

importing and dealing with goods by licensees under the Hawksbill Creek Agreement, if interpreted literally, would result in a disproportionate administrative burden being placed on both licensees and on Customs," Mr Smith said.

## Practical

"A number of practical measures have therefore been established through use, but because these are nowhere formally recorded they are uncertain and tend to give rise to disputes."

Mr Smith noted that the strict letter of the Hawksbill Creek Agreement requires licensees to enter into a 'bond' every time they import a consignment of goods duty-free, with the bond twice the value of the goods involved.

However, Customs was only interested in ensuring that goods entering Freeport that goods entering Freeport duty-free were used for the proper purposes, namely used by the GBPA licensee in their own business or sold to other licensees for use in their business. Its other interest was ensuring that the correct amount of duty was paid.

"The Hawksbill Creek Agreement is theoretically simple," Mr Smith wrote. "However, it would generate a huge amount of paper, and it would be very difficult for Customs to keep track of goods imported free of Customs duties or to know if goods had been misapplied. "It no doubt became obvious within a relatively short time that the formal procedure as set out above was extraordinarily cumbersome.

"A fresh bond would have to be entered into by the licensee in relation to each new importation of goods, which for some licensees might occur several times a week each week of the year. One can imagine that this required an inordinate amount of paperwork.

To resolve this problem, it appears that from an early date licensees only in practice entered into one bond per year.

This gave Customs security in the terms of the Hawksbill Creek Agreement breached, but avoided the need for reams of paper-

travel, Mr Johnson disputed that an increase in airlift to Grand Bahama would be

est previous ebb in 2004, during the year of the hurricanes."

performance to a formula of low initial cost and subsequent income generating products.

## Arawak Port Development - Request for Proposal for the Terminal Management and Development of the Arawak Port Bulk Terminal

Invitation to qualified Bahamian firms to submit proposals for providing bulk material handling equipment and bulk handling services

Arawak Port Development was established in 2010 pursuant to a MOU between the Bahamas Government and Arawak Port Development Ltd and for the purpose of developing Arawak Cay into an international port facility serving the break bulk cargo, bulk materials and containerized freight needs in New Providence. The port development and operating agreement with the Government of The Bahamas provides Arawak Port Development with exclusive rights to operate the port in New Providence for twenty years and provides Arawak Port Development with a 45 year lease for the port property on Arawak Cay.

In July 2010 Port construction began and is expected to conclude by December 2011. The bulk material terminal operations are presently managed on temporary facilities. The port plan describes the area designated for the port bulk terminal, comprising approximately 8 acres (A copy of the Bulk Terminal plot may be obtained from the APD Ltd office). Arawak Port Development requires that bulk material construction begin on or before April 15, 2011 and is completed by December 31<sup>st</sup>, 2011.

The Terminal Operator will be expected to operate and invest in the bulk terminal facility. On the basis of a mutually agreed upon formula, the Terminal Operator is permitted to charge a bulk material handling fee which will serve to compensate the Terminal Operator for any investments made in the facility and address all operating expenses. Arawak Port Development will establish the rules and regulations on how to operate the bulk terminal. The Terminal Operator will be required to conform to these requirements in order to remain in good standing with Arawak Port Development. Should the Terminal Operator fail to meet the minimum operating requirements and the agreement be terminated for cause, Arawak Port Development will have the right to acquire all investments made by the Terminal Operator. Among other equipment and facilities, the Terminal Operator will be required to invest in a conveyor system which will connect the terminal berth to the terminal's customer loading area. The Terminal Operator will also be required to invest in a bulk material containment facility and cement and bitumen storage facilities.

Terminal Operators interested in the providing the bulk material handling services in the Arawak Port are invited to submit a proposal to include but not be limited to the following:

1. Business structure; sole entity or a consortium of partners. Please explain and provide background of consortium.
2. Evidence that the applicant is licensed to provide bulk material handling services in the Bahamas.
3. Summary of current and historic experience in the bulk materials handling in the Bahamas.
4. The Arawak Port will not have exclusive rights to receive and handle bulk materials shipped to New Providence. What volume of bulk material is the applicant prepared to guarantee despite continued competition with other bulk terminals in New Providence, most notably Clifton Pier.
5. The strategy on how independence and service level is guaranteed for all different users whom will import and export via the terminal.
6. Evidence from any one or more of Royal Bank of Canada, First Caribbean, Bank of The Bahamas, Royal Fidelity, Scotiabank or other recognized firm, indicating the applicant's ability to invest a minimum of \$7 million on demand.

### Procedure:

Upon receipt and satisfactory analysis of the provided qualification criteria, Arawak Port Development will provide the successful applicant(s) with detailed construction requirements, the terms of reference for the use of the temporary facility and the Terminal License agreement for the bulk terminal area. Shortlisted companies will be invited to present their proposal on or before March 18th, 2011.

You are requested to hand deliver your submission to the office of Arawak Port Development Ltd. Submissions must be received by March 11th, 2011.

**Arawak Port Development  
House of Mosko's Building  
Corner of Bay & Victoria**

Bahamas

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