



# **GOVERNMENT OF JERSEY**

## **PROVISION OF A LONG-TERM OPERATING CONCESSION FOR A JERSEY – UK AND JERSEY – FRANCE FREIGHT AND PASSENGER FERRY SERVICES**

### **REQUEST FOR PROPOSAL OF SERVICE**

*Document Date: 22<sup>nd</sup> November 2024*

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## Definitions

<b>Affiliate</b>	Means an entity that is a minority shareholder of another.
<b>Bidder</b>	Has the meaning given in paragraph 1.6.
<b>Bidder's Financial Model</b>	Bidder's discretionary additional supporting information in the form of its own Financial Model to accompany the Financial Model Pro Forma. If Bidders provide a separate Bidder Financial Model to support their Response, the Financial Model Pro Forma will take precedence over the Bidder's Financial Model (unless otherwise specified by the States) if any inconsistency is discovered.
<b>CCR 2016</b>	Concession Contracts Regulations 2016.
<b>Clarification Question</b>	Means a request for clarification or information to be submitted via the States' Portal in accordance with the instructions set out in paragraph 4.3 of this RFP;
<b>CNI</b>	Critical National Infrastructure.
<b>Concession Agreement</b>	Means the agreement entered into between the States and the Operator at Contract Award.
<b>Condor</b>	MEIF II Channel Islands Transport Holdings Limited trading as Condor Ferries.
<b>Consortium Member</b>	Mean any legal entity that, along with others, forms a consortium to collectively undertake the obligations and perform the services required under this RFP. Each member of the consortium is jointly liable for the fulfilment of the Concession Agreement.
<b>Contract Award</b>	Means the date on which the Concession Agreement is entered into.
<b>Contract Period</b>	Means the entirety of the Concession Agreement period from Contract Award to the contract end date.
<b>Data Book</b>	Has the meaning given in Award Question F4.
<b>Data Room</b>	Means the information relating to the Procurement made available to Bidders during the Proposal Period.
<b>Delivery Plans</b>	Has the meaning given in paragraph 26.1.
<b>Delivery Sub-Plan</b>	Has the meaning given in paragraph 26.2.
<b>Design Life</b>	Means 30 years for a conventional vessel and 25 years for a high-speed vessel.
<b>Effective Date</b>	Means the planned start date of the contract, being 1 April 2025.
<b>Evaluation Team</b>	Means the States' team (comprising representatives from the States' and external advisors) to evaluate compliance and experience in the Selection Questionnaire and Proposals put forward by Bidders.
<b>Ferry Services</b>	Means the passenger, vehicle and goods public transport ferry services for Jersey.
<b>Final Proposal</b>	Means the Response prepared and submitted RFP by the Bidder who have received an ITSFP.

<b>Finance Solution</b>	Has the meaning given in Award Question F2.
<b>Financial Model Pro Forma</b>	Means the completed Financial Model Pro Forma submitted RFP by a Bidder as part of its Proposal and Final Proposal.
<b>Financial Standing Tests</b>	The five tests in the Financial Standing Spreadsheet: 1) Scale Test 2) Quick Ratio 3) EBITDA 4) Capital Gearing Ratio 5) Net Interest Paid Cover
<b>Find a Proposal Service Notice</b>	Means the advertisement to procure a Ferry Services Operator for passenger and freight services for the States.
<b>FOIL</b>	Freedom of Information (Jersey) Law 2011
<b>Funding and Financing Plan</b>	Has the meaning given in Award Question F2.
<b>GoJ</b>	Government of Jersey.
<b>ITSFP</b>	Means the Invitation to Submit Final Proposal as amended by the States from time to time.
<b>Key Performance Indicators (KPIs)</b>	Means the Key Performance Indicators set out in the Draft Concession Agreement.
<b>LAT</b>	Lowest Astronomical Tide.
<b>Lifeline</b>	Means RoPax vessel capable of operating in all weathers to provide 'lifeline' services for Jersey in the event of bad weather or other material disruption to normal scheduling. Lifeline Service shall be certified to carry in the order of 400 passengers and be able to power in the order of 40 refrigerated vehicles. Capable of operations (including port manoeuvring) in at least 40 knots of wind. Must be licensed under the Pet Passport Scheme.
<b>LOA</b>	Length Overall.
<b>Minimum Score Threshold</b>	Means the evaluated score below which Bidders will be deemed non-compliant and may be eliminated from the RFP process
<b>Most Economically Advantageous Proposal (MEAT)</b>	Mean the Proposal which scores the highest aggregate mark for price and quality assessments and which has scored at least each of the qualifying thresholds specified for specific quality assessments for the Ferry Services.
<b>New Consortium Member</b>	Means any legal entity that joins the consortium after the submission of the Proposal Response but before Contract Award. The States reserves the right to request a Selection Questionnaire submission from the new consortium member (or a revised Selection Questionnaire from the Bidder in the event it proposes a new sub-contractor) and reserves the right to refuse such a change.

<b>New Sub-contractor</b>	Means any third party, not originally disclosed as a Sub-Contractor at the time of Contract Award, engaged by the Contractor or any Consortium Member during the performance of the Concession Agreement.
<b>Operator</b>	Means the successful Bidder to whom the Concession Agreement has been awarded by the States.
<b>Parent</b>	Means an entity with controlling or majority interest in another entity.
<b>PCR 2015</b>	Means Public Contracts Regulations 2015.
<b>Performance Bond</b>	Has the meaning given in Award Question F5.
<b>Portal</b>	Means the States' procurement Portal accessed at <a href="http://www.channelislandProposals.com">www.channelislandProposals.com</a> .
<b>Procurement</b>	Has the meaning given in paragraph 1.1.
<b>Response</b>	Means any part of the Bidders' response to the requirements of this RFP.
<b>RoPax</b>	means a RoRo freight vessel that has a material passenger capability, usually including passenger cabins, which is certified to carry at least 400 passengers and that is able to power at least 40 refrigerated vehicle
<b>RoRo</b>	Means a shipping vessel designed to carry wheeled cargo (such as automobiles, trucks, semi-trailer trucks and trailers) that are driven on and off the ship on their own wheels via such vessel's built-in ramp and that is able to power in the order of 40 refrigerated vehicles.
<b>Rotation</b>	Means a round trip starting and ending in the same region via one or more other ports and incorporating at least two Sailings, carrying Passengers & Vehicles and/or Freight, and includes loading and discharge at both ends.
<b>Selection Questionnaire</b>	Means the form at Schedule 4 to be completed and submitted RFP as part of Bidders' Response.
<b>Social Value</b>	Has the meaning given in paragraph 23.2.
<b>SQ</b>	Means the Standard Selection Questionnaire issued to Bidders.
<b>States</b>	the Government of Jersey.
<b>Sub-contractor</b>	Means any third party, not part of the Concession Agreement, engaged by either the Operator or any Consortium Member to perform part of the services required under the Concession Agreement. Such engagement does not relieve the Operator or Consortium Members of their obligations under the Concession Agreement.
<b>Proposal</b>	Means a Proposal for the Concession Agreement and shall include an initial Proposal and the Final Proposal ( if applicable).
<b>Proposal Period</b>	Means the period commencing with the Invitation to Proposal and concluding with the submission of Final Proposals.

<b>TUPE</b>	The Transfer of Undertakings (Protection of Employment) Regulations 2006 and other equivalent legislation including (but not limited to Article L1224-1 du Code du Travail
<b>Useful Economic Life</b>	Means estimate of the number of years a vessel is likely to remain in service for the purpose of cost-effective revenue generation. For a conventional vessel this is 30 years and for a high speed craft 25 years.

## Part A – Introduction and Instruction to Bidders

### 1. Introduction

- 1.1 The Government of Jersey ("GoJ") (the "States") issued this Request for Proposal (RFP) for the Provision of Sea Connectivity to/from Jersey via [www.channelislandtenders.com](http://www.channelislandtenders.com) on 22nd November 2024 in order to procure a Ferry Services Operator for passenger and freight services to and from Jersey to the UK and to and from Jersey to France.(the "Procurement").
- 1.2 The States are not bound by the Public Contracts Regulation 2015 ("PCR 2015") or the Concession Contracts Regulations 2016 ("CCR 2016") but recognise the UK and European standard and wish to ensure confidence in the States' conduct of an open and transparent procurement process. The States are therefore conducting this procurement process akin to a Competitive Procedure with Negotiation as set out at Regulation 29 of PCR 2015. For the avoidance of doubt this Procurement process is not bound by PCR 2015 or CCR 2016 and Bidders are unable to access any or the remedies available through them.
- 1.3 This RFP should be read in conjunction with the procurement documents uploaded to the Portal ([www.channelislandtenders.com](http://www.channelislandtenders.com)) which provide information about the States' aims for the project and the intended services. This RFP constitutes the primary document for the procurement process. In the event of any divergence or contradiction with the other procurement documents, the terms and stipulations outlined within this RFP shall take overriding precedence during the procurement process. The purpose of this RFP is to ensure that Bidders have a suitable track record, demonstrate regulatory compliance, and economic and financial covenant strength to deliver a service of Critical National Infrastructure ("CNI") and it will allow Bidders to provide Proposals which outline how they propose to deliver the States' requirements. **Bidders are required to confirm their intention to participate /submit a response to this RFP by no later than midday Friday 15<sup>th</sup> November 2024**
- 1.4 The RFP has been produced to allow the States' Evaluation Team (comprising representatives from the States and external advisors) to evaluate compliance and experience in the Selection Questionnaire and Proposals put forward by Bidders. The Evaluation Team will score or mark each Bidder's Response against the evaluation criteria set out in part D of this RFP.
- 1.5 This document sets out the instructions for the RFP stage of the procurement process and the assessment criteria which relate to both the Selection Questionnaire and Proposals. This document contains the following four (4) parts:
  - (a) introduction and instructions to Bidders (Part A);
  - (b) background and the States' requirements (Part B);



- (c) information requirements in both the (1) Selection Questionnaire and (2) Proposals (Part C) (this sets out the information which must be submitted to the States by 27<sup>th</sup> November 2024 09:00 GMT; and
- (d) evaluation criteria (Part D) which set out the criteria by which the States will assess Proposals and thereafter either:
  - (i) make an award to the Bidder that passed the Selection Questionnaire and submitted RFP the Most Economically Advantageous Proposal; or

1.6 Each organisation which submits its proposals (whether it is a single organisation or a consortium) is referred to as a "Bidder". Please note that **both** the (1) Selection Questionnaire and (2) Proposals parts of this RFP **must** be completed. **It is acceptable to resubmit your Delta bids but where there is variation your changes must be clearly marked up and highlighted.**

## 2. Clarification Questions

- 2.1 Following release of this RFP, Bidders may submit Clarification Questions (CQs) in relation to any queries related to any part or section of this RFP or in general to the States via the [www.channelislandtedners.com](http://www.channelislandtedners.com) portal (the "Portal") up to 12:00 GMT on 25<sup>th</sup> November 2024. The States shall aim to respond to questions within 2 working days. It is the responsibility of the Bidders to check the Portal periodically before the submission deadline and to check for any updates and to incorporate these updates into the RFP Response. All questions must be received as detailed in this RFP, otherwise the States will be under no obligation to respond to the CQ.
- 2.2 CQs proposed on the Portal, and the answers to them, will be visible to other Bidders insofar as they relate to the RFP and procurement process. Any CQs which contain confidential information of a Bidder should be clearly marked and, if the States deems that the CQ does contain a Bidder's confidential information, will respond only to that Bidder. If the States deems that the response marked confidential does not contain a Bidder's confidential information, it will first respond to the Bidder on this basis and give the Bidder the option to either withdraw its CQ or accept publication of the question and response from the States on the Portal.

## 3. Conditions for submitting response to the RFP

- 3.1 The States will not reimburse Bidders for any expenses or costs incurred for any reason in preparing their RFP Responses or in connection with them taking part in this procurement process. This condition will apply to all aspects of this procurement process up to and including Contract Award and commercial close or, in the event that the States abandon or cancel this procurement process at any stage, prior to contract execution. Bidders understand and accept that they have no claim against the States for any costs or expenses

incurred in taking part in this procurement process and participate in the procurement process entirely at risk.

- 3.2 For the avoidance of doubt, the States reserve the right:
- (a) to alter the timings of any stage of this procurement process;
  - (b) to withdraw the procurement at any time;
  - (c) terminate the procurement and where appropriate to be able to re-advertise;
  - (d) withdraw from the procurement process in its entirety at any time without liability to Bidders which have participated in the process; or
  - (e) make amendments and changes to the process provided that the States give reasonable notice to Bidders and that those Bidders who are still active in the process are given fair and equitable treatment.
- 3.3 This RFP sets out the rules for, and conditions of, preparing bid proposals in order to ensure that they are both compliant and comprehensive. Bidders who breach any of these rules or conditions may be rejected at the sole discretion of the States. Bidders are strongly advised to make sure that all those involved in the preparation of their bid proposals have a copy of these instructions.

#### **4. General Requirements**

- 4.1 Bidders should answer all questions and provide the information required in the format requested (see Part C information requirements). If Bidders do not respond in the required format to a question, their Response for the particular question may be rejected. Bidders should identify clearly in their Response which questions are being responded to in respective parts of the Response.
- 4.2 Bidders should not provide any information (including promotional materials) other than that requested as the Evaluation Team will not consider it as part of the evaluation process.
- 4.3 It shall be each Bidder's responsibility to ensure that all the necessary information supplied is complete and accurate. The States do not have a duty to clarify any omissions, ambiguities or errors in a Bidder's submission. All proposals must be completed in English and answers should be as pertinent as possible.
- 4.4 The rules relating to consortia, canvassing, non-collusion, copyright, disclaimers and publicity are set out in the Selection Questionnaire and apply to the RFP and all further stages of the procurement process up and until Contract Award is made and notified.
- 4.5 Bidders are requested to submit their Proposals in separate parts (Selection Questionnaire / Proposal Response) as instructed in Part C to ensure they can be clearly evaluated.

4.6 Submissions should be succinct. Page limits for the relevant sections are as below.

- The Executive Summary – 10 Pages
- The Technical Responses – 250 Pages
- The Commercial Responses – 40 Pages
- The Financial Responses – 18 Pages

5. **Instructions for submission of RFP**

5.1 RFP Responses should be submitted electronically through the Portal. Submissions via the Portal will not be accessed or opened by the States until after the deadline has expired. No documents can be uploaded to the Portal after the deadline has expired. It is strongly recommended that your submission is uploaded well before the deadline to ensure that failure of computer or communication systems or similar does not result in your submission failing to be submitted in the Portal before the deadline for submission.

5.2 RFP Responses must be received by the States no later than **27<sup>th</sup> November 2024**.

5.3 Any queries regarding this opportunity should be submitted electronically in accordance with the process set out in section 2.

5.4 Bidders' attention is specifically drawn to the date and time for receipt of the RFP as set out in paragraph 5.2. This deadline applies to both the Selection Questionnaire and Proposals. **Any part of any RFP Response submitted or received after the time specified in paragraph 5.2 above may not be considered** and the Bidder will be advised of this. It is each Bidder's responsibility to ensure that its submission is received by the States through the Portal before the deadline for submission.

6. **Award Commitment**

6.1 The issue of this RFP in no way commits the States to award any contract pursuant to the bidding process. The States are not bound to accept the lowest or any bid. Nothing in this RFP shall oblige the States to award the Concession Agreement and the States shall be able at their sole discretion to withdraw from the procurement process at any stage without incurring any liability to any Bidder (or bidder at a later stage of the process).

6.2 The States will evaluate the award of the Concession Agreement on the basis of the most economically advantageous Proposal as determined by the evaluation methodology set out at Part D of this RFP. The States reserves the right, subject to relevant legislation, at any time to reject any bid.

6.3 Neither the issue of this RFP, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the States (or any other person) to enter into a contractual arrangement.

**7. Provision of further information by Bidders prior to making a bid**

7.1 The Evaluation Team is relying on the information provided by Bidders during the procurement process. If a Bidder is shortlisted to participate in dialogue and at any time prior to the submission of a Final Proposal or during the negotiation stage prior to award of the Concession Agreement there are any material changes to the information previously provided to the States (including the composition of its consortium or sub-contractor arrangements), the Bidder must advise the States as soon as practicable.

7.2 The States reserves the right to disqualify or to re-mark/re-score any Bidder which makes material changes to any aspect of its Selection Questionnaire during the course of the procurement process (including the composition of its consortium or sub-contractor arrangements), unless substantial justification can be provided to the satisfaction of the States.

7.3 In the event that a Bidder proposes a change in or addition to the membership of its consortium (or, if bidding as a sole entity with a sub-contractor, a change to the sub-contractor proposed in the Selection Questionnaire) at any point in the procurement process, it should communicate this and the reasons for the substitution or addition in writing to the States.

7.4 The States reserves the right to request a Selection Questionnaire submission from the new consortium member (or a revised Selection Questionnaire from the Bidder in the event it proposes a new sub-contractor) and reserves the right to refuse such a change. For the avoidance of doubt, the States reserves the right to amend a Bidder's score for the Selection Questionnaire stage in the event that the new consortium member (or sub-contractor) does not score at the same level as the outgoing consortium member (or sub-contractor).

7.5 Bidders shall be deemed to consent to changes in other Bidders' consortia (or sub-contracting arrangements).

**8. Notes On Clarification of Bidders' Responses**

8.1 The States will give due consideration to the overriding principles of non-discrimination and equal treatment of all Bidders when determining whether to request clarification of a submission. The States' approach to clarification will be consistent to ensure that one Bidder does not receive an unfair advantage over the other Bidders. However, as stated at paragraph 3.3, the States does not have a duty to clarify a Bidder's submission.

8.2 As described in paragraphs 2.1 and 2.2, Bidders will have an opportunity to clarify any matters relating to this RFP and the other procurement documentation provided by the States through the Portal.

## 9. Freedom of Information Law

- 9.1 The States undertake to use reasonable endeavours to hold confidential any information provided in the RFP Response submitted by the Bidder, subject to the States' obligations under law, including the Freedom of Information (Jersey) Law 2011.
- 9.2 FOIL applies to the States. Bidders should be aware of the States' obligations and responsibilities under the FOIL to disclose, on written request, recorded information held by the States. Information provided by Bidders in connection with this procurement exercise, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the States in response to such a request, unless the States decides that one of the statutory exemptions (for example, the absolute exemption, under Article 26, on information provided in confidence) under the FOIL applies. The States may also include certain information in the publication scheme, which it maintains under the FOIL.
- 9.3 In certain circumstances, the States may consider it appropriate to ask Bidders for their views as to the release of any information before a decision on how to respond to a request is made. In dealing with requests for information under the FOIL, the States must comply with a strict timetable and the States would, therefore, expect a timely response to any consultation within two working days.
- 9.4 Bidders may provide information to the States in connection with this procurement, or with any contract that may be awarded as a result of this procurement, which is confidential in nature and which Bidders may wish to be held in confidence. Bidders must give a clear indication of which type of material is to be considered confidential by completing the 'Schedule of Confidential Information' (the **Schedule**) included at Schedule 6. In completing this document, Bidders should explain why the information is considered to be confidential along with the time period for which it will remain confidential in nature. The Schedule will be used to identify the information which will be subject to a duty of confidence between the Bidder and the States. The States reserves the right to exclude any information contained within the Schedule from the duty of confidence on the grounds that the information does not have the necessary character to sustain a lawful exemption under FOIL. Bidders should note that the use of blanket protective markings such as "commercial in confidence" will no longer be appropriate. Please note that even where Bidders have indicated that information is confidential, the States may be required to disclose it under FOIL if a request is received.
- 9.5 The States cannot accept that trivial information or information which by its very nature cannot be regarded as confidential should be subject to any obligation of confidence.

- 9.6 In certain circumstances where information has not been provided in confidence, the States may still wish to consult with Bidders about the application of any other exemption such as that relating to disclosure which will prejudice the commercial interests of any party.
- 9.7 The decision as to which information will be disclosed is reserved to the States at its absolute discretion, notwithstanding any consultation with Bidders.
- 9.8 All information provided, therefore, will remain confidential and will not be disclosed to any other party except where required for official audit purposes and subject to FOIL.

**10. Disclaimers**

- 10.1 Although every care has been taken in preparing this document, no representation, warranty or undertaking, express or implied is or will be made and no responsibility or liability will be accepted by the States. Any liability, however arising, is expressly disclaimed.
- 10.2 Data provided by the States or their advisors to Bidders is provided in good faith but Bidders will have to make their own investigations and interpretations and no liability is accepted by the States or any of their advisors for the accuracy or completeness of that data.
- 10.3 Neither the receipt of this RFP by any person nor any information contained in it or distributed with it or subsequently communicated to any Bidder or its advisors is or is to be taken as constituting the giving of investment advice by the States or their advisors.
- 10.4 No information contained in this document or any other written or oral information made available to any Bidder or its advisors shall form the basis for any warranty, representation or term of any contract by the States with any third party.
- 10.5 Nothing in this document is, or should be relied on, as a promise or representation as to the future. The States reserve the right not to follow up this RFP in any way and/or to cancel the procurement process and no expense incurred by any person in responding to the RFP will be reimbursed and neither the States nor their advisors nor any third party will be so liable to the Bidder. The States reserve the right not to award a contract.
- 10.6 The Government of Jersey do not undertake to accept any Proposal and reserve the right to accept the whole or any part of any Proposal submitted.

**11. Indicative Timetable**

- 11.1 The current programme for the procurement is set out in Table 1.

*Table 1 – Indicative High Level Procurement programme*

Date	Key Activities
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22 <sup>th</sup> November 2024	RFP issued
22 <sup>th</sup> 27 <sup>th</sup> November 2024	Proposal Period
W/c 18 <sup>th</sup> November 2024	Bidder Briefing Meetings (Likely on island Jersey)
27 <sup>th</sup> November 2024	RFP Response deadline
27 <sup>th</sup> November to 2 <sup>th</sup> December	Evaluation and Clarification period
2 <sup>nd</sup> December 2024	Shortlisting notification
December 2024	Finalise Concession Agreement
By 31 <sup>st</sup> December 2024	Governance and approvals for Concession Agreement signature
By 31 <sup>st</sup> December 2024	Final Concession Agreement award (Contract Award) and signature
January to March 2024	Mobilisation

11.2 The dates in the procurement timetable are indicative and the States reserve the right to change any or all of them as necessary. Bidders should note that the States reserve the right to enter a period of negotiation and if so then receive and evaluate Final Proposals from these Bidders should they need to do so in order to ensure that they have a bid which is capable of meeting their needs, and this will require commitment and engagement throughout the process. The negotiation process may lead to further shortlisting and submissions of Final Proposals prior to a final supplier selection. The process will be transparent and equitable throughout.

## **Part B – Background and the States' Requirements**

### **12. Background to the operation of the current Ferry Service**

**12.1** Sea connectivity to / from Jersey is presently provided under a long-term operating contract with MEIF II Channel Islands Transport Holdings Limited trading as Condor Ferries (“**Condor**”). This agreement has now entered a defined wind-down period that permits solicitation of proposals from other providers and the States wish to secure continuity of connectivity from expiry of the current agreement on 27<sup>th</sup> March 2025.

12.2 Current services connect the Channel Islands with each other, the United Kingdom and France through a combination of conventional and high-speed ferries carrying freight, vehicles and passengers.

12.3 As an island nation for Jersey the provision of ferry services is critical for freight and passenger access. Ferry services therefore touch on every sector of Jersey economy and wider island life, and do not underpin or relate to one or more discrete Government projects. Supply chain resilience is a key priority for the States and with >95% of Jersey goods delivered by sea, the overwhelming majority of which arrives via services operated by Condor as distinct from bulk carrier, this Proposal is of critical importance and the routes are considered part of the island’s CNI.

### **13. Ferry Operator Services – Strategic Objectives**

13.1 The States are seeking to ensure that the future arrangements for the provision of ferry services:

- (a) Secures strategic investment in the fleet and services commensurate with the resilience requirements on lifeline routes and changing passenger and environmental needs.
- (b) Provides capacity to deliver growth in passenger volumes and to accommodate projected growth in freight volumes.
- (c) Enhances service continuity, resilience and reliability of the ferry services.
- (d) Increases the quality and value for money of passenger services with focus placed upon the total passenger experience.
- (e) Prioritises environmental sustainability, with future fleet arrangements supporting Jersey carbon-neutral objectives and complies with MARPOL obligations.
- (f) Improves efficiency and financial sustainability of the operations.
- (g) Provides optimal Social Value.



**14. Current operating environment – port constraints and capacity**

14.1 Travelling by sea is a significant mode of transport for many people. For example, 2019 saw 648,000 passengers travelling to and from Jersey using sea routes. 2021 saw 144,000 sea routes passengers, an 82% increase on a total of 79,000 in 2020<sup>1</sup>. Whilst 2020 was severely impacted by Covid due to travel restrictions (e.g., the number of sea passengers was 78% lower in 2021 versus 2019), the long-term trend underpinned by modest population growth is driving passenger demand upwards. Ports of Jersey Ltd currently has underway a Jersey Harbour Master Plan which aims to modernise freight and passenger facilities<sup>2</sup>.

14.2 In terms of freight, given their market size and geography, Jersey is heavily dependent on supplies from the daily ferry service which Condor currently operates. To that end, ferry services are critical to providing a lifeline to Jersey and demand is increasing over the long term – for example, in 2021, 496,000 tonnes of imports and exports (including fuel) were shipped through Jersey's harbours, representing an annual increase of 21,000 tonnes (equating to 4%).<sup>3</sup>.

**15. Current Operating Environment – port constraints and capacity**

15.1 It is imperative to enhance efficiency, reliability and safety of the ferry service to meet the growing demand for goods and services to Jersey and until the planned redevelopment of Elizabeth Harbour, freight handling capacity at Jersey's maritime ports is constrained. The long-term goal of Government to provide safe and efficient access for passengers and freight must be prioritised to deliver Critical National Infrastructure.

15.2 Port of St. Helier is situated on the south coast of Jersey. Elizabeth Harbour is the dedicated Ro-Ro facility and has two berths. Controlling depth in the approaches to Elizabeth Harbour are 2.4 metres LAT, Elizabeth Harbour is normally accessible +/- 3 hours of High Water for a vessel with a 5.5 metre draft.

15.3 Elizabeth Harbour's east berth has a linkspan with a minimum freeboard of 1.0m and the west a minimum freeboard of 1.5 metres. Both berths have sumps dredged to 6.0 metres LAT which are 136 metres long by 30 metres wide.

15.4 Elizabeth Harbour can accommodate vessels up to 165 metres with a maximum draft of 6.0 metres, but due to the exposed nature of the harbour, vessels up to 142 metres (Heysham Max) are the most suitable for regular arrivals.

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<sup>1</sup> <https://www.gov.je/StatisticsPerformance/TravelTransport/pages/seaairtransport.aspx>

<sup>2</sup> <https://www.ports.je/about-us/projects/>

- 15.5 The port is exposed to the prevailing south-westerly weather conditions and towage is available in wind over 30 knots.
- 15.6 In 2022 Jersey imported 340,000 tonnes of RoRo freight. Future modelling shows Jersey's freight growing by 1.1% Compound Annual Growth Rate (CAGR) over the next 20 years.
- 15.7 Between April and June each year, Jersey exports Jersey Royal potatoes. This equates to between 20,000 – 40,000 tonnes, determined each year by the seasonal conditions and therefore resultant yields produced. Further, there are live discussions in Jersey to increase passengers and freight on the southern route. For freight, one example being considered is the transportation of around 80,000 tonnes of inert waste per year from Jersey which could be exported to France.

16. **Minimum requirements**

- 16.1 The States requires that any new operator is able to deliver the following minimum requirements:
  - (a) deliver the Ferry Services in accordance with the Minimum Service Requirements contained in Part C of this RFP and the Key Performance Indicators (KPIs) contained in the Concession Agreement;
  - (b) satisfy the consents, applicable laws, the Port Rules, and Lawful Directions of the Jersey Harbour Master ( and Mandatory Policies of the States;
  - (c) procure vessels that satisfy the Fleet Sub-Plan as set out as part C of this RFP;
  - (d) satisfy the minimum insurance requirements contained in the Selection Questionnaire;
  - (e) satisfy the Financial Standing Tests contained in the Selection Questionnaire for the duration of the Concession Agreement; and
  - (f) demonstrate an approach to achieving Net Zero by 2050 and the steps taken to achieve this over the lifetime of the contract.

17. **Governance**

- 17.1 The States have implemented governance arrangements, which will be overseen the Minister for Sustainable Economic Development and the Jersey Harbour Authority. All decisions will be jointly agreed by both parties.

17.2 Bidders should be assured that due to the feasibility work and robust governance structure for the procurement that the States are fully committed to the successful delivery of the procurement.

**18. Financial Appraisal**

18.1 Bidders are required to provide financial information to support their Proposals. The appraisal will enable the viability of the Bidder's proposals to be evaluated in accordance with the evaluation criteria and weightings (Part D evaluation criteria).

**19. Draft Contract**

19.1 A Draft Concession Agreement is supplied with this RFP. The Draft Concession Agreement is as fully complete to the extent that the States are able, and it is in this context that Bidders are being asked to submit their Proposals. It is anticipated that the Concession Agreement will be 15 years + 5 years

19.2 The States request that Bidders provide a derogation table (a template has been provided in Schedule 11 to this RFP) as part of their Proposal. This derogation table shall be focused only on areas that Bidders consider changes are essential (and provide alternative drafting and reasoning behind such changes) to make the Draft Concession Agreement align with their solution. The States shall evaluate the derogation tables submitted by Bidders in accordance with Part D of this RFP as part of the evaluation of Proposals.

19.3 If prior to the submission of Proposals, Bidders wish to raise CQs on the Draft Concession Agreement then Bidders are invited and encouraged to submit CQs in accordance with section 2 of this RFP. The States reserves the right to consider the CQs submitted to the States and may decide to issue an updated Draft Concession Agreement in due course.

**20. Data Room**

20.1 Bidders should be familiar with the States' Data Room which contains the list of documents set out in Schedule 7 (List of documents contained in the Data Room).

20.2 Bidders are encouraged to continue to access and use the information provided in the Data Room to inform their submissions at RFP and subsequent stages (as required). The States will alert Bidders if and when any additional information is placed within the Data Room.

**21. Stakeholders**

21.1 There is a clear distinction between the States' role in facilitating the Procurement and their functions and obligations with the Jersey Port Authorities. Nothing in this document shall be taken to fetter the discretion of

the States or to otherwise restrain the exercise of its statutory functions including but without limitation its planning functions.

**22. Delivering Social Value in Jersey**

22.1 The States require a Bidder able to develop an effective Social Value strategy over the lifetime of the contract which achieves positive impacts on society, the environment and the economy.

22.2 In completing this RFP, Bidders should have regard to the States' commitment to deliver Social Value and community benefits. The States will look to explore with Bidders how they intend to achieve and deliver these Social Value and community objectives, which comply with the States' Proposed Government Plan 2023 to 26 found at:

<https://www.gov.je/Government/PlanningPerformance/GovernmentProgramme/GovernmentPlan/pages/governmentplan2023to2026.aspx>.

Bidders are required to explain how their proposals will provide opportunities for work experience, apprenticeships or other vocational initiatives to develop local employability skills required in Jersey. Bidders should also explain how local people will benefit from new jobs to be created by the Procurement and how local companies stand to benefit from supply chain opportunities.

**23. TUPE**

23.1 The Transfer of Undertakings (Protection of Employment) Regulations 2006 as in force in the United Kingdom and / or other legislation having similar effect in respect of the employees engaged in the services in other jurisdictions to the United Kingdom including but not limited to the Article L1224-1 du Code du Travail applicable in France (“**TUPE**”) are likely to apply in respect of employees engaged on the subject matter services for which Proposals are sought. Bidders shall have full regard to TUPE implications and staffing liabilities in the completion of their Proposals subject to the provisions of the Draft Concession Agreement.

**Part C – Information Requirements**

**24. Information Requirements**

- 24.1 Selection Questionnaire – Bidders must complete the Selection Questionnaire in the form at Schedule 4. The instructions for completion are set out in the Selection Questionnaire document.
- 24.2 Proposals – Bidders must also respond to each of the questions set out in this Part C. Proposals should be submitted in separate parts where instructed and follow the structure set out in Table 2.

*Table 2 - Response requirements*

<b>Document No.</b>	<b>Response requirements</b>
<b>Executive Summary</b>	
<b>1</b>	Executive Summary
<b>Technical Response</b>	
In accordance with section 26 of this RFP (Technical Response Requirements and Evaluation), Delivery Plans & Sub-Plans compiled into 2 documents.	
The first document (2a) is to be comprised of T1.1, T1.2, T1.3, T2.2, T2.3, T4, T5 & T6	
The second document (2b) is to be comprised of T2.1, T3.1, T3.2, T7 & T8	
<b>2a &amp; 2b</b>	T1.1 Fleet Sub-Plan T1.2 Fleet Modernisation Sub-Plan T1.3 Fleet Maintenance Sub-Plan T2.1 Services Specification Sub-Plan T2.2 Ports & Harbour Logistics Sub-Plan T2.3 Operating Management Sub-Plan T3.1 Customer Experience Sub-Plan T3.2 Customer Care Sub-Plan T4 Mobilisation & Transition Plan T5 People Plan T6 Health & Safety Plan T7 Environmental Management Plan T8 Stakeholder & Community Engagement Plan
<b>3</b>	Technical Annex
<b>Commercial Response</b>	
In accordance with section 27 of this RFP (Commercial Response Requirements and Evaluation), Commercial Response compiled into a single document, including:	
<b>4</b>	C1.1 Passenger and Vehicle Year 1 Pricing Cap Response

	<p>C1.2 Alternative Passenger and Vehicle Year 1 Pricing Cap Response</p> <p>C1.3 Alternative Pricing Index Response</p> <p>C1.4 Core Revenue and Pricing Strategy Response</p> <p>C1.5 Ancillary Revenue Streams Response</p> <p>C2 Investment Plan</p> <p>C3.1 Average Passenger and Vehicle Pricing Response</p> <p>C3.2 Average Freight Pricing Response</p>
<b>Financial Response</b>	
Financial Response in accordance with section 28 of this RFP (Financial Response Requirements and Evaluation) including:	
<b>5</b>	<p>F1 Financial Standing Testing</p> <p>F2 Funding and Financing Plan</p> <p>F3 Financial Stress Testing</p>
<b>6</b>	F4 Financial Model Pro Forma
<b>7</b>	F5 Performance Bond
<b>Legal Response</b>	
Legal Response in accordance with section 29 of this RFP (Legal Response Requirements and Evaluation) including:	
<b>8</b>	L1 Draft Concession Agreement Response (Derogation table)
<b>Schedules</b>	
The following schedules shall comprise one attached document:	
<b>9</b>	Signed copy of Schedule 1 (Submission Statement)
	Signed copy of Schedule 2 (Certificate as to Non-Collusive Proposal)
	Signed copy of Schedule 3 (Certificate as to No Canvassing)
	Completed Schedule 4 (Selection Questionnaire)
	Completed form in Schedule 6 (Schedule of Confidential Information)
<b>Letters of support</b>	
<b>10</b>	Letters of support from the relevant Port Authorities for the proposed fleet described within Award Question T1.1.
<b>11</b>	Letters of support or commitments which demonstrate the extent of engagement completed across the supply chain in accordance with Award Question T1.2.
<b>12</b>	Letters of support or commitments which demonstrate the extent of engagement completed across the supply chain & relevant Port Authorities in accordance with Award Question T4.
<b>13</b>	Letters of support corresponding with all material sources of third party and internal finance accordance with Award Question F2.
<b>Other</b>	

<b>14</b>	Proposed structure of the bidding organisation, details of the key sub-contracts to be entered into and confirmation that any sub-contracts proposed will be entered into by the operator at the time of execution and that all key sub-contractors will enter into collateral agreements with the States.
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24.3 Bidders should take into account the evaluation criteria and weightings as set out in Part D when drafting their Responses to the above Proposal questions.

**25. Technical Response Requirements and Evaluation**

25.1 The Delivery Plans (and supporting technical documents to be included within the Technical Annex) serve several purposes:

- (a) they provide evidence that the Bidder can meet the requirements,
- (b) form the basis of the quality evaluation, and
- (c) confirm the Bidder, if awarded the Concession Agreement, will commit to being contractually obliged to deliver the contents of each Delivery Plan.

25.2 Bidders are required to submit eight Delivery Plans as part of their bids. Three of the Delivery Plans are split into Sub-Plans. A list of the Delivery Plans and their associated Sub-Plans is provided in Table 3.

25.3 Bidders should provide supporting information with some Delivery Plans which forms part of the evaluation but falls outside of the page limit for Delivery Plan Response, this is referred to as the Technical Annex and includes:

- (a) Technical drawings for proposed Vessels (T1.1) and other relevant supporting information on vessels.
- (b) The proposed Sailing Schedule for the first year of the contract and demand analysis for passenger & vehicle peak demand weeks (T2.1).
- (c) Any further relevant technical information or data not appropriate to include within the Delivery Plan Response.

25.4 The States are keen to promote Social Value through the delivery of the new contract. Within the Delivery Plans, specific aspects relating to Social Value have been identified with an asterisk (\*). Bidders should through their Responses to the Delivery Plans demonstrate how delivering Social Value aligns with their organisational values and governance. More generally Bidders should detail how Social Value will be integrated into core business activities demonstrating an approach to 'doing the right thing' for stakeholders and the Island communities.

25.5 Where responding on Social Value Bidders should demonstrate the following:

- (a) Approach to partnering with the States to jointly support Social Value outcomes;
- (b) Stakeholder engagement including employees, customers, suppliers and the community;
- (c) Approach to target setting; and
- (d) Approach to monitoring, reporting and communicating Social Value outcomes.



Table 3 - Delivery Plans and Sub-Plans

Technical Response		Sub-criteria	
T1	Vessel Delivery Plan	T1.1	Fleet Sub-Plan
		T1.2	Fleet Modernisation Sub-Plan
		T1.3	Fleet Maintenance Sub-Plan
T2	Services & Operations Plan	T2.1	Services Specification Sub-Plan
		T2.2	Ports & Harbour Logistics Sub-Plan
		T2.3	Operating Management Sub-Plan
T3	Customer Experience Plan	T3.1	Customer Experience Sub-Plan
		T3.2	Customer Care Sub-Plan
T4	Mobilisation & Transition Plan		
T5	People Plan		
T6	Health & Safety Plan		
T7	Environmental Management Plan		
T8	Stakeholder & Community Engagement Plan		

25.6 Bidders must prepare Responses to all eight Delivery Plans including each component sub-plan as listed above. As a guide, we expect the Responses to all Technical Plans not to exceed 250 pages in total across all eight plans. Bidders may submit further data within the Technical Annex as described above but are encouraged towards concise Responses.

25.7 Bidders should submit an executive summary of their proposals. The summary will provide the States with an overview of the Bidder's proposals. The executive summary should include:

- (a) The overall strategy and objectives and for the operation;
- (b) The Bidder's view of the market, its opportunities and challenges;
- (c) A programme of key activities across the contract term including plans for fleet investment;
- (d) A summary of key risks and how they will be managed;
- (e) A summary of the proposed customer proposition in both freight and passenger services; and

(f) A summary of how they ensure services will remain resilient, affordable and offer value for money to the consumer over the contract term.

25.8 The executive summary will have a page limit of 10 pages which is in addition to the limit applied to Delivery Plans.

25.9 The States' require that any new Operator can deliver the Minimum Service Requirements within the bidders proposed Sailing Schedule as provided by separated document (Titled Minimum Service Requirements) with this RFP **Error! Reference source not found..** Bidders may operate Northern R oute passenger and vehicles services with a mixture of fleets (conventional and high-speed craft) but vessels supporting Lifeline Services must be capable of being operated in all weathers (at least 40 knots of wind and at least 3.5m Marine Regulator approved significant wave height).

25.10 Northern & Southern freight services should provide sufficient lane capacity of 2400 metres per rotation (1200m per leg) with flexibility to provide additional lane metres during peak periods. Freight services may be combined with passenger and vehicle services where appropriate to do so noting the requirement for early morning arrivals for Northern freight services into Jersey from the UK. The States recognise that all vessels including high-speed craft will provide some freight capacity.

**T1 Vessel Plan**

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T1.1	Fleet Sub-Plan	9%	Within the 250-page limit
<p><b>Requirement</b></p> <p>The States require a Bidder that can develop and implement a Fleet Sub-Plan which:</p> <ol style="list-style-type: none"> <li>1) Delivers a resilient and robust timetable which complies with the Technical Requirements described within the Data Room documents entitled <i>Jersey Harbour Information</i> providing all weather capability and in doing so meets the Minimum Service Requirements and metrics for reliability and punctuality contained within the Draft Concession Agreement.</li> <li>2) Strikes an appropriate balance between summer and winter sailing seasons recognising the differences in demand for services and prevailing weather conditions. Where bidders are proposing to operator different fleets between summer and winter seasons, they should generally do so in such a way that maintains the continuity of the fleet overall from one year to another.</li> <li>3) Offers an appropriate mix of fleet types with internal configurations to cater for the different passenger markets including short term tourism, inter-island connectivity and overnight services. In doing so considers the relative importance of these times for each market.</li> <li>4) Provides an appropriate mix of fleet types to cater for freight demand including blend of light, medium and heavy freight and in doing so recognises the importance of early morning time-sensitive arrivals from the UK to support Jersey supply chains, including dangerous goods or hazardous materials capacity such as LPG.</li> </ol>			

## Response Guidance

Bidders are to provide a fleet sub-plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Details of the proposed fleet, including vessel classification and registration, including a continuous synopsis record for each vessel to be used to fulfil the service requirements, including details of flag state and classification society. (Flag states should be on IMO 'whitelist' and Classification societies on Red Ensign Group approved list.) Bidders should also provide copies of wash/wake abatement assessments for any High-Speed Craft to be used with respect to their current routes, together with proposals for intended routes.
- 2) Specifications and configurations for each vessel including seating arrangements, amenities, and capacities. Bidders should provide technical drawings of the internal arrangements for each vessel within the Technical Annex.
- 3) Plans for the deployment of the fleet to meet the Minimum Service Requirements. Where Bidders are proposing to deploy different fleets across summer and winter sailing seasons, they should indicate which vessels will be deployed across the year within their Response.
- 4) Provide ownership information for each vessel planned to be deployed.
- 5) Plans for the deployment of a fleet that adheres with the Technical Requirements cognizant of (a) tidal constraints in Jersey's harbours, and (b) limitations on the ports and waterways. Bidders should provide letters of support from the relevant Port Authorities summarising their assessment of the proposed fleet.
- 6) Plans for meeting the reliability and punctuality metrics included within the Draft Concession Agreement. Bidders should include a summary of the recent reliability and operational performance of each vessel proposed. Bidders should summarise for each vessel the number of times it has been withdrawn from service due to (a) bad weather, unplanned maintenance, or (c) any other reason(s), over the same period.
- 7) Plans for the provision of an appropriate mix of fleet types to cater for passenger and freight services. This should include an analysis of the suitability of different vessel configurations to meet the demand for:
  - i) Passenger services including how the internal configuration of the fleet (covering general amenities, overnight accommodation including cabin mix, pet provision, seating including premium arrangements if proposed, disabled access, retail, catering, entertainment, Wi-Fi, charging points etc.) cater for the needs of each passenger market.
  - ii) Freight demand including how the proposed fleet will meet the requirement for early morning arrivals from the UK to support the Island supply chains. Bidders should include their analysis for specific segments of the freight market including light, medium and heavy freight alongside refrigeration and dangerous goods capacity. Bidders should within their Response describe the facilities available for drivers of accompanied freight.
- 8) Plans for the deployment of the fleet to offer journey times appropriate to each market. Bidders should provide a summary of journey times for relevant sectors (UK to Jersey and return and Jersey to France and return for summer and winter sailing seasons cross referring to their proposed Sailing Schedule described within plan T2.1.

Bidders should provide a third-party Letter of intent or similar agreement to confirm that the proposed vessels are ready to be put into operational service from the start date. The supporting evidence should demonstrate that the vessels are either owned, are, or will be, under charter to secure the vessels to allow for timely access for implementation and mobilisation.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**Quality / Innovation**

In order to be scored an 8 or 10 in line with the marking table the Bidder should propose additional initiatives which improve the long-term value of the service through enhanced quality and innovation. Specific examples of this may include:

- 1) Strategies that deliver highly dependable and robust freight capacity solutions that effectively address fluctuations in demand while ensuring the consistent provision of adequate capacity and the reliability of the service.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question T1.2	Fleet Modernisation Sub-Plan	5%	Within the 250-page limit

**Requirement**

The States require a Bidder that can develop and implement a Fleet Modernisation Sub-Plan which:

- 1) Delivers a programme of fleet renewal or refurbishment that ensures the specifications and configurations of the fleet remain appropriate over the lifetime of the contract. The States wish for the Bidder to consider a broad package of improvements focused on but not limited to i) increasing vehicle and freight capacity, ii) enhancing the quality of customer amenities, iii) reducing emissions, and iv) improving the reliability of the fleet.
- 2) Within five years of the contract start date ensures the Useful Economic Life for each vessel does not exceed 25% of its Design Life and this status is maintained across the remainder of the contract term to ensure continuity of lifeline services.

**Response Guidance**

Bidders should structure their Responses in line with the Investment Plan (C2) setting out their plans for the first 5 years of the contract and from year 5 onwards.

Bidders are to provide a Fleet Modernisation Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for fleet procurement and or refurbishment over the lifetime of the contract to ensure capacities and specifications of vessels remain appropriate. Submissions should include third party letters of support or commitments which demonstrate the extent of engagement completed across the supply chain. To illustrate the intended outputs from the plan Bidders should summarise for each contract year for each vessel:
  - i) The remaining Useful Economic Life,
  - ii) the passenger and freight capacity,
  - iii) the customer amenities and offer,
  - iv) estimated emissions, and
  - v) the operational characteristics. Bidders should detail their assessment of improvements to punctuality and reliability metrics where appropriate.
- 2) Details of proposed KPIs to assess and monitor the realisation of intended benefits from fleet investment over the lifetime of the contract.
- 3) Details on the associated risks with the fleet modernisation plan and how any perceived risks will be monitored and mitigated, including (i) a description of the risk, the likelihood of the risk emerging and the impact on the fleet modernisation plan if it does materialise; (ii) plans for mitigating the risk; and (iii) key dependencies for managing the risk.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**Quality / Innovation**

In order to be scored an 8 or 10 in line with the marking table the Bidder should propose additional initiatives which improve the long-term value of the service through enhanced quality and innovation. Specific examples of this may include:

- 1) Advanced vessel design technologies to improve efficiency and reduce environmental impact.
- 2) Alternative fuels and propulsion systems which reduce emissions resulting in a material contribution to achieving Net Zero requirements by 2050 over the lifetime of the contract.

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T1.3	Fleet Maintenance Sub-Plan	Pass/Fail	Within the 250-page limit

**Requirement**

The States require a Bidder that can design & schedule a fleet maintenance programme which ensures safe & reliable operations, maintains Lifeline Services, complies with industry standards, minimises unavailability of onboard facilities and minimises periods when vessels are unavailable due to planned or unplanned maintenance.

**Response Guidance**

Bidders are to provide a fleet maintenance plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for regular inspections & scheduling of preventative maintenance alongside compliance with industry standards or any relevant regulatory requirements. Bidders should summarise their approach to continuous improvement including the use of technology over the lifetime of the contract.
- 2) Plans for material and substantial elements of vessel maintenance demonstrating how the implementation and programming will safeguard the provision, delivery and reliability of services and onboard facilities, and mitigate any risks.
- 3) Plans to deliver reactive maintenance vis a vis identifying, reporting, prioritising and minimising backlogs.
- 4) Plans for contingency arrangements during periods of planned and unplanned maintenance or modification where it is necessary to withdraw a vessel from service for time to time.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**T2 Service & Operations Plan**

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T2.1	Services Specification Sub-Plan	5%	Within the 250-page limit

**Requirement**

The States require a Bidder that can effectively plan and deliver the Sailing Schedule throughout the life of the contract, catering for demand across passenger and freight markets over different sectors (UK, Jersey, & France). This shall include:

- 1) Meeting the Minimum Service Requirements with the proposed fleet solution (T1.1).
- 2) Developing the Sailing Schedule such that:
  - i) Passenger and freight capacity provided is sufficient to cater for demand, recognizing the importance of early morning freight arrivals onto Jersey from the UK alongside peak demand for passenger services during the school holidays and freight during the export season,
  - ii) the frequency & journey times of services remain appropriate to meet the requirements of individual markets across sectors and are appropriately distributed across the working day, noting the differences between summer and winter sailing periods, and
  - iii) the route and stopping patterns of services reflect an effective deployment of the fleet to maximise connections including inter-island services.
- 3) Developing appropriate contingency plans during periods of disruption including bad weather or fleet technical issues which are effective at quickly recovering the service.
- 4) Alongside the requirements of the Customer Experience plan (T3.1) ensures that there is an effective approach to communicating changes to the service schedule to Customers and Stakeholders.

**Response Guidance:**

Bidders are to provide a services specification plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for developing the Sailing Schedule including:
  - i) The analysis and forecasting of passenger (split between vehicle and foot passengers) & freight demand and processes for updating and amending the Sailing Schedule where required. This should include the approach to accommodating peak periods, special events and seasonal variations in demand. Bidders should detail their approach to different segments of freight including refrigeration and dangerous goods including LPG4 alongside recognising the differences between Southern and Northern freight sectors. Bidders should also consider the requirements of accompanied and unaccompanied freight within the schedule.
  - ii) Working with a range of stakeholders such as the States, tourism agencies & community groups alongside responding to customer feedback in developing the schedule.
  - iii) Communicating changes or updates to Customers & stakeholders.
- 2) A Sailing Schedule for the first full contract year which includes the deployment of the proposed fleet and planned departure and arrival times from the relevant ports. The schedule should demonstrate how the Minimum Service Requirements are met. Bidders should submit detailed workings within the Technical Annex.
- 3) A demonstration of how demand for services will be met by the proposed fleet and Sailing Schedule for i) a week (Monday to Sunday inclusive) during the summer school holidays<sup>5</sup> in the UK and Jersey – reflecting any relevant synergies with summer school holidays in France - for passenger and vehicles and ii) a week during peak export season in May for freight services Bidders should submit their forecast loadings for these weeks with scenarios for growth in future years (across five year intervals) across the lifetime of the contract.
- 4) Approach to contingency planning for the service during periods of disruption including adverse weather or technical issues with the fleet.
- 5) Plans for effectively communicating changes to the service schedule.

<sup>4</sup> LPG requirement Oct – March (min 3 ships per week, 6/7 tankers) boats need spacing between to allow for unloading 2 trailers 1 full day.

April – Sept (min 2 ships per week, 3/4 tankers)

<sup>5</sup> Bidders should model this requirement based on the first full week contained in August

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**Quality / Innovation**

In order to be scored an 8 or 10 in line with the marking table the Bidder should propose additional initiatives which improve the long-term value of the service through enhanced quality and innovation. Specific examples of this may include:

- 1) Digitalisation of systems and processes which improve outcomes in operational performance, & service recovery.

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T2.2	Port & Harbour Logistics Sub-Plan	Pass/Fail	Within the 250 page limit

**Requirement**

The States require a Bidder that can effectively develop and implement an approach to planning & delivering logistics at the Port and Harbour necessary to successfully deliver the service schedule.

**Response Guidance**

Bidders are to provide a Port & Harbour Logistics Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for completing the Port Infrastructure Assessment for the proposed fleet including details on berth allocation and scheduling.
- 2) Plans for traffic management including coordination / working with other port users to ensure the safe and efficient operation of all services and adherence to safety regulations.
- 3) Plans for passenger and freight flow management including queuing systems, boarding procedures & safety measures.
- 4) Plans for ensuring crew have sufficient knowledge, experience, and training to navigate all relevant ports and harbours.
- 5) Approach to planning for and utilisation of port services and facilities including fuelling, waste disposal, and maintenance.
- 6) Approach to risk management and contingency planning. Bidders should detail any risks they have identified and proposed mitigations.

For meeting the above requirements to a satisfactory standard bidders will be assessed to have passed in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T2.3a	Operating Management Sub-Plan – Punctuality and Reliability	1%	Within the 250-page limit

**Requirement.**

The States require a Bidder that can develop and implement an operating management sub plan which delivers an effective approach to operational & performance management and monitoring.

**Response Guidance:**

Bidders are to provide an Operating Management Sub-Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Approach to operational & performance management and monitoring. As part of this Bidders should set-out details on the approach to meeting the punctuality and reliability KPIs within the Draft Concession Agreement as described within the fleet plan (T1.1).

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T2.3b	Operating Management Sub-Plan – General Requirements	Pass/Fail	Within the 250-page limit

**Requirement.**

The States require a Bidder that can develop and implement an operating management plan which incorporates strategies, processes and procedures to effectively manage and coordinate daily operations of the service.

**Response Guidance:**

Bidders are to provide an Operating Management Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Details on operational procedures & safety protocols including compliance with relevant regulations, standards, or environmental requirements.
- 2) Plans for emergency response and business continuity plans including outlining processes, procedures, and systems to respond quickly to a disaster, limit damage, and resume operations as quickly as possible. In addition, outlining approach to emergency response and business continuity plan testing, reporting and related training.
- 3) Details on relevant industry memberships or accreditations held and plans for maintaining these accreditations over the contract term.
- 4) Plans for continuous improvement including the use of technology and data.
- 5) Approach to risk monitoring and management. Bidders should detail any risks identified and proposed mitigations.

For meeting the above requirements to a satisfactory standard bidders will be assessed to have passed in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**T3 Customer Experience Plan**

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T3.1	Customer Experience Sub-Plan	6%	Within the 250-page limit

**Requirement**

The States require a Bidder that can:

- 1) Deliver a high-quality Customer experience across the end-to-end journey including i) ease of booking including transparent pricing, ii) port & harbour facilities, iii) boarding and disembarkation & iv) on-board experience including approach to accessibility and inclusivity.



- 2) Develop an effective strategy for communicating with its Customers including during periods of service disruption or recovery.
- 3) Meet targets for customer satisfaction as set out in the Draft Concession Agreement.

**Response Guidance:**

Bidders are to provide a Customer Experience Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for delivering a high quality and effective booking process across multiple channels. This should include details on the approach for delivering transparent pricing, real-time availability and approach to changes and cancellations. Bidders should include proposals for self-service with ticket reservations allowing Customers to amend or make changes to a booking online without needing to contact a call centre.
- 2) Plans for working with relevant authorities to develop and improve the facilities for customers at ports and harbours alongside process for boarding and disembarkation from vessels.
- 3) Plans for developing a high-quality on-board experience including:
  - i) Catering options
  - ii) Retail offer
  - iii) Cycle and luggage arrangements for foot passengers
  - iv) Entertainment options
  - v) Disabled facilities
  - vi) Freight driver facilities
  - vii) Overnight accommodation including cabin mix and seating options including approach to premium seating or lounges
  - viii) Pet accommodation
  - ix) Wi-Fi and charging points
- 4) Details on approach to communications including during periods of disruption or service recovery.
- 5) Approach to monitoring, meeting and reporting targets for passenger satisfaction.
- 6) Details on relevant industry memberships or accreditations held.
- 7) Plans for staff customer service training.
- 8) Approach to capturing and responding to Customer feedback.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**Quality / Innovation**

In order to be scored an 8 or 10 in line with the marking table the Bidder should propose additional initiatives which improve the long-term value of the service through enhanced quality and innovation. Specific examples of this may include:

- 1) Digitalisation of systems and processes which improve customer experience outcomes

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T3.2	Customer Care Sub-Plan	2%	Within the 250-page limit

**Requirement**

The States require a Bidder that can deliver an effective approach to Customer care.

**Response Guidance:**

Bidders are to provide a Customer Care Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for delivering a caring environment at each stage of customer involvement, to include: ticket sales, online self-service system, advice on sailing status, availability of on board services, availability of on-shore facilities, care of stranded passengers, journey experience, customer services for disabled persons, customer satisfaction surveys on all facilities, post journey incidents approach to refunds and cancellations (including, policies, timescales and reporting).
- 2) Proposals for a Customer Complaints Process to include receipt and recording of customer feedback, assessment of complaints, including quality management of process, scheme for restitution, reports back to customer within acceptable timescales, review of decisions, appeals process; and collection of aggregated casework records, analysis and performance reporting. Bidders should plan to issue a customer report detailing their performance in the above areas alongside cancellations resulting from technical failures. Within their Response Bidders should explain the process for dealing with exceptional events which result in surge demand to customer contact centres.
- 3) Proposals for optimising accessibility to the service schedules for disabled persons, those with additional needs, elderly passengers and those travelling with young children, to include: staff training, information dissemination through timetable and booking reservation systems, Accessibility Information System, Vessel facilities and Harbour facilities. Within their Response Bidders should describe how they will engage with accessibility groups for example establishing an accessibility forum. \*

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**T4 Mobilisation & Transition Plan**

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question T4	Mobilisation & Transition Plan	6%	Within the 250-page limit

**Requirement:**

The States require a Bidder that can develop and implement a Mobilisation & Transition Plan supporting the establishment of the services in time for the Commencement Date.

**Response Guidance:**

Bidders are to provide a Mobilisation & Transition Plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) A detailed programme with estimated dates for achievement of key milestones and deliverables setting out all activities, phases, sequences and dependencies that are necessary to facilitate the implementation of services on the commencement date including the procurement and mobilisation of fleet. Programme should consider all operational, safety, commercial, managerial, financial and employment matters including:
  - i) Details of vessels and other assets to be employed, re-deployment, procurement and refurbishment where appropriate.

- ii) Plans for establishing shore logistics organisation and manning strategy.
  - iii) Plans for sequencing of vessels and shore logistics support into service.
  - iv) Plans for obtaining passenger certificates and any other Maritime and Coastguard Agency (MCA) authorisations.
- 2) Plans for stakeholder and community engagement through the mobilisation and transition period.
  - 3) Plans for booking for freight and passengers, including intended booking methods, system stress testing, how existing forward bookings will be honoured and disbursement of funds during the transition period.
  - 4) A risk register to identify and set out any risks to successful mobilisation that are categorised by impact and likelihood with appropriate mitigation proposed.
  - 5) Approach to work with the incumbent to achieve seamless transition Including system transfers if applicable.

Bidders should include letters of support from relevant parties including but not limited to Port Authorities and providers within their supply chain.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

## **T5 People Plan**

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question T5	People Plan	4%	Within the 250-page limit
<b>Requirement</b> <p>The States require a Bidder that can develop a People Plan which delivers a comprehensive workforce strategy to maintain and enhance the skills and capability of its workforce.</p> <p>The States prioritise direct and indirect on-Island employment, education and skills particularly an emphasis on high-value, skills in the fields of engineering, mechanics, seafaring, and visitor economy professions (customer service).*</p>			
<b>Response Guidance</b> <p>Bidders are to provide a People Plan which sets out the approach to meeting the requirements. At a minimum this should include:</p> <ol style="list-style-type: none"><li>1) An overview of the proposed organisational structure including organogram detailing responsibilities and reporting lines of key personnel who will oversee the delivery of the service. Within their Response Bidders should indicate the base location of all staffing including executive grades.</li><li>2) Plans to satisfy all applicable statutory requirements including but not limited to:<ol style="list-style-type: none"><li>i) Transfer of Undertakings (Protection of Employment) Regulations 2006 (United Kingdom Law).</li><li>ii) The Protection Seafarers' Charter' Wages Act 2022 (United Kingdom Law) and</li><li>iii) Social-Dumping on the English Channel Law (French Law).</li><li>iv) The Discrimination (Jersey) Law 2013 (bidders should describe the approach eliminate discrimination and to promote social inclusion and equality amongst its workforce regardless of background*)</li></ol></li><li>3) Approach to crewing, including: direct versus indirect / agency employment, crew configurations and numbers per sailing, crew/passenger ratios and passenger certificate numbers throughout the year, shift patterns to be adopted. Bidders should provide:<ol style="list-style-type: none"><li>i) the specific manning policies that apply to each vessel,</li><li>ii) a copy of the 'Seafarers employment agreement' to be used, and</li><li>iii) minimum safe manning document for each vessel (including modelling where applicable) and existing Permit to Operate for any High Speed vessel.</li></ol></li><li>4) Plans on how they will commit to fair work practices for workers (including any agency or sub-contractor workers) engaged in the delivery of this contract.</li><li>5) Plans to foster constructive relationships with trade unions, listing proposals on how they will engage with, and understand the attitudes of, their employees.</li><li>6) Plans for the delivery of education and skills development across its workforce including high value skills such as maritime engineering locally on Jersey. At minimum this should include an employee training programme. *</li><li>7) Detail proposals for pension provision.</li></ol> <p>For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.</p>			

## **T6 Health & Safety Plan**

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question T6	Health & Safety Plan	Pass/Fail	Within the 250-page limit
<b>Requirement:</b> The States require a Bidder that can implement an effective approach to Health and Safety in line with all applicable laws, international regulations and best practice.			
<b>Response Guidance:</b> Bidders are to provide a Health & Safety plan which sets out the approach to meeting the requirements and developing a zero-accident culture amongst the workforce. At a minimum this should include: 1) Plans for health and safety policies, systems and procedures. Bidders should outline their steps to satisfy all statutory requirements and exhibit a best practice approach to Health and Safety. Bidders should detail the following: i) Plans for implementing a health and safety management system to meet statutory requirements including the monitoring of compliance with SOLAS. ii) Approach to risk assessment, incident reporting and investigation including the reporting of near misses, hazardous conditions & accidents. iii) Approach to ensuring all employees receive adequate health and safety training alongside maintaining effective communications to share safety related information. iv) Approach to key regulatory areas in the maritime industry such as Ro-Pax fire safety and High Speed Craft code. v) Approach to transporting dangerous or hazardous goods in line with the IMO International Maritime Dangerous Goods Code (IMDG). vi) Approach to engaging with relevant health & safety bodies on certification, reporting, incident management and process improvement. vii) Plans for developing emergency response scenarios including fire, person overboard, collisions (with port / harbour or another craft or something else), medical emergencies and environmental incidents. viii) Approach to engagement with the International Maritime Organization and Maritime and Coastguard Agencies. Bidders should detail relevant industry memberships or accreditations.			

## **T7 Environmental Management Plan**

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question T7	Environmental Management Plan	2%	Within the 250-page limit
<b>Requirement:</b> The States require a participant able to deliver a robust and comprehensive approach to Environmental Management.			

Jersey and the UK has adopted a position of reaching net zero by 2050. Bidders are required to demonstrate their approach to moving to a net zero position over the lifetime of the contract. <sup>6</sup>

**Response Guidance:**

Bidders are to provide an Environmental Management plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for developing an environmental management policy, systems and procedures.
- 2) Plans for implementing appropriate procedures to comply with MARPOL.
- 3) Plans when considering the fleet modernization plan (T1.2) to reduce emissions from vessels such as the adoption of new fuel technologies.
- 4) Plans for moving to a net zero position over the lifetime of the contract including any commitments or milestones.
- 5) Approach to minimising the environmental impact or to improving the environmental sustainability of the service including recycling, waste reduction or renewal energy.\*
- 6) Plans for meeting the key regulatory areas in the maritime industry such as the EU Emissions Trading Scheme (EU ETS), greenhouse gases and Exhaust Gas Cleaning Systems.
- 7) Plans for monitoring and mitigating the environmental impact of the service both onshore and at sea and to minimise the effect on marine life and secure the health and protection of marine mammals.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**T8 Stakeholder & Community Engagement Plan**

Ref:	Requirement area:	Weighting:	Page limit:
Award Question T8	Stakeholder & Community Engagement Plan	5%	Within the 250 page limit

**Requirement:**

The States require a Bidder able to develop an effective approach to Stakeholder & Community Engagement.

The States have the objective of developing a strategic partnership with the future ferry service operator.

**Response Guidance:**

Bidders are to provide a Stakeholder & Community Engagement plan which sets out the approach to meeting the requirements. At a minimum this should include:

- 1) Plans for the overall strategy including:
  - i) Details of the assessment of stakeholders including local residents, businesses', tourism agencies and community groups and plans to update this on a regular basis.
  - ii) Communication approach including key messages, communication channels and frequency or relevant stakeholders. Bidders should detail their approach to consulting important groups including agriculture, hauliers, seafood and tourism sectors on developing to the service specification.
  - iii) Plans for CSR approach including supporting community groups and local events.\*

<sup>6</sup>, [The Government of Jersey Carbon Neutral Roadmap](#) and [The UK Department for Transport Decarbonising Transport Path](#)

2) Plans for developing a Strategic Partnership with the States including:

- i) Approach to jointly defining objectives for the service.
- ii) Plans for governance arrangements including monthly steerco and proposed membership to include a representative from both contracting authorities (the States).
- iii) Plans for regular and transparent communication including changes to the fleet or service schedule.
- iv) Plans for proposed KPIs to track and measure the success of the partnership over time, alongside reporting of management information allowing the States to gather a clear picture of how the service is performing operationally & financially and how planned initiatives are progressing.

For meeting the above requirements to a satisfactory standard bidders will be scored a 6 in line with the marking table. Responses that do not include all the elements described above may be considered non-compliant.

**26. Commercial Response Requirements and Evaluation**

26.1 All questions contained within the Commercial Response will form the bidder's Business Plan, which should be comprised of the following which will make up 41% of the overall weighting:

- C1 – Revenue and Pricing Strategy
- C2 – Investment Strategy

Ref:	Requirement area:	Weighting:	Page limit: 2 A4 Pages
Award Question C1.1	Passenger and vehicle pricing cap	Pass/Fail	

**Requirement:**

The States intend that the Concession Agreement will impose fare caps on passenger and vehicle fares in each year of the contract. A mechanism will also be put in place to cap the mean average fare that can be charged (see Question C3.1 and C3.2). The fare caps should not increase above the rates of indexation permitted in the Concession Agreement unless otherwise agreed with the States. These fare caps will be defined for Year 1 and then adjusted annually in accordance with the Concession Agreement (see C1.2).

The purpose of the fare caps is to limit opportunity for the Operator to increase profit through fare increases and instead to encourage the Operator to grow the business through increased traffic and ancillary revenues.

Bidders are required to submit a range of minimum, maximum and mean average fares on passenger and vehicles fares that will apply from Year 1 of the Concession Agreement. Bidders should populate the proposed caps in the Financial Model Pro Forma in the "Year 1 Pricing" sheet. Bidders should populate the proposed caps in the document entitled DELTA - RFP Financial Model Proforma\_vF. Bidders must provide credible rationale, justification and explanation for the proposed caps, including but not limited to:

- 1) Benchmarking of the caps against maximum prices charged on comparator routes, particularly routes where there are multiple competing operators;
- 2) Alignment with the wider revenue and pricing strategy set out in C1.3; and
- 3) Evidence that the proposed price caps and mean average fares support the investment strategy and wider business plan.

The States anticipate that the fares and price caps proposed by Bidders will be discussed during the negotiation phase.

Ref:	Requirement area:	Weighting:	Page limit: 1 A4 Page
Award Question C1.2	Alternative pricing index	N/A	

**Requirement:**

The Concession Agreement will allow the freight prices, together with the caps on passenger and vehicle fares and the cap on mean average of fares to vary annually, except where the Operator's profit is in excess of a pre-defined threshold. The annual change will be negotiated and be based on a cap (i.e. not to exceed) of the following basket of indices:



- 1) UK Consumer Prices Index (CPI), weighted 50%
  - 2) Jersey Retail Price Indices excluding mortgage interest payments (RPIX), weighted 25%
- Bidders are able to propose an alternative index (or indices) which can be discussed during the negotiation phase.
- If Bidders wish to propose an alternative index or indices, the Response must include at a minimum:
- 1) The proposed index or indices to be applied across all aspects of costs/pricing and rationale for why the index or indices are more suitable than the indices proposed by the States.
  - 2) The proposed index or indices should be included within the Financial Model Pro Forma as an alternative scenario so that the impact can be assessed.

Ref:	Requirement area:	Weighting:	Page limit: 20 A4 pages
Award Question C1.3	Core Revenue and Pricing Strategy	10%	

**Requirement:**

Please provide a realistic and achievable revenue strategy which includes a pricing approach that aligns with each target market. You are required to justify your revenue forecasts and market share assumptions. Any details of ancillary revenue streams should be detailed within C1.4. The States expect that the business should prioritise the delivery of a high performing and profitable service, which will be supported by this revenue strategy. It should be noted however, that excessive profits that are prioritised ahead of investment in fleet and customer pricing will not be acceptable during the contract, in line with the Operator's contractual obligations.

Bidders' Core Revenue and Pricing Strategy must align to other areas of your Commercial and Financial Response. Bidders' Response must include at a minimum:

- 1) A market analysis including current market, target market, market trends, segmentation and value and how this develops over the life of the Agreement. The Response should demonstrate a thorough understanding of the market, including risk and opportunities, supported by appropriate assumptions that can be evidenced.
- 2) A marketing and sales strategy which outlines how you intend to market your routes and your sales approach to various customer segments, including the tourism sector which should be seen as a priority growth area, local business and stakeholders. Bidders' Response should also outline any commissions paid to other parties, and costs incurred to deliver the marketing and sales strategy. The strategy must reference industry benchmarks to evidence approach and assumptions;
- 3) A product plan for each product offering, which should include ticket options, route, customer segment, target market and pricing assumptions. This should be supported by evidence underpinning forecast gross revenue by segment and by product, including current market pricing and trends and benchmarks against forecast market share and average revenue per customer achieved for each market segment and product offering.
- 4) Growth strategy outlining the potential for growth opportunities and expansion in product offerings over the life of the Agreement. Where additional capital is required to support your strategy, this should be clearly evidenced within your Investment Strategy and Funding (C2) and Financing Plan (F2).
- 5) The States wish to ensure that any future passenger pricing model allows for fair market rates to customers whilst at the same time allowing an operator to optimise its operations and generate a fair profit. Bidders must:
  - i) Provide the list of fares that would be available to passengers, highlighting any detail that the Bidder believe has been omitted from the fares list included in the pro-forma for Question C3.1.
  - ii) Describe the Bidder's proposed approach to pricing each of the fares.

- iii) Provide rationale justifying the proposed approach to pricing passenger fares, including any dynamic pricing being proposed, ensuring it is offered to all passenger groups and how pricing is anticipated to change to align with the growth strategy outlined above.
- 6) The States wish to ensure that any future vehicle pricing model allows for fair market rates to customers whilst at the same time allowing an operator to optimise its operations and generate a fair profit. Bidders must:
- i) Provide the list of fares that would be available for vehicles, highlighting any detail that the Bidder believe has been omitted from the fares list included in the pro-forma for Question C3.1.
  - ii) Describe the Bidder's proposed approach to pricing each of the fares.
  - iii) Provide rationale justifying the proposed approach to pricing vehicle fares, including any dynamic pricing being proposed, ensuring it is offered to all passenger groups and how pricing is anticipated to change to align with the growth strategy outlined above.
- 7) The States wish to ensure that any future freight pricing model allows for fair market rates to shippers whilst at the same time allowing an operator to optimise its operations and generate a fair profit. Bidders are encouraged to propose a pricing structure which reduces barriers to entry for freight suppliers. The Authority aspirational vision is the implementation for shippers is they are able to access to single 'flat' rate card ( cost per lane metre).

Where an operator may offer discount mechanisms and incentives, we wish to ensure that this does not unnecessarily prevent new entrants into the market and undermines competition. As such all discounts or incentives offered (e.g. for early booking) must be available on a fair and equitable basis and cannot overtly benefit a specific customer or be volume based. Bidders must:

- i) Provide the pricing structure that is proposed to be implemented for freight. The pricing structure must include all bandings.
  - ii) Provide rationale justifying the proposed pricing structure, including how the structure reduces barriers to entry. If dynamic pricing is offered, Bidders are required to explain how the mechanism will be used and how transparent it will be, ensuring it is offered to all freight customers. Bidders must outline how freight pricing is anticipated to change to align with the growth strategy outlined above.
  - iii) Bidders are required to provide rationale for any discounts and incentives offered explaining how they will be used as part of the pricing model.
  - iv) Bidders are required to give a written undertaking in their response, for any additional levers or rights provided under their freight model, outside of the financial structure, that these levers or rights must be made available to all customers on a fair and equitable basis. No such levers or rights should allow one freight forwarder a competitive advantage over another in a way that restricts competition.
- 8) Bidders are asked to explain their approach to Euro pricing. For example, do Bidders apply a fluid exchange rate or is it fixed for each year? Bidders should also explain the benefits of their approach to their revenue and pricing strategy. This applies to both fares charged and ancillary revenues onboard.

<b>Ref:</b>	<b>Evaluation Criteria:</b>	<b>Weighting:</b>	<b>Page limit: 5 A4 Pages</b>
C1.4	Ancillary Revenue Streams	2%	

**Requirement:**

The States recognise that an operator that can diversify its revenue streams will be able to demonstrate, through its accounts, added resilience and create more opportunities for value for money to cascade down to varying customer groups. The States believe that a key factor in unlocking increased revenue streams and improving the passenger experience is the digitisation of the services to bring them more in line with the other transport industries.

Bidders are required to explain their strategy to optimise and implement ancillary revenue streams into their day-to-day business model over the life of the Agreement, with consideration to the evolution of their fleet and growth strategy.

Bidders are required to set out which elements of their ancillary revenue streams they are committed to implementing for each vessel in their fleet plan.

As a minimum Bidders' Response should consider the following areas:

- 1) On board ancillary revenue streams covering:
  - i) An explanation of the operator's digitisation strategy and its commitment to continuous connectivity and sufficient data availability to enable increased passenger yield. (Wi-Fi and Digital Sales)
  - ii) The operator's point of sale payment approach
  - iii) Seat upgrades or access to lounges during a crossing
  - iv) Gaming
  - v) Food and drink
  - vi) Advertising opportunities
  - vii) Advertising empty cabin availability at the commencement and/or during a crossing
  - viii) On board entertainment
  - ix) Finer dining upgrades
  - x) Duty free sales and other retail sales
- 2) Ancillary Revenue Streams which are not on board, including:
  - i) Special Offers working in collaboration with hospitality and tourism sectors for varying port destinations; and
  - ii) Packages and linked packages.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b> 12 A4 Pages
Award Question C2	Investment Strategy	13%	

**Requirement:**

The States place high value on the prioritised and continued deliverable investment in fleet that is required to support the running of a high performing service. For the purposes of this question, Bidders should note that investment can take the form of outright ownership of assets or long-term leases of assets. A Bidders response is to detail the level of committed investment commensurate with the intended length of the Concession Agreement of 15 years. Separately, bidders are invited to submit a variant Investment model which would evidence a commitment to a more significant investment which would be predicated on a different contractual term. The States recognise that exact details surrounding the final solution for future re-tonnaging are currently uncertain for Bidders. However, the States would still be expecting to see the investment commitments for that future solution alongside a description of the process that would be followed to transform the committed investment into a specific vessel. Bidders are required to outline their existing expectations at a high level for the future vessel solution.

Bidders are required to state any conditions surrounding such investments. E.g. any caveats on the investment, any support or any risk apportionment measures on the States.

Bidders are required to detail the level of committed capital investment for each year of their investment strategy.

Bidders are required to confirm that any committed investment is baselined to the value of the investment as of Q3/Q4 2024. E.g. an investment commitment of £50m today would translate to an increased investment of circa £80m in 2035.

Bidders should note that it is intended that the Concession Agreement will include a KPI that will apply from the end of Year 7 of the contract for the remainder of the contract which will require the Operator to ensure each vessel is, at all times during the contract term, maintained to a level such that the vessel's remaining Useful Economic Life is no less than 25% of its Design Life.

Please provide a robust investment strategy that is consistent with your Fleet Plan, Fleet Modernisation Plan, and Fleet Maintenance Plan provided in response to Questions T1.1, T1.2 and T1.3, and your Core Revenue and Pricing Strategy in response to Question C1.3.

Your Investment Strategy should fully and demonstrably align to the "Investment Plan" sheet within the Financial Model Pro Forma. Bidders should note that the commitments proposed by the successful Bidder within its Investment Strategy and Financial Model Pro Forma in relation to investment will be contractualised and form part of the Concession Agreement.

As a minimum, Bidders' Response must include:

- 1) A summary of the committed and uncommitted level of investment in fleet and timing of the investment for the length of the Concession Agreement. The summary must list the level of committed investment for each year of the Concession Agreement.
- 2) A summary of the committed and uncommitted level of investment in fleet and timing of the investment for a contract term which would exceed the intended term of the Concession Agreement. The summary must list the level of committed investment for each year of the Concession Agreement.
- 3) Robust rationale and justification for the purpose of each investment focused on short term investment for the initial five years of the contract, or earlier depending on alignment of your fleet strategy, including the spending requirement and timing profiled to meet KPIs including the requirement to ensure, after Year 5 of the contract, that the remaining Useful Economic Life of each vessel is no less than 25% of its Design Life.
- 4) Rationale supporting your long-term investment and fleet maintenance plan, following the initial investment period defined above, including how you intend to drive forward continuous investment in fleet over the long term to continue to ensure the remaining Useful Economic Life of each vessel is no

less than 25% of its Design Life, and required service KPIs. This should fully align to your revenue strategy proposed in Award Question C1.3.

- 5) A summary of how each investment will be financed, cross referencing to the applicable detail within the funding and financing plan in Award Question F2.
- 6) A risk assessment detailing any perceived risks to meeting the investment plan, including:
  - i) A description of the risk, the likelihood of the risk emerging and the impact on the investment plan if it does materialise;
  - ii) Plans for mitigating the risk;
  - iii) Key dependencies for managing the risk.
- 7) The strategy should include justifications for the assumptions underlying the expenditure, this may include suitable industry benchmarking or other supporting evidence, including but not limited to:
  - i) Return on Capital Employed;
  - ii) Capital Investment as a percentage of Gross Revenue; and
  - iii) Examples or case studies from other services the Bidder may currently operate.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question C3.1	Mean Average Passenger and Vehicle Pricing	8%	N/A

**Requirement:**

Bidders are required to populate the table in the “Year 1 Pricing” sheet in the Financial Model Pro Forma with the maximum mean average passenger and vehicles prices that the Bidder anticipates it will charge in Year 1 of the Concession Agreement. The Financial Model Pro Forma will use this information to calculate a weighted average passenger and vehicle price.

Bidders should note that the Concession Agreement will include a mechanism to ensure the Operator adheres to the anticipated maximum mean average passenger and vehicle prices included in the Proposal (subject to annual indexation as described in C1.2) and allows access to records to provide assurance.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question C3.2	Mean Average Freight Pricing	8%	N/A

**Requirement:**

Bidders are required to populate the table in “Year 1 Pricing” sheet in the Financial Model Pro Forma with the maximum mean average freight prices that the Bidder anticipates it will charge in Year 1 of the Concession Agreement. The Financial Model Pro Forma will use this information to calculate a weighted average freight price.

Bidders should note that the Concession Agreement will include a mechanism to ensure the Operator adheres to the anticipated maximum mean average freight prices included in the Proposal (subject to annual indexation as described in C1.2) and allows access to records to provide assurance.

**27. Financial Response Requirements and Evaluation**

27.1 Bidder's Financial Response is comprised of the following which will make up 9% of the overall weighting:

- F1 Financial Standing Testing
- F2 Funding and Financing Plan
- F3 Financial Stress Testing
- F4 Financial Model Pro Forma
- F5 Performance Bond

Ref:	Requirement area:	Weighting:	Page limit:
Award Question F1	Financial Standing Testing	Pass / Fail	N/A
<p><b>Requirement:</b> Bidders are required to complete the Financial Standing Questionnaire (Schedule 9) and populate the Financial Standing Spreadsheet (Schedule 10). The Financial Standing Spreadsheet will use the financial inputs to calculate the five Financial Standing Tests:</p> <ol style="list-style-type: none"> <li>1) Scale Test</li> <li>2) Quick Ratio</li> <li>3) EBITDA</li> <li>4) Capital Gearing Ratio</li> <li>5) Net Interest Paid Cover</li> </ol> <p>The Financial Standing Tests will be calculated in the Financial Standing Spreadsheet for each of the last three financial years for which audited Financial Statements are available. The Bidder, including where relevant, the Parent Company, should satisfy itself that it meets the thresholds of <b>all tests in every financial year</b>.</p>			

Ref:	Requirement area:	Weighting:	Page limit:
Award Question F2	Funding and Financing Plan	5%	10 A4 pages
<p><b>Requirement:</b></p> <p>Bidders are required to submit a Funding and Financing Plan, as part of their Financial Response, to facilitate understanding of the Bidder's approach to financial management and funding and financing solutions in order to support their Investment Strategy and delivery of the Agreement.</p> <p>At a minimum, Bidders must submit a Funding and Financing Plan which includes the following:</p> <ol style="list-style-type: none"> <li>1) Details of the projected level of funding required to fulfil its contractual obligations within the Concession Agreement as a whole, (including, but not limited to, day-to-day operation of the services and its Investment Strategy), by quarter, stating clearly the costs that are the key drivers of the funding requirement;</li> <li>2) A clear description and details of the Finance Solution(s) the Bidder proposes to meet such funding requirements, including:</li> </ol>			

- i) the identity of all finance providers (including finance provided internally by a Parent or Affiliates of the Bidder);
  - ii) the nature of each type of finance being provided (e.g. equity, sub-ordinated debt, inter-company debt, senior debt, working capital facilities, etc.);
  - iii) where the source is third party a clear explanation in detail of how the Bidder proposes to raise such finance;
  - iv) the tenor of each source of finance;
  - v) the amount of finance (including any drawdown and repayment profiles) provided by each source;
  - vi) a detailed breakdown and analysis of the underlying interest rate (or where applicable the WACC), margins, fees, commissions and associated costs in connection with providing each source of such finance;
  - vii) detail whether each source of finance is provided on a “fixed” or “floating” basis;
  - viii) the terms and conditions of such finance (evidenced via a Term Sheet where appropriate), including whether it is secured against any of the operator's assets (and in the case of equity finance, confirmation of the equity structure, to the extent it relates to the ability of the entity to fulfil its obligations under the agreement and where applicable the terms and conditions including heads of terms of relevant shareholders agreements.); and
  - ix) evidence that the Bidder has (or has access to) sufficient human resource with the expertise in raising finance to support the delivery of any required finance throughout the Term.
  - x) Evidence of any share class and any terms surrounding such class of shares, including the rights of the Shareholders and any rights and terms under those classes of shares. E.g. redemption rights, rights to dividends, voting rights, etc.
  - xi) Any relevant evidence or information to the extent it relates to the ability of the Bidding entity to fulfil its obligations under the Concession Agreement. E.g. any banking covenants or lending restrictions etc.
- 3) Provide evidence that the sources of finance described above will be committed to the Bidder at the expected Effective Date and made available as required prior to the operational start date. The States expect all material sources of third party and internal finance described by Bidders to have corresponding letters of support in the form of the templates provided. Template letters of support from all third party finance providers and from providers of internal sources of finance are set out in Schedule 8 (Template Letters of Support). These should be provided with no material amendments other than where such amendments clearly and objectively provide evidence of a greater level of commitment by the finance provider.
  - 4) Provide evidence of the ability of all named sources of finance to provide the amount of financing described and to demonstrate that all the providers of finance are highly credible. This evidence should include the credit ratings of the external finance providers.
  - 5) Provide a clear and deliverable plan setting out how the Bidder will progress its Finance Solution between the date of this submission and the expected Effective Date. Evidence of engagement with, and the agreement of, third party and internal sources of finance to this plan should be provided.
  - 6) Explain what contingency plans the Bidder has in place should its preferred Finance Solution prove to be undeliverable between the date of this submission and the point of contract signature. Evidence of the availability of such finance should be provided. Bidders should provide detailed commentary on the circumstances under which the Finance Solution would be undeliverable and how the contingency funding would be secured in time for the expected Effective Date.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question F3	Financial Stress Testing	4%	8 A4 Pages

**Requirement:**

- 1) Bidders must submit, as part of their Response, a Sensitivity Outputs Commentary, which demonstrates how Bidder's business plans would be impacted by a range of sensitivities. Bidders should use the Financial Model Pro Forma to run the following specific sensitivities across its business. The specific sensitivities the Financial Model Pro Forma is required to demonstrate are:
  - i) Gross Revenue – 5% in all years;
  - ii) Gross Revenue – 15% in all years;
  - iii) Capital Expenditure + 10% in all years;
  - iv) Capital Expenditure + 20% in all years;
  - v) Operating Expenditure + 5%; in all years;
  - vi) Combined downside: Gross Revenue – 15% in all years, Capital Expenditure +10% in all years (these impacts being real i.e. incremental to any RPI impact); and
  - vii) A one-off 70% reduction in passenger revenue in Year 3 of the contract only.
  
- 2) Bidders are required to set out in detail how they will ensure financial robustness throughout the Contract Period, demonstrating how the Bidder will be able to withstand a prolonged reduction and/or delay in revenue compared to the level of revenue forecast in its proposal (such as sustained extended seasonal periods, delay in new revenue streams eventuating or a downturn in demand) or a prolonged increase in its cost base or withdrawal of support from a lender, as well as (but separate to) the sensitivities above. This should include reference to the following (where applicable):
  - i) any 'buffers', contingency or profit margins or mark-ups within its business plan which will help it withstand unexpected events, clearly reconciled to the Financial Model Pro Forma;
  - ii) any hedging (e.g. interest rates and foreign exchange) and/or agreements with suppliers for fixed price contracts that will aid the Bidder in managing its cost base;
  - iii) any reserve accounts/facilities/contractual mechanisms (such as the transfer of cost overrun and/ or time delay risk to sub-contractors, or other contractual commitments from sub-contractors) in place that will help the Bidder manage fluctuations in cash flow;
  - iv) any support that the Bidder has, from its shareholders or from third parties, that could provide assurance to the States that the Services would continue to be provided in accordance with the Agreement in all circumstances. If such support forms part of the bid, evidence such as a letter from the board of the relevant entity detailing the nature of that support should be provided, as well as information to enable the States to assess the credit standing of the entity providing such support; and
  - v) any other means of support the Bidder proposes to seek in order to provide evidence of the robustness of its proposal.



<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question F4	Financial Model Pro Forma	N/A	N/A

### **Financial Model Pro Forma**

Bidders are required to provide a completed Financial Model Pro Forma. If the Bidder chooses to provide additional supporting information in the form of its own Financial Model, it may embed the Financial Model Pro Forma to the right of it, or they can separately submit the Financial Model Pro Forma if no other model is being submitted.

The Financial Model Pro Forma are a range of input and outputs sheets which Bidders are required to complete.

In populating the Financial Model Pro Forma, Bidders:

- 1) may place the Financial Model Pro Forma into the Bidder's Financial Model to the right of the other worksheets (if a separate Bidder Financial Model is being provided as additional support);
- 2) must ensure that all populated cells in the Financial Model Pro Forma are set out in the specified units of measure, and are not populated by macros;
- 3) must not tamper with any cells that are not specified as input cell;
- 4) must ensure that the addition of any information or links to the outputs or inputs within the Financial Model is done in such a way as to remain consistent with the format of the Financial Model Pro Forma; and
- 5) can use the spare rows, if provided in the Financial Model Pro Forma, to accommodate additional detail, but deleting or inserting rows or columns of the Financial Model Proforma is not permitted (unless explicitly specified within the Proforma) and will result in the Bidder being treated as non-compliant where the insertion or deletion has an impact on the content or functionality of the Financial Model Pro Forma. Should a Bidder require extra rows to be added to accommodate additional detail, it should raise the desired changes through a CQ with sufficient detail explaining the proposed changes and the reason such changes are necessary. Only those changes explicitly approved by the States may be included in the Financial Model Pro Forma as part of their Proposal Response.

Whilst every effort will be made by the States to ensure the validity of the Financial Model Pro Forma, Bidders should be aware that it is their sole responsibility to ensure that on submission, the data and formulae of the completed Financial Model Pro Forma accurately and fully reflects all elements of their Response. The Financial Model Pro Forma is required to be consistent with the remainder of the Bidder's Response. If Bidders provide a separate Bidder Financial Model to support their Response, the Financial Model Pro Forma will take precedence over the Bidder's Financial Model (unless otherwise specified by the States) if any inconsistency is discovered.

### **Financial Model Inputs and Assumptions**

In order to enable the States to assess the Response on a standardised basis Bidders should present the Bidder's Financial Model using the following assumptions:

- 1) The planned effective date is assumed to be 1 April 2025
- 2) The contract end date is assumed to be 31 March 2045
- 3) The integrated financial statements should be provided on the basis of a Jersey-only service. All revenues that are modelled should exclusively relate to the provision of services to Jersey under the

proposed operating agreement. For the avoidance of doubt, the model should not include any revenues from goods or services not delivered through the operating agreement.

- 4) **For financial modelling purposes only**, vessel capital expenditure and operating costs should be assumed as relating to conventional vessels running conventional fuel.

### **Data Book**

Bidders are required to submit a Data Book, as part of their Response, to facilitate understanding of the workings and assumptions underlying the Financial Model Pro Forma, and Bidder's Financial Model (if provided).

The Data Book should follow a logical flow in respect of the Financial Model Pro Forma's and Bidders Financial Model structure.

As a minimum, the Data Book must:

- 1) be submitted RFP in Microsoft Word;
- 2) present cost and revenue data in 1 April 2024 prices;
- 3) provide a detailed explanation of modelling assumptions made in the Financial Model Pro Forma. Bidders are required to include a clear explanation of how values have been built up in terms of volumes, activities, views related to risk and basis of price as appropriate – with supporting evidence provided where possible (such as copies of quotes, through the Bidder's evidenced experience, references to market/external benchmarks, references to all source data, etc.);
- 4) include a table setting out amounts that are paid to/from parent, group or other affiliates and clearly distinguish between the different types of payments / receipts, the amounts and nature of any such transaction;
- 5) for fixed assets, provide clear explanations of the depreciation policy and expectations surrounding the value of the relevant asset at the end of the Term;
- 6) provide any further analysis of data or assumptions the Bidder feels will assist the States in understanding the Bidder's Response;
- 7) describe the accounting principles and the tax treatment adopted;
- 8) provide a level of usability such that linkages to the Bidder's Financial Model are clear, including using table and specific cell and sheet references to aid in transparency, ensuring such references can be directly traceable to the Bidder's Financial Model; and
- 9) be consistent with all other aspects of the Bidder's Response.

### **Bidder's Financial Model General Requirements:**

Bidders are able to provide their own Financial Model should they wish to provide additional evidence to support their Response and the Financial Model Proforma.

If Bidders choose to provide a Financial Model, you are required to ensure that any numerical values and underlying assumptions are consistent with the following:

- 1) Technical Response;
- 2) Commercial Response;
- 3) Financial Response;

- 4) Contract Documents;
- 5) the Data Book;
- 6) the Financial Model Pro Forma; and
- 7) any other Response or analysis which forms part of the Bidder's formal Response.

If there are any difference or inconsistencies the States reserves the right to:

- 1) evaluate the Response as received, in which case the Bidder shall bear the risk of the associated error(s) and of any impact such error(s) may have on the evaluation;
- 2) correct the error(s) through clarification with Bidder prior to completing the evaluation; or
- 3) where the inconsistency or error(s) are material in the States opinion, the evidence will not be considered.

#### **Bidder's Financial Model Format Requirements**

If Bidders choose to submit their own Financial Model, they can embed the Financial Model Pro Forma within it. The Bidder's Financial Model submitted must be produced in accordance with the format requirements below:

- 1) developed in or fully compatible with Microsoft Excel Version 2010, or later versions, and presented in 'xlsx', 'xlsb' or 'xlsm' format;
- 2) structured on a quarterly basis throughout with period end dates of 30 June, 30 September, 31 December and 31 March;
- 3) denominated in thousands of pounds sterling;
- 4) be transparent in all respects, including so that all output data is traceable back to the supporting calculations and underlying assumptions with relative ease and all data is visible on the face of spreadsheets within the Bidder's Financial Model with workings and formulae intact (i.e. non input cells must not be 'hard-coded' or with fixed values);
- 5) be consistent with any dates and provisions set out in this RFP;
- 6) have separate and clearly labelled areas for data inputs, calculations and data outputs, which must satisfy the following requirements:
  - i) inputs should include data and assumptions but no calculations;
  - ii) calculations should include individual calculations that support each line of all outputs and there should be no duplication of calculations or hard-coded input cells in the calculation worksheets or hard-coded values within any formulae; and
  - iii) outputs should not include any hard-coded input cells or calculations, except for sums or check totals.
- 7) have consistency of formulae across rows and consistency of time periods down columns and across worksheets and satisfy the following requirements in relation to rows and columns:
  - i) a row should contain only one formula, copied across all columns except for using different formulae to allow units, indices, totals, NPVs or other modelling 'flags' to be included in the columns to the left of the first modelled year; and
  - ii) the same column should be used for the same time period in each worksheet except worksheets that do not contain a timeline and where a different format of presentation may be practical.
- 8) contain no hidden or password protected worksheets, columns, rows or cells;

- 9) contain linear calculations with no circular logic or references;
- 10) highlight all input/hard coded entry cells in yellow which should only be within data input areas; and
- 11) be free of links to external sources (such as other excel workbooks).

In order to aid the Bidder's Financial Model transparency, Bidders should:

- 1) limit the use of macros in the Bidder's Financial Model to areas where their use aids the user interface (e.g. print macro) or aids the model optimisation.
- 2) where macros are used, they must be listed, and their function clearly explained in the Data Book; and
- 3) not use "array" formulae (identified by the use of braces around the formula, i.e. "{...}"), and/or INDIRECT or OFFSET functions.

#### **Financial Model Inputs and Assumptions**

In order to enable the States to assess the Response on a standardised basis Bidders should present the Bidder's Financial Model using the following assumptions;

- 1) The planned effective date is assumed to be 1 April 2025
- 2) The contract end date is assumed to be 31 March 2045
- 3) The integrated financial statements should be provided on the basis of a Jersey-only service. All inputs including *inter alia* the revenues and costs that are modelled should exclusively relate to the provision of services to Jersey under the proposed operating agreement. For the avoidance of doubt, the model should not include any inputs from goods or services not delivered through the operating agreement.
- 4) **For financial modelling purposes only**, vessel capital expenditure and operating costs should be assumed as relating to conventional vessels running conventional fuel.

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question F5	Performance Bond	Pass / Fail	N/A
<b>Requirement:</b>			
<p>The Concession Agreement will include a requirement for the Operator to have in place a Performance Bond of £5m for the duration of the contract term.</p> <p>Bidders are required to provide written confirmation from the party providing the Performance Bond that the terms of the Performance Bond as set out in Draft Concession Agreement are in a form which is acceptable to it, without amendment or qualification. This written confirmation must also confirm that the party providing the Performance Bond is externally rated as at least investment grade by at least one recognised credit agency (Moody's, S&amp;P or Fitch), and provide evidence of this. The relevant credit rating must be based on the agency's global, rather than regional credit rating definitions.</p>			

28. **Legal Response Requirements and Evaluation**

28.1 Bidders are required to provide a Response to the following question:

- L1 – Draft Concession Agreement Response

<b>Ref:</b>	<b>Requirement area:</b>	<b>Weighting:</b>	<b>Page limit:</b>
Award Question L1	Draft Concession Agreement Response	5%	N/A

**Requirement:**

In relation to the Draft Concession Agreement, Bidders are required provide a derogation table (a template has been provided in Schedule 11 to this RFP) as part of their Proposal. This derogation table shall be focused only on areas that Bidders consider changes are essential (and provide alternative drafting and reasoning behind such changes) to make the Draft Concession Agreement align with their solution.

## **Part D – Evaluation Methodology**

### **29. Process to evaluate the Selection Questionnaire and the Proposals**

- 29.1 As detailed in Parts A and B of this RFP, the States will assess Selection Questionnaire and Proposal Responses and thereafter either:
- (a) make an award to the Bidder that passed the Selection Questionnaire and submitted the Most Economically Advantageous Proposal (MEAT); or
  - (b) select up to three shortlisted Bidders that passed the Selection Questionnaire and scored highest in Response to the Proposal to be invited to negotiate with the States in advance of submitted a Final Proposal which will be evaluated to allow the States to select the Most Economically Advantageous Proposal on the basis of the same evaluation methodology as set out in part D of this RFP or as further notified to shortlisted Bidders.
- 29.2 The States' evaluation team will first review the Selection Questionnaire element of a Bidder's bid and, providing the Bidder passes all the pass/fail questions and submits information in respect of the other elements of the Selection Questionnaire, its Proposal will be scored by the States' evaluation team.
- 29.3 For the avoidance of doubt, if a Bidder does not pass the pass/fail questions in the Selection Questionnaire, it will fail and its Responses to the questions in Part C of this RFP (i.e. the Proposals) will not be evaluated. A failure to pass the pass/fail questions will mean that a Bidder will be excluded from the procurement and their Proposal will not be scored.

### **30. Evaluation Methodology for the Selection Questionnaire**

- 30.1 Details of the scoring methodology for the questions set out at (1) Selection Questionnaire of Part C of this RFP are set out in the Selection Questionnaire.

### **31. Evaluation Scoring Methodology for the Proposal questions**

- 31.1 Details of the scoring methodology for the questions set out in Part C of this RFP are provided below.
- 31.2 The Proposal process will be conducted to ensure that Proposals are evaluated fairly to ascertain which offer the best value for money, fulfilling all Proposal requirements. Proposals are evaluated to establish compliance or otherwise and find the Most Economically Advantageous Proposal which is a blend of quality and price.
- 31.3 Clear guidance will be given to the evaluation team ahead of the process and each evaluation will be carried out with equity with a nominated member or members of the evaluation team representing the States and their advisers. Evaluations will be carried out independently and then all members of the evaluation team will meet in a mediated environment where scoring is finalised and documented.

31.4 The expected evaluators for this RFP are listed by function in Table 4. The States reserve their position to amend the panel membership at any time and with or without notice to Bidders.

*Table 4 - RFP Evaluators*

Evaluation Section	Government of Jersey Evaluator
Selection Questionnaire	Government of Jersey Commercial Services
Technical T1.1 Fleet Plan, T1.2 Fleet Modernisation Plan, T1.3 Fleet Maintenance Plan, T2.2 Ports & Harbour Logistics Plan, T2.3 Operating Management Plan, T4 Mobilisation & Transition, T5 People Plan, T6 Health & Safety Plan	Independent 3 <sup>rd</sup> Evaluators supported by Ports of Jersey SME
Technical T2.1 Service Specification Plan, T2.2 T3.1 Customer Experience, T3.2 Customer Care, T7 Environmental Management Plan, T8 Stakeholder & Community Engagement Plan	Independent 3 <sup>rd</sup> Evaluators supported by supported by Department for the Economy SME
Commercial	Independent 3 <sup>rd</sup> Evaluators supported by Treasury & Exchequer SME
Financial	Independent 3 <sup>rd</sup> Evaluators supported by Treasury & Exchequer SME
Legal	3 <sup>rd</sup> Party Legal Evaluators

31.5 In the event that shortlisted suppliers are invited to an interview; a list of questions will be drawn up beforehand. The outcomes and further detail discovered following any shortlisting interview may then involve a final revisiting of the evaluation scoring to inform a final outcome.

31.6 The Proposals element of this stage of the procurement will be evaluated on the basis of:

- (a) Technical Response – 45% (including 5% for Social Value)
- (b) Commercial Response – 41%
- (c) Financial Sub-criteria – 9%

(d) Legal – 5%

31.7 Each of these criteria have sub-criteria and a comparative weighting is given to each sub-criteria as shown in Table 5. These weightings are clearly detailed in Part C next to relevant the question and the weightings are based on the relative importance of the sub-criteria.

*Table 5 – Proposal criteria and sub-criteria weightings*

Technical Response Sub-criteria		45%
T1.1	Fleet Sub-Plan	9%
T1.2	Fleet Modernisation Sub-Plan	5%
T1.3	Fleet Maintenance Sub-Plan	Pass/Fail
T2.1	Service Specification Sub-Plan	5%
T2.2	Ports & Harbour Logistics Sub-Plan	Pass/Fail
T2.3a	Operating Management Sub-Plan	1%
T2.3b	Operating Management Sub-Plan	Pass/Fail
T3.1	Customer Experience Sub-Plan	6%
T3.2	Customer Care Sub-Plan	2%
T4	Mobilisation & Transition	6%
T5	People Plan	4%
T6	Health & Safety Plan	Pass/Fail
T7	Environmental Management Plan	2%
T8	Stakeholder & Community Engagement Plan	5%
Commercial Response Sub-criteria		41%
C1.1	Passenger and Vehicle Year 1 Pricing Cap	Pass / Fail
C1.2	Alternative Passenger and Vehicle Year 1 Pricing Cap	For Negotiation
C1.3	Alternative Pricing Index	For Negotiation
C1.4	Core Revenue and Pricing Strategy	10%
C1.5	Ancillary Revenue Streams	2%
C2	Investment Plan	13%
C3.1	Average Passenger and Vehicle Pricing	8%
C3.2	Average Freight Pricing	8%



Financial Sub-criteria		9%
F1	Financial Standing Testing	Pass / Fail
F2	Funding and Financing Plan	5%
F3	Financial Stress Testing	4%
F4	Financial Model Pro Forma	Mandatory Requirement for Negotiation
F5	Performance Bond	Pass / Fail
Legal		5%
L1	Draft Concession Agreement Response	5%
<b>Total</b>		<b>100%</b>

### 32. Evaluation of Technical Response Requirements

32.1 The Technical Response is worth forty five per cent (45%) which includes 5% allocated to Social Value.

32.2 The objective of the Technical evaluation is to ensure the States select an Operator that has the right skills, experience and resources to deliver:

- (a) a modern and resilient fleet,
- (b) is able to plan, operate and recover the service effectively,
- (c) deliver improvements in customer service and
- (d) work with the States to form an effective strategic partnership.

32.3 As part of the evaluation of Bidder's Technical Response, the States will check for consistency across all other elements of the Bidders Responses. As such, Bidders must ensure that the content of their Technical Response is consistent with any other Response submitted as part of the overall Response.

32.4 Questions T2.3a, T3.2, T4, T5, T7 & T8 will be scored in accordance with marking criteria contained in Table 6 - Technical Scoring Criteria (meeting the requirements only)Table 6 below.

32.5 For questions T1.1, T1.2, T2.1 and T3.1 the States wish to encourage Responses which increase the long-term value of the service through innovative solutions & enhancements to the service which exceed the requirements. For these plans an amended scoring criteria has been developed as shown in Table 7. Without limitation examples of exceeding the requirements include:

- (a) Digitalisation of systems and processes which

- i. improve customer experience outcomes,
    - ii. improve outcomes in operational performance, & service recovery, or
    - iii. reduce the cost of operations.
  - (b) The use of technologies to reduce the environmental footprint of services such as energy efficient lighting or waste management systems.
  - (c) Advanced vessel design technologies to improve efficiency and improve environmental impact.
  - (d) Alternative fuels and propulsion systems which reduce emissions.
- 32.6 Questions T1.3, T2.2, T2.3b T6 will be assessed on a Pass/Fail basis with the criteria summarised within Table 8.
- 32.7 Bidders should note the Minimum Score Threshold for questions T1.1, T1.2, T2.1, T3.1, T4. Bidders Responses that do not meet the Minimum Score Thresholds or the Pass/Fail criteria will be deemed non-compliant and the Bidder in question will be excluded from participation from the Procurement.
- 32.8 Bidders should refer to Part C which sets out the Technical Response Requirements.
- 32.9 As part of the evaluation of Bidder's Technical Response, the States will check for consistency across all other elements of the Bidders Responses. As such, Bidders must ensure that the content of their Technical Response is consistent with any other element of the overall Response.
- 32.10 The Technical Response will be marked out of 10 with the marking criteria allowing scores of 0, 2, 4, 6, 8 & 10 to be awarded as outlined in Table 6 & Table 7 below. Intermediate scores will not be used.
- 32.11 The page counts stipulated for the RFP questions are intended to encourage bidders to succinctly answer the questions. The states expect a bidder to work within the spirit of the page count. Adherence to the page counts do not constitute a pass/fail criterion. However, if the page count substantively exceeds the guidance, then the States reserve the right to request that the bidder resubmit those elements of the submission which have exceeded the guidance. A bidder will be given 48 hours to resubmit once notified.

*Table 6 - Technical Scoring Criteria (meeting the requirements only)*

Score	Description
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10	<p><b>Excellent</b></p> <p>An excellent Response that provides full confidence in the Bidder's proposals to meet the requirements. The submission provides robust and comprehensive evidence demonstrating the relevant ability, understanding, skills &amp; resource will be deployed to deliver the requirements.</p>
8	<p><b>Good</b></p> <p>A good Response that provides a good degree of confidence in the Bidder's proposals to meet the requirements. The submission provides good evidence demonstrating the relevant ability, understanding, skills &amp; resource will be deployed to deliver the requirements.</p>
6	<p><b>Satisfactory</b></p> <p>A satisfactory Response that provides an acceptable degree of confidence in the Bidder's proposals to deliver the requirements. The submission provides some evidence demonstrating the relevant ability, understanding, skills and resource will be deployed to deliver the requirements.</p>
4	<p><b>Partially Satisfactory</b></p> <p>A weak Response that addresses the requirements to a basic/ minimal level with RFP or no detail leading to a lack of confidence in the Bidder's proposals to deliver the requirements. The submission provides insufficient evidence to support the Response and demonstrate that the Bidder will be able to meet the requirements.</p>
2	<p><b>Unsatisfactory</b></p> <p>A substantially unacceptable Response which fails in several significant areas: The submission provides RFP or no evidence to demonstrate that the Bidder will be able to meet the requirements.</p>
0	<p><b>No Response / un-assessable</b> No Response at all or insufficient information provided in the Response such that the Response is totally un-assessable and/or incomprehensible.</p>

Table 7 - Technical Scoring Criteria (meeting & exceeding the requirements)

Score	Description
10	<p><b>Excellent</b></p> <p>An excellent Response that provides full confidence in the Bidder's proposals to meet the requirements. The submission provides robust and comprehensive evidence demonstrating the relevant ability, understanding, skills &amp; resource will be deployed to deliver the requirements.</p> <p><b>AND</b></p> <p>Provides confidence that the Response will result in innovation or enhancements to the quality of service which exceed the requirements, increasing the long-term value to the States.</p>
8	<p><b>Good</b></p> <p>An excellent Response that provides full confidence in the Bidder's proposals to meet the requirements. The submission provides robust and comprehensive evidence demonstrating the relevant ability, understanding, skills &amp; resource will be deployed to deliver the requirements.</p> <p><b>OR</b></p> <p>A good Response that provides a good degree of confidence in the Bidder's proposals to meet the requirements. The submission provides good evidence demonstrating the relevant ability, understanding, skills &amp; resource will be deployed to deliver the requirements.</p> <p><b>AND</b></p> <p>Provides confidence that the Response will result in innovation or enhancements to the quality of service which exceed the requirements increasing the long-term value to the States.</p>
6	<p><b>Satisfactory</b></p> <p>A satisfactory Response that provides an acceptable degree of confidence in the Bidder's proposals to deliver the requirements. The submission provides some evidence demonstrating the relevant ability, understanding, skills and resource will be deployed to deliver the requirements.</p>
4	<p><b>Partially Satisfactory</b></p> <p>A weak Response that addresses the requirements to a basic/ minimal level with RFP or no detail leading to a lack of confidence in the Bidder's proposals to deliver the requirements. The submission provides insufficient evidence to support the Response and demonstrate that the Bidder will be able to meet the requirements.</p>
2	<p><b>Unsatisfactory</b></p> <p>A substantially unacceptable Response which fails in several significant areas: The submission provides RFP or no evidence to demonstrate that the Bidder will be able to meet the requirements.</p>
0	<p><b>No Response / un-assessable</b> No Response at all or insufficient information provided in the Response such that the Response is totally un-assessable and/or incomprehensible.</p>

Table 8 - Pass/Fail Criteria

Description
<p><b>Pass/Fail</b></p> <p>A satisfactory Response that provides an acceptable degree of confidence in the Bidder's proposals to deliver the requirements. The submission provides some evidence demonstrating the relevant ability, understanding, skills and resource will be deployed to deliver the requirements.</p>

**33. Evaluation of Commercial Response Requirements**

- 33.1 The Commercial Response is worth forty one per cent (41%).
- 33.2 Bidders should refer to Part C which sets out the Commercial Response Requirements.
- 33.3 The aim of the Commercial evaluation is to ensure the States selects an Operator that has a robust commercial strategies in place that will drive investment and growth in services while delivering a high quality and appropriately priced service to customers.
- 33.4 As part of the evaluation of Bidder's Commercial Response, the States will check for consistency across all other elements of the Bidders Responses. As such, Bidders must ensure that the content of their Commercial Response is consistent with the Financial Model Pro Forma, and any other Response submitted as part of the overall Response.
- 33.5 Questions C1.3, C1.4 and C2 will be scored in accordance with Table 9 below.
- 33.6 Bidders should note the Minimum Score Threshold of 6 for Questions C1.3 and C2. Bidders Responses. C1.1 and C1.2 will be subject to negotiations, while Questions C1.3, C1.4 and C2 of the Commercial Response will be marked out of 10, as per the scoring criteria outlined in Table 9 below. No partial marks will be awarded.
- 33.7 Questions C3.1 and C3.2 will be scored in accordance with the following methodology:
  - (a) Bidders' Responses for C3.1 Mean Average Passenger and Vehicle Pricing will be scored in accordance with the following formula:

$$\begin{aligned}
 & \textit{Average Passenger and Vehicle Price Score} \\
 & = \left( \frac{\textit{Lowest Mean Average Passenger and Vehicle Price}}{\textit{Tenderer's Mean Average Passenger and Vehicle Price}} \right) \times 8\%
 \end{aligned}$$

A maximum score of 8% will be awarded to the Operator with the Lowest Mean Average Passenger Price.

- (b) Bidders' Responses for C3.2 Mean Average Freight Pricing will be scored in accordance with the following formula:

$$\textit{Average Freight Price Score} = \left( \frac{\textit{Lowest Mean Average Freight Price}}{\textit{Tenderer's Mean Average Freight Price}} \right) \times 8\%$$

A maximum score of 8% will be awarded to the Operator with the Lowest Mean Average Freight Price.

33.8 In the event that the States deems, in its reasonable opinion, that any of the submitted pricing elements are abnormally high or abnormally low (compared to the existing operator's price structures) then the Bidder may be requested to justify the pricing. If after the justification and evaluation the States remains of the opinion that the offer is abnormally low or high (unaffordable to the public), then the States reserves the right to reject the pricing and therefore the Bidders Proposal regardless of the outcome of the Proposal evaluation.

Table 9 - Commercial Scoring Criteria

Score	Description
10	<p><b>Excellent</b> - An excellent Response that:</p> <ol style="list-style-type: none"> <li>1) comprehensively addresses and meets the requirements of the question to an excellent standard;</li> <li>2) where evidence is required or necessary, provides robust and comprehensive relevant evidence that can be fully validated, demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver the requirements; and</li> <li>3) provides full confidence in the Bidder's proposals to deliver the requirements.</li> </ol>
8	<p><b>Good</b> - A good Response that:</p> <ol style="list-style-type: none"> <li>1) fully addresses and meets the requirements of the question to a good standard;</li> <li>2) where required or necessary provides, good relevant evidence that can be validated; demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver the requirements; and</li> <li>3) provides a good degree of confidence in the Bidder's proposals to deliver the requirements with some (at worst) very minor reservations.</li> </ol>
6	<p><b>Satisfactory</b> - A satisfactory Response that:</p> <ol style="list-style-type: none"> <li>1) addresses and meets the requirements of the question to a satisfactory standard in some detail;</li> <li>2) where required or necessary, provides some relevant evidence of the relevant ability, understanding, skills and resource and/or quality measures that will be deployed to deliver the requirements tested by the question, notwithstanding that there are minor issues which do not have a material impact on the overall suitability of the Bidder; and</li> <li>3) provides an adequate degree of confidence in the Bidder's proposals to deliver the requirements.</li> </ol>
4	<p><b>Partially Satisfactory</b> - A weak Response that</p> <ol style="list-style-type: none"> <li>1) addresses and meets the requirements of the question to a basic / minimal level with RFP or no detail; and/or</li> <li>2) where evidence is required or necessary, provides insufficient evidence to support the Response and demonstrate that the Bidder will be able to meet the requirements; and/or</li> <li>3) provides a lack of confidence in the Bidder's proposals to deliver the requirements.</li> </ol>

<b>2</b>	<p><b>Unsatisfactory</b> - A substantially unacceptable Response which fails in several significant areas:</p> <ol style="list-style-type: none"> <li>1) addresses and meets the requirements of the question with the RFP or no detail; and/or</li> <li>2) where evidence is required or necessary, no evidence has been provided to support; and demonstrate that the Bidder will be able to meet the requirements; and/or</li> <li>3) serious reservations as to the Bidder's proposals.</li> </ol>
<b>0</b>	<p><b>No Response / un-assessable</b> - No Response at all or insufficient information provided in the Response such that the Response is totally un-assessable and/or incomprehensible.</p>

### 34. Evaluation of Financial Response Requirements

- 34.1 The Financial Response is worth nine per cent (9%) and each sub-criterion will be scored in accordance with this section.
- 34.2 Bidders should refer to Part C which sets out the Financial Response Requirements.
- 34.3 Question F1 will be assessed on a Pass/Fail basis in accordance with the criteria outlined in the Financial Standing Questionnaire (Schedule 9).
- 34.4 Questions F2 and F3 will be marked out of 10 in accordance with the scoring methodology outlined in Table 10 and Table 11 respectively.
- 34.5 Question F5 will be assessed on a Pass /Fail basis. Table 10
- 34.6 Bidders should note the Minimum Score Threshold of 6 for Questions F2 and F3 is sort and the Mandatory Requirement for F4.
- 34.7 For the Responses that comprise of the Finance Score. The rates and prices shall represent the actual distribution of the anticipated costs. If any items appear to be priced abnormally high or low, the Bidder may be requested to justify the pricing. If the States remains of the opinion that the offer is abnormally low or high, they may reject the Bidders Proposal accordingly.

*Table 10- Funding and Finance Plan Scoring Criteria*

Score	Description
<b>10</b>	<p><b>Excellent</b> - An excellent Response that:</p> <ol style="list-style-type: none"> <li>1) Comprehensively details the projected level of funding required to fulfil its contractual obligations which fully aligns to the Financial Model;</li> <li>2) Includes a detailed explanation of the Funding and Finance Plan which meets all the requirements specified, including robust, relevant and comprehensive evidence demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver the funding and financing requirements;</li> <li>3) Evidence that the sources of funding and finance are committed to the Bidder, with fully corresponding letters of support that reconcile to Schedule 8, with no material amendment</li> </ol>

	<p>other than where such amendments provide evidence of a greater level of commitment by the finance provider.</p> <p>4) Detailed explanation of how it plans to progress its Funding and Finance Plan between the date of this submission and the expected Effective Date. Robust evidence of engagement with, and the agreement of third party and internal sources of funding to this plan should be provided; and</p> <p>5) Full details of contingency plans it has in place should the Funding and Finance Plan prove to be undeliverable between the date of this submission and the point of expected contract signature, with detailed and robust evidence.</p>
<p><b>8</b></p>	<p><b>Good</b> - A good Response that:</p> <p>1) Fully addresses and details the projected level of funding required to fulfil its contractual obligations which fully aligns to the Financial Model;</p> <p>2) Includes a detailed explanation of the Funding and Finance Plan which meets all the requirements specified, including good relevant evidence demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver of the financing requirements;</p> <p>3) Evidence that majority of the sources of funding and finance are committed to the Bidder, with corresponding letters of support that reconcile to Schedule 8, with only minor amendments made;</p> <p>1) Explanation of how it plans to progress its Funding and Finance Plan between the date of this submission and the expected Effective Date. Good evidence of engagement with, and the agreement of third party and internal sources of funding to this plan should be provided; and</p> <p>2) Full details of contingency plans it has in place should the Funding and Financing Plan prove to be undeliverable between the date of this submission and the point of expected contract signature, with good evidence.</p>
<p><b>6</b></p>	<p><b>Satisfactory</b> - A satisfactory Response that:</p> <p>1) Addresses and details the projected level of funding required to fulfil its contractual obligations which fully aligns to the Financial Model;</p> <p>2) Includes an explanation of the Funding and Financing Plan which meets all the requirements specified, including some relevant evidence demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver of the financing requirements;</p> <p>3) Evidence that majority of the sources of funding and finance are committed to the Bidder, with some corresponding letters of support that reconcile to Schedule 8;</p> <p>4) An explanation of how it plans to progress its Funding and Financing Plan between the date of this submission and the expected Effective Date. Some evidence of engagement with, and the agreement of third party and internal sources of funding to this plan should be provided; and</p> <p>5) Some details of contingency plans it has in place should the Funding and Financing Plan prove to be undeliverable between the date of this submission and the point of expected contract signature, with good evidence.</p>
<p><b>4</b></p>	<p><b>Partially Satisfactory</b> - A weak Response that</p> <p>1) addresses and meets the requirements of the question to a basic/ minimal level with RFP or no detail of the Funding and Financing Plan; and</p> <p>2) where evidence is required or necessary, provides insufficient evidence to support the Response and demonstrate that the Bidder will be able to meet the funding and financing requirements.</p>



<b>2</b>	<p><b>Unsatisfactory</b> - A substantially unacceptable Response which fails in several significant areas:</p> <ol style="list-style-type: none"> <li>1) addresses and meets the funding and financing requirements of the question with RFP or no detail; and</li> <li>2) where evidence is required or necessary, no evidence has been provided to support; and demonstrate that the Bidder will be able to meet the funding and financing requirements.</li> </ol>
<b>0</b>	<p><b>No Response / un-assessable</b> - No Response at all or insufficient information provided in the Response such that the Response is totally un-assessable and/or incomprehensible.</p>

Table 11 - Financial Stress Testing Scoring Criteria

Score	Description
<b>10</b>	<p><b>Excellent</b> - An excellent Response that:</p> <ol style="list-style-type: none"> <li>1) fully details all sensitivities required in accordance with the guidance that can be fully reconciled to the Financial Model Proforma;</li> <li>2) gives the States a very high degree of confidence that the Bidder's business is structured in such a way so as to fully minimise the risk of all required sensitivities or other extraneous event affecting the deliverability and availability of the Services;</li> <li>3) comprehensively addresses and meets the requirements of the question to an excellent standard; and</li> <li>4) where evidence is required or necessary, provides robust and comprehensive relevant evidence demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver the requirements.</li> </ol>
<b>8</b>	<p><b>Good</b> - A good Response that:</p> <ol style="list-style-type: none"> <li>1) fully details all sensitivities required in accordance with the guidance that can be fully reconciled to the Financial Model Proforma;</li> <li>2) gives the States a high degree of confidence that the Bidder's business is structured in such a way so as to minimise the risk of majority of the sensitivities, or other extraneous event affecting the deliverability and availability of the Services, with some (at worst) very minor reservations;</li> <li>3) fully addresses and meets the requirements of the question to a good standard; and</li> <li>4) where required or necessary provides, good relevant evidence; demonstrating the relevant ability, understanding, skills and resource that will be deployed to deliver the requirements.</li> </ol>

<b>6</b>	<p><b>Satisfactory</b> - A satisfactory Response that:</p> <ol style="list-style-type: none"> <li>1) fully details all sensitivities required in accordance with the guidance that can be fully reconciled to the Financial Model;</li> <li>2) gives the States a reasonable degree of confidence that the Bidder's business is structured in such a way so as to minimise the risk of majority of the sensitivities, or other extraneous event affecting the deliverability and availability of the Services, with some (at worst) only minor reservations in a few areas of the Bidder's Response;</li> <li>3) addresses and meets the requirements of the question to a satisfactory standard in some detail; and</li> <li>4) where required or necessary, provides some relevant evidence of the relevant ability, understanding, skills and resource and/or quality measures that will be deployed to deliver the requirements tested by the question, notwithstanding that there are minor issues which do not have a material impact on the overall suitability of the Bidder.</li> </ol>
<b>4</b>	<p><b>Partially Satisfactory</b> - A weak Response that:</p> <ol style="list-style-type: none"> <li>1) addresses and meets the requirements of the question to a basic/ minimal level with RFP or no detail; and</li> <li>2) where evidence is required or necessary, provides insufficient evidence to support the Response and demonstrate that the Bidder will be able to meet the requirements.</li> </ol>
<b>2</b>	<p><b>Unsatisfactory</b> - A substantially unacceptable Response which fails in several significant areas:</p> <ol style="list-style-type: none"> <li>1) addresses and meets the requirements of the question with RFP or no detail; and</li> <li>2) where evidence is required or necessary, no evidence has been provided to support; and demonstrate that the Bidder will be able to meet the requirements.</li> </ol>
<b>0</b>	<p><b>No Response / un-assessable</b> - No Response at all or insufficient information provided in the Response such that the Response is totally un-assessable and/or incomprehensible.</p>

### 35. Evaluation of Legal Response Requirements

35.1 The Legal Response is worth five per cent (5%).

35.2 The Response to the Question L1 will be awarded a score of between 0 and 5 according to the scale in Table 12:

*Table 12 - Legal Scoring Criteria*

Score	Description of information received
<b>0</b>	A complete rejection of fundamental principles set out within the Draft Concession Agreement.
<b>1</b>	Bidder's derogation table provides a significantly worse contractual position and risk transfer for the States than that currently specified within the Draft Concession Agreement. Insufficient or unclear commentary provided by the Bidder on the Draft Concession Agreement.
<b>2</b>	Bidder's derogation table provides a clear commentary but with a worse contractual position and risk transfer for the States than that currently specified within the Draft Concession Agreement.

<b>3</b>	Bidder's approach indicates broad acceptance of positions suggested by the States in relation to the contractual structure.
<b>4</b>	Bidder's approach indicates detailed acceptance of positions suggested by the States in the Draft Concession Agreement. A good level of commentary demonstrating an understanding of the risks associated with the delivery of the service. A number of potential savings to the States identified and/or additional risks accepted by the Bidder.
<b>5</b>	<p>Bidder's approach indicates detailed acceptance of positions suggested by the States in the Draft Concession Agreement, with such acceptance substantially enhanced by improved commercial offer around risk transfer and/or potential savings to the States.</p> <p>Commentary provided shows excellent appreciation of the risks/contractual issues involved in the services. A significant number of amendments suggested to the contractual structure highlighting either additional risks being accepted by the Bidder or potential savings to the States, with (where possible) such savings being valued in price terms in a clear and credible fashion, with some financial evidence to support such assessment.</p>

35.1 If a Bidder receives a score of 0 or 1 it will be classified as a technical fail the evaluation of the Legal Response. Bidders may include mechanism to ensure the financial sustainability of the agreement.

**36. Bidders Total Score**

36.1 Bidders will be awarded a total score with the maximum score being 100%.

36.2 The total score for each Proposal will be calculated by aggregating the scores for your Technical, Commercial, Financial and Legal Responses, calculated to two decimal places.

36.3 The total scores will be used to rank Bidders from highest to lowest.

36.4 A report upon the outcome of the technical evaluation using the RFP submission and information will be prepared and submitted to the Senior Response Officer for the Programme for their consideration and further discussion with the relevant Ministers of the Government of Jersey

## Schedule 1 – Submission Statement (form of Proposal)

### GOVERNMENT OF JERSEY

#### – FERRY OPERATOR SERVICES PROCUREMENT

#### SUBMISSION STATEMENT TO GOVERNMENT OF JERSEY/ (“the States”)

1. Having examined the Proposals Document (“RFP”) and its accompanying documents, and being fully satisfied in all respects with the requirements of the conditions and the contract documents, and in consideration of the States considering this Proposal, I/we hereby provide our Selection Questionnaire and Proposals to offer to provide the services as specified in the RFP, contract documents and the draft Concession Agreement (subject to any stated derogations in our submission). **This offer is expressed to be open and shall remain open for acceptance by the States for a period of 120 days from the date of this Proposal Submission Statement.**
2. If we are shortlisted to participate in further stages of this procurement process, we will build on the proposals set out in this RFP.
3. We accept that the States is in no way committed to award any contract pursuant to the procurement process and is not bound to accept the lowest or any bid; and the States is not obliged to award the contract and may, at its sole discretion, withdraw from the procurement process at any stage without incurring any liability to any Bidder (or bidder at any subsequent stage of the procurement).
4. We certify that this is a bona fide competitive submission and that we have not fixed the amount of the submission as a consequence of any agreement or arrangement with any other person or body. We certify further and undertake that we have not and will not commit all or any of the following:
  - (a) communicate to any person or body other than the States or the person calling for these Proposals on behalf of the States the amount or approximate amount of the proposed submission.
  - (b) influence, or attempt to influence any prospective bidder so that he shall refrain from proposing or fix his Proposal price in a particular way.
5. We agree, if required, to enter into legal documents to be executed as a deed in the form of the Concession Agreement (as supplemented by our Proposal) within 14 days of being called on to do so.
6. We agree that before executing the Concession Agreement (and associated schedules) substantially in the form set out in the RFP, the formal acceptance of this Proposal in writing by the States or such parts as may be specified, together with the contract documents attached hereto shall comprise a binding contract between the States and the Bidder.
7. We further agree with the Authority in legally binding terms to comply with the provisions of confidentiality set out in the RFP.
8. Accompanying this submission are the following documents submitted and referenced as numbered in this Submission Statement and in accordance with the RFP:

Bid Submission Reference	Bid Submission Requirement	Included (√)
1	Identify any confidential or commercially sensitive information	
2	Submit certificates of non-collusion	
3	Submit certificates of no canvassing	
4	Full response to RFP (Selection Questionnaire and Proposals)	
5	Proposed structure of the bidding organisation, details of the key sub-contracts to be entered into and confirmation that any sub-contracts proposed will be entered into by the operator at the time of execution and that all key sub-contractors will enter into collateral agreements with the States	

**I warrant that I have all requisite authority to sign this Proposal and confirm that we have complied with all the requirements of the RFP.**

1 **SIGNED** .....

**POSITION** .....

2 **SIGNED** .....

**POSITION** .....

On behalf of .....

Date .....

**Schedule 2 – Certificate as to Non-Collusive Proposal**

**GOVERNMENT OF JERSEY/**

**– FERRY OPERATOR SERVICES PROCUREMENT**

**FORM OF OFFER TO SUPPLY SERVICES TO GOVERNMENT OF JERSEY/ (“the States”)**

The essence of the public procurement process is that the States shall receive bona fide competitive bids from all Bidders. In recognition of this principle I/we certify that this is a bona fide bid, intended to be competitive and that I/we have not fixed or adjusted the amount of the bid or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other party.

I/We also certify that I/we have not done and undertake that I/we will not do at any time any of the following acts:

- A. communicate to a party other than the States the amount or approximate amount of my/our proposed bid (other than in confidence in order to obtain quotations necessary for the preparation of the bid),
- B. enter into any agreement or arrangement with any other party that he shall refrain from bidding or as to the amount of any bid to be submitted, or
- C. offer or agree to pay or give or pay or give any sum of money inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused any act or omission to be done in relation to any other bid or the proposed bid.

In this Certificate:

the word “person” includes any person, body or association, corporate or incorporate the phrase “any agreement or arrangement” includes any transaction, formal or informal whether legally binding or not.

**SIGNED** .....

**POSITION** .....

**SIGNED** .....

**POSITION** .....

On behalf of .....

Date .....

**Schedule 3 – Certificate as to No Canvassing**

**GOVERNMENT OF JERSEY/**

**– FERRY OPERATOR SERVICES PROCUREMENT**

**FORM OF OFFER TO SUPPLY SERVICES TO GOVERNMENT OF JERSEY/ (“the States”)**

I/We hereby certify that I/we have not canvassed any member, officer, employee, agent or contractor of the States in connection with the award of the agreement for the Procurement or any other proposed contract and that no person employed by me/us or acting on my/our behalf has done any such act.

I/We further hereby undertake that I/we will not in the future canvass or solicit any member, officer, employee, agent or contractor of the States in connection with the award of the agreement for the Procurement or any proposed contract and that no person employed by me/us or acting on my/our behalf will do any such act.

**SIGNED** .....

**POSITION** .....

**SIGNED** .....

**POSITION** .....

On behalf of .....

Date .....

## Schedule 4 – Selection Questionnaire

Please see separate document.



**Schedule 5 – Draft Concession Agreement**

Please see separate document.

**Schedule 6 – Schedule of Confidential Information**

**GOVERNMENT OF JERSEY/**

**– FERRY OPERATOR SERVICES PROCUREMENT**

**FORM SETTING OUT INFORMATION THAT THE BIDDER BELIEVES IS COMMERCIAL IN CONFIDENCE (TO BE SUBMITTED WITH RFP RETURN)**

Name:		
Name of Organisation:		
Telephone		
SECTION OF SUBMISSION	REASON WHY INFORMATION IS DEEMED TO BE CONFIDENTIAL AND TIME PERIOD	
Signed:		
Date:		
Position:		

## Schedule 7 – Comprehensive list of documents contained in the Data Room

### GOVERNMENT OF JERSEY/

#### – FERRY OPERATOR SERVICES PROCUREMENT

The States has set up a Data Room in order to assist Bidders.

The States believes that the following folder structure for the Data Room will assist Bidders in providing an informed proposal and to enable further proposals to be developed:

#### Harbours information

##### Jersey Harbours

- Ports of Jersey Ltd – Harbours overview (PDF)
- Jersey Harbour information (Word)
- Jersey Ports Data (Excel)
  - Historical passenger data
  - Historical freight data
- Jersey Harbour Tariffs 2024 (PDF)

#### Legislation and policy

- Jersey Maritime guidance and legislation (Link)
- Jersey's Sea Transport Policy (Word)<sup>7</sup>
- Jersey Social Value Model (PDF)<sup>8</sup>
- Jersey Social Value FAQs (PDF)
- Jersey Social Value Monitoring Form (Excel)

The documents provided under this RFP are solely for the purposes of informing Bidders of the opportunity available and to provide some background to the States' decision making. The list of documents may be expanded during the Proposal process.

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<sup>8</sup> For this unique procurement, the Government of Jersey are awarding a 5% evaluation weighting for Social Value, rather than 10% as stated in Social Value Model document.

## Schedule 8 – Template Letters of Support

### Proposed Third Party Financier's Commitment Letter

We have reviewed [*Bidder company name*]'s proposal to be submitted RFP to the Government of Jersey ("the States") on [*Date*] and confirm our intention to provide funding of £[●]m on the terms detailed in the attached term sheet. We further confirm the following:

- (a) The proposed funding to [*Bidder company name*] has received credit committed approval in principle confirming specifically the provision of the funds specified will be committed to the Bidder at the expected Effective Date and made available as required prior to the relevant Services Commencement Date. This is based on the attached term sheet and the draft contract between the States and [*Bidder company name*].
- (b) The term sheet reflects current market terms and conditions and is deliverable.
- (c) We will have sufficient lending capacity to provide the full level of funding outlined in the term sheet, and there are no capital, liquidity or lending constraints, nor other potential projects pending, that will prevent us lending the full amount outlined in the term sheet for this project. We further confirm that this offer is not reliant on syndication of the debt to third parties, nor on our ability to successfully issue new debt or raise new equity.
- (d) We believe a financial close date of [*DATE*] is achievable.
- (e) We have reviewed the draft contract between the States and [*Bidder company name*] and require no further revision to the draft contract.
- (f) We have reviewed [*Bidder company name*]'s financing plan for the whole contract and we are satisfied that sufficient contingencies are in place to enable [*Bidder company name*] to fulfil its contractual obligations. We have reviewed and accept [*Bidder company name*]'s mobilisation plan.
- (g) We have reviewed and accept the [*Bidder company name*]'s Financial Model.
- (h) We have completed our technical and legal due diligence on the bid.
- (i) On the basis of the contract being signed on [*DATE*], we will seek full credit committed approval on [*DATE*] with the terms and conditions held and available for drawdown until [*DATE*] and anticipate such approval to be granted subject only to finalisation of documentation and final confirmatory due diligence on the final forms of documentation.

**Proposed internal funding Commitment Letter (to be completed by the Chairman or CEO of the company providing the funding – “Parent Co” of the Bidder)**

I have reviewed [*Bidder*]'s proposal to be submitted to the States on the [*DAY of MONTH/YEAR*] and confirm [*Parent Co.*] will provide funding of £[●]m on the terms detailed in the attached term sheet as set out in the attached Board Minute (see below).

We further confirm that:

- (a) The proposed funding for [*Bidder*] has been reviewed by and received the approval of the Board of Directors of [*Parent Co.*]. Further, the Board of Directors of [*Parent Co.*] confirm that [*Parent Co.*] is willing and able to provide the finance specified to [*Bidder*] on the basis of the draft contract between the States and the Bidder. The finance will be committed to the Bidder at the expected Effective Date and made available as required. A Board Minute is attached which confirms the above.
- (b) [*Parent Co.*] has access to the full level of funding specified and there are no capital, liquidity or lending constraints, restrictions imposed upon us by contracts with Third Party funders, nor other potential projects pending, that will prevent us providing the full amount. We further confirm that this offer is not reliant on our ability to successfully issue new debt or raise new equity.
- (c) I believe a financial close date of [*DATE/MONTH/YYYY*] is achievable.
- (d) On the basis of the contract being signed on [*DATE/MONTH/YYYY*], the funds specified will be available on the same basis outlined in [*Bidder*]'s Bid Submission until [*DATE/MONTH/YYYY*].
- (e) The Board of [*Parent Co.*] is satisfied with the draft contract between the States and [*Bidder*] and require no further revision to the draft contract.
- (f) The Board of [*Parent Co.*] is satisfied with the [*Bidder*]'s financing plan for the whole contract.
- (g) The Board of [*Parent Co.*] is satisfied with the [*Bidder*]'s mobilisation plan.
- (h) The Board of [*Parent Co.*] is satisfied with the [*Bidder*]'s Financial Model.
- (i) [*Parent Co.*] have completed our technical and legal due diligence on the bid.

## **Schedule 9 – Financial Standing Questionnaire**

Please see separate document.

**Schedule 10 – Financial Standing Spreadsheet**

Please see separate document.

Schedule 11 – Draft Concession Agreement Derogation Table

Document reference (Clause / Paragraph / Schedule)	Bidder suggested change	Bidder explanatory comments