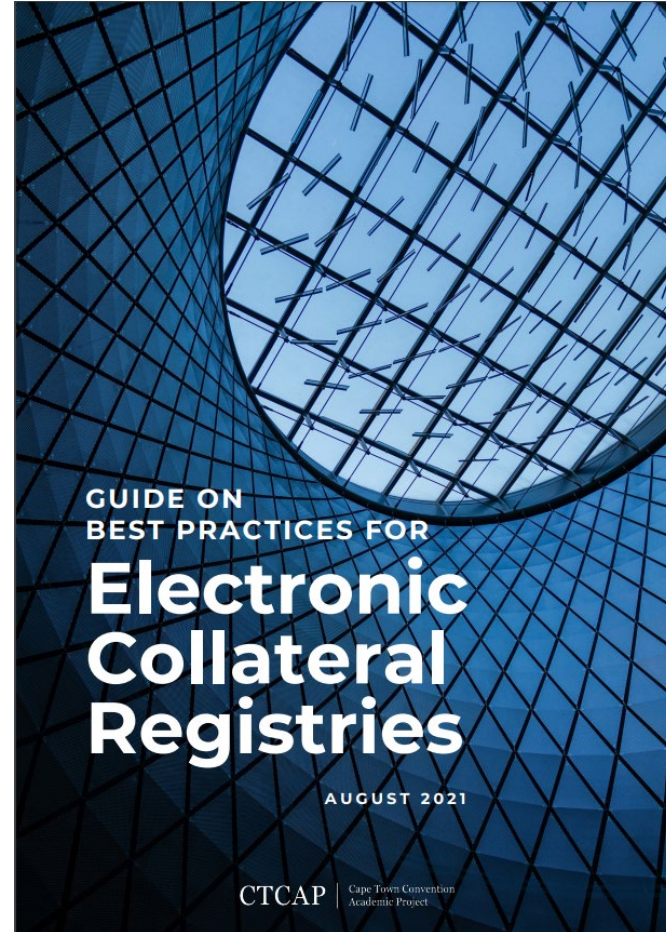
Many of these are mapped onto technical requirements found in Part 2 of the RFP, while some go beyond it. All of these need to be responded to using Form 4.



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Annex 6: Guide on Best Practices to be Followed in the Design and Operation of an Electronic Collateral Registry



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Appendix A: Forms

- Form 1: Identification of the tenderer
- Form 2: Tenderer Eligibility
- Form 3: Qualitative responses against the technical requirements
- Form 4: Responses against the functional and non-functional technical requirements (to be filled as an Excel spreadsheet)
- Form 5: Responses against the key contract terms and conditions (to be filled as an Excel spreadsheet)
- Form 6: Reference Template
- Form 7: Resume Template: Resumes of key personnel using the resume format –
- Form 8: Declaration
- Form 9: Expected build and operation costs (to be filled as an Excel spreadsheet)



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Any Questions?**

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