



July 23, 2018

**To All Prospective Respondents**

**Request for Qualifications for the Design-Build-Finance-Operate-Maintain of the Puerto Rico Maritime Transportation Services Project**

**ADDENDUM #2**

We make reference to the Request for Qualifications for Design-Build-Finance-Operate-Maintain of the Puerto Rico Maritime Transportation Services Project (“RFQ”) amended by the Puerto Rico Public-Private Partnerships Authority (“Authority”) on June 29, 2018.

According to Section 1.9 of the RFQ, a Respondent may submit a request for clarification (“**RFC**”) to the Authority for explanation or interpretation of any matter contained in the RFQ.

The following information is included in this Addendum #2:

- I. Revised response to RFC #006
- II. Responses to additional Requests for Clarifications

**RFC # 006 (RFC submitted in Spanish – translation provided)**

*¿Se encuentran las líneas de Ceiba - Vieques y Ceiba - Culebra bajo la normativa de la ley de cabotaje Jones Act o se consideran municipios fuera de la aplicación de esa ley?*

**ENGLISH TRANSLATION OF RFC:**

**Does the Jones Act apply to the Ceiba-Vieques and Ceiba-Culebra routes or are they considered out of scope of this act?**

## REVISED RESPONSE

Given the complexities of the Jones Act, the P3 Authority encourages respondents to develop their own view whether the Jones Act applies. Respondents are reminded, however, that the concession agreement will require the concessionaire to comply with all applicable laws.

### **RFC # 008**

**Is the Ferry System currently self-insured?**

#### RESPONSE

The Ferry System is insured. The P3 Authority plans to provide additional details of the type of insurance to the shortlisted Proponents.

### **RFC # 009**

**The format presented in Appendix 1, if taken as presented, leaves the 7 previous documents out of the Table of Contents, is that correct? Said 7 documents should be an integral part of the table of contents?**

#### RESPONSE

The Table of Contents should include reference to all forms and sections within a Respondent's SOQ response, including the 7 documents listed prior to the Table of Contents.

### **RFC # 010**

**On page 36, section 6.3.1 a) a list of evidences is established to sustain the technical capacity.**

- a. For example # 1: Evidence of customer service and ticketing system development and operation. You can tell us what kind of evidence we can include that evidences that we have such a system.**

#### RESPONSE

Respondents may cite experience that demonstrates a Respondent's ability to fulfill the expected requirements of the Project, which may include the development and operation of ticketing systems. Respondents may demonstrate experience with its ability to satisfy potential ticketing requirements of the Project, which may include but not be limited to:

- Operation and maintenance of an electronic ticketing and reservation system

- Financial reconciliation of all forms of payment
- Evidence of providing proof of payment, receipts, and fare validation
- Implementing electronic ticketing in addition to paper ticketing
- Online ticket sales, attendant ticket sales, and/or ticket vending machines and mobile application experience
- Monitoring the performance of ticketing equipment
- Reporting faults and issues of ticketing systems

**b. For example # 2 Evidence of meeting local, governmental, federal and international labor standards and fair wages. Can you tell us what kind of evidence we can include to support this particular?**

RESPONSE

Respondents may cite experience that demonstrates a Respondent’s ability to fulfill the expected requirements of the Project, which will include meeting local, governmental, federal and international labor standards and fair wages. Respondents may demonstrate this experience by providing a description of past labor practices and/or providing insight as to how labor unions or labor issues have been dealt with in other jurisdictions they have been involved in.

**RFC # 011**

**For the Cover Page in addition to the correspondent description for each Team Members, it is necessary to include copy of some ID?**

RESPONSE

No, the Cover Page should include identification of all Team Members subject to a 1 page maximum.

**RFC # 012**

**About the binders as described on set Format; Page. 28. If we understand correctly, at the end we should submitting 18 binders: 3 ORIGINALS (PART A, PART B & PART C) and 5 similar sets of copies.**

RESPONSE

Yes, Respondents should submit one original and five copies (numbered 1-5 on the spine) for a total of 6 binders. Respondents should submit each binder in accordance with Appendix 1 – SOQ Format of the RFQ, which includes parts A – General Information, B – Technical Information, and C – Financial Information, for a total of 18 binders. In

addition, Respondents should also submit one digital copy of the SOQ inclusive of parts A, B and C.

**RFC # 013**

**In the case of the reference for the financial key personnel (FKP) that has to be of projects in which the FKP has been involved in the last 5 years. In our case, the FKP has worked in the proponent structure for 28 consecutive years developing, structuring and managing financial matters and certainly one of the projects has been developed during the last 5 years. This reference can be made by the CEO of Team Members or there are other alternatives to supply said, since it would be issued by a member of the Team. The reference will be in letter format?**

**RESPONSE**

Yes, the noted experience can be used as cited Financial Key Personnel have been involved within the last 5 years. Respondents should refrain from citing experience that has occurred outside of the 5 year threshold.

Respondents are encouraged to provide references from entities outside of its Team Members, if available. Respondents should refrain from providing references from the same entity.

**RFC # 014**

**In the table presented on page 10 indicates that the Public Sector manages Fuel Price; please indicate how this structure would operate on a day – to –day basis. Who would we pay for the fuel?**

**RESPONSE**

Currently, the Government of Puerto Rico through affiliated entities including the MTA, purchases fuel in bulk amounts at a discount from current market rates, for use to operate the ferry system and other assets. The Private Partner selected will have the option to purchase fuel at these reduced rates through the MTA. However, procurement of fuel to operate the Ferry Service remains solely the responsibility of the Private Partner, irrespective of where it's purchased. The P3 Authority plans to provide more detail surrounding the structure of fuel volume and price in the upcoming RFP.

**RFC # 015**

**Is there a specific form for Certification Regarding Lobbying? If so, it was not included in the RFQ. Can it be provided?**

RESPONSE

Respondents shall respond to this question using the attached form of anti-lobbying certification.

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**  
(to be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Name of Contractor

\_\_\_\_\_  
RFP or ITB No.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date