

CLARIFICATION #3

The Provision of Consultancy Services for Economic Regulatory Review of Airport Charges and Setting of Price-Caps for Norman Manley International Airport and the Sangster International Airport for the JCAA Request for Proposal # (2023/JCAA/01)

Bidder requested clarification on the under-mentioned questions; the questions are in **black** and the responses from the JCAA are in **blue**. It is the JCAA's position that all Bidders must be privy to the same information in an effort to maintain transparency and fairness of the procurement process, hence us publicizing the responses to the clarifications being sought.

- 1. The submission deadline for the captioned procurement has been extended from February 01, 2023 @ 3:00 p.m. to February 22, 2023 @ 3:00 p.m. and is now being **extended to February 23, 2023 @ 3:00 p.m.**, as February 22, 2023, is a Public Holiday in Jamaica, and the offices of the Jamaica Civil Aviation Authority will be closed to the public. The tender opening is still scheduled for February 23, 2023 @ 3:15 p.m. All other terms and conditions of the RFP remains.*
- 2. The JCAA is in the process of preparing responses to all the clarifications. You will be advised as soon as same is posted to the website.*
- 3. Please note the deadline for clarification has also been extended to February 01, 2023.*

1. Tender was published on the 10th of January and deadline set for 1st of February with a requirement to physically deliver the technical and financial proposal at JCAA's office in Kingston which basically means we need to allow for 3-4 working days for international track delivery (via courier). Considering the short timeframe for bid preparation and delivery method, would JCAA consider and extension of the deadline by 2 weeks please (i.e 15th February 2023)

JCAA s response:

The submission deadline has been extended to from February 01, 2023 @ 3:00 p.m. to February 22, 2023 @ 3:00 p.m. All other terms and conditions of the Request for Proposal (RFP) remains.

2. Is this a World Bank funded project? We have participated recently in other World Bank funded tenders and we can recognize same standard T&Cs, procedures and templates.

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This is not a World Bank funded project. This is a Government of Jamaica funded project.

3. Can you confirm this is a Lump-Sum contract and not a Time-Based Contract?

JCAAs response:

This is a Lump-sum contract.

4. On the header of the **Data Sheet (Section 2)** it is stated: **Tax Compliance Certificate will be required prior to contract signing*. Is this to be provided by the Consultant or the Procuring Entity and when?

JCAAs response:

The Tax Compliance Certificate (TCC) is to be provided by the Consultant after contract award and prior to contract signing. Only the successful bidder will be required to obtain a TCC.

5. **ITC 10.1:** It is defined that TECH-XX forms are required as part of the Proposal but there is no reference to the FIN-XX forms. Can you confirm if FIN-XX forms are required and if so, update ITC 10.1.

JCAAs response:

Financial Forms are required.

*ITC 10.1 is referencing the documents that must form part of the **technical proposal**. There are usually two (2) types of proposals that can be offered for consultancy, the simplified and the full technical proposal. ITC 10.1 is indicating that for this consultancy, the requirement is for consulting firms to submit the FULL TECHNICAL PROPOSAL, that must include all the documents (forms) listed thereunder. Please note that the technical and financial proposals are to be placed in two (2) separate envelopes and placed in a further envelope for submission. The technical proposal only, will be opened at the tender opening, and if same scores 65 points and above, then the consulting firm will be advised, and we will proceed with the opening of the financial proposal at a separate sitting. Please refer to Sections 14 and 15 of the Instruction to Consultants/Firms for further information.*

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6. **ITC 13.1:** Clarifications may be requested no later than ten days prior to submission deadline. Can you confirm these are natural days and therefore last day to submit clarifications is Sunday 22nd of February.

JCAAs response:

I am assuming that you meant January 22, 2023, and not February 22, 2023, as indicated in your question. Due to the extension of the submission deadline. The last date for clarification is February 01, 2023.

7. **ITC 17.6 and 17.8:** Would you reconsider submission format and allow electronic/email submission?

JCAAs response:

Electronic response is not an option currently, hence us facilitating the request to extend the submission deadline. All submission must be done in hard copy.

8. **ITC 22.1 / A. Technical Approach & Methodology / Point 5:** By “Training Regulatory Analysis” do you mean that the Consultant will need to provide training services to the beneficiary on regulatory analysis? Please confirm.

JCAAs response:

Sufficient to review high level annual out-turns versus the projections that were submitted for the review.

9. **ITC 22.1 / C. Organization and Staffing / Key Professional Staff Qualification:** By “Number of projects undertaken 5 or more & 10 years experience” you mean that the nominated experts must demonstrate experience in delivery of 5 or more similar projects and +10 years of experience? Please confirm.

JCAAs response

Yes. Confirming.

10. **ITC 22.1 / C. Organization and Staffing / Key Professional Staff Qualification:** Do these qualification requirements apply to Key Experts and

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Non-Key Experts? Are there any additional qualification requirements for key experts (it is not mentioned in the Terms of Reference).

JCAAs response:

Both Key and Non-Key Experts

11. Please confirm that the amount to be proposed in the Financial Proposal is before all taxes. Is it the consultant's responsibility to investigate what local indirect taxes or will you provide any indication of that?

JCAAs response:

The amount to be placed in the financial proposal is before all taxes. You can indicate that the cost listed is X amount plus all applicable taxes.

12. Please confirm we can request to be paid in GBP (£).

JCAAs response:

You can request to be paid in GBP (£). However, please note that 26.1 of the data sheet indicates that all prices will be converted to a single currency (United States Dollars (USD)) for evaluation and comparison purposes. It would be great if the costing is also provided in United States Dollars, along with the GBD.

13. **FORM TECH-2 / B- Consultant/Firm's Experience/1:** It is not clear the period (years) for which examples of similar assignments can be provided in the table (number of years not define).

JCAAs response:

The number of projects undertaken should be five (5) or more, and 10 years' experience.

14. **Section 4. Financial Proposal – Standard Forms** (In line to question #5 above) Financial Proposal Standard Forms shall be used according to instructions provided in Section 2 (Data Sheet). As Data Sheet ITC 10.1 does not include FIN forms, can we understand these are not required? Please confirm

JCAAs response:

The Financial forms are required. Please refer to our response to question #5.

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15. **Section 4. Financial Proposal – Standard Forms.** Please confirm if all the Financial Proposal forms are required to be populated with information from any proposed sub-consultant or if the details is only required for the Consultant.

JCAAs response:

Financial information is required for both the Consultant and the sub-Consultant.

16. **Section 5. Terms of Reference/ Timeline:** Project is set to start in September 2023. Is this linked to the availability of funding for the project or is there any flexibility with start dates? Could the project start before?

JCAAs response:

Yes, the project can commence before. Same is dependent on the actual cost of the consultancy and procurement process. Each threshold value requires different approval process.

17. **Section 5. Terms of Reference/ Timeline:** What are the timelines expected for Phase 4 and Phase 5?

JCAAs response:

March 2024 & June 2024 subject to the actual start date. The final determinations are to be available by June 30, 2024, for charges that will take effect January 1, 2025

18. **Section 5. Scope of Consultancy:** Can you confirm that we will only be reviewing/assessing airport submissions of traffic forecasts, capex and opex forecasts and not required as part of the Scope of Consultancy to produce independent forecasts.

JCAAs response:

The Consultant will need to be able to review and verify. While it is may not necessarily be a requirement to produce independent forecast. The Consultant must have the capacity to be to take a view on whether the projections are reasonable.

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19. **III. Special Conditions of Contract (for Lump-Sum):** Can you confirm there are no Special Conditions of Contract applicable? There is no indication on important clauses for example: effectiveness conditions (SCC 11.1), Termination of contract for Failure to Become effective (SCC 12.1), Expiration of contract (SCC 14.1), Indirect local taxes (SCC 39.1 and SCC 39.2), currency of payment (SCC 40.1), payment schedule (SCC 41.2). Please confirm if any of these are missing.

JCAAs response:

Special conditions of contract will be applicable. However, that will be determined by our Legal department. Those are usually included during contract negotiations.

20. Is there any maximum budget/not-to-exceed price?

JCAAs response

There is not a maximum budget to exceed. However, please bear in mind that proposals are ranked according to their combined technical and financial scores.

21. For this project, ----- is looking to team with ----- arm of the global engineering and management consultancy – Jacobs, as a subconsultant to ----- . For full disclosure and transparency, -----, a wholly owned ----- company is currently engaged at ----- undertaking Project Management duties for the ----- . We understand that the -----work will be completed by the end of the summer, prior to the commencement of the regulatory services engagement.

Given the specifics of the ----- role at ----- and the fact that this project will be undertaken by ----- staff, we do not believe that this would be a Conflict of Interest. We can enable ‘virtual walls’ and provide you with an overview of how we will manage any perceived conflict of interest and the steps we will take to ensure the project is undertaken independently. We seek the view of the Jamaican Airports Authority in this matter and are happy to provide further information should you need.

JCAAs response:

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There is a possibility that this project may commence prior to the scheduled period indicated. Please highlight in your proposal to be submitted, the information provided above, with an overview of how you will manage any perceived conflict of interest and the steps you will take to ensure the project is undertaken independently.

22. Does JCAA expect the Consultant to develop new regulatory models from scratch for the purpose of this project or are there any models already that JCAA wants the Consultant to review and improve?

JCAAs response:

Yes, there are models available which can be reviewed and improved.

23. Section 5. Terms of Reference /“Scope of Consultancy”: Passenger forecasts and WACC are mentioned as two of the areas to consider for the determination of price-caps/controls however one page above, Passenger Forecast and WACC are not listed under “1.Method of Regulation & Till Regime”. Please confirm that these two points will need to be assessed.

JCAAs response:

Yes, Passenger forecasts & WACC will need to be assessed.

24. We understand that our Company will be responsible to calculate the future air traffic forecast for the next years for both airports. Please confirm our understanding.

JCAAs response:

The airports will submit their traffic forecasts (and other forecasts) which will be reviewed and verified by the consultants. This may require alternate forecasts, if necessary. The expectation is that the Consultant will use their expertise & experience to validate (or not) the forecasts provided by the airports.

25. Can the proposal be sent only via “online-portal”? The mail-sending process can take many days which we lose for proposal preparation.

JCAAs response:

Please refer to our response to question # 7

26. We understand that we may choose between “lump-sum” or “time-based” approach. Can you confirm?

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JCAAs response:

Please refer to our response to question # 7

27. In case we select the “time-based” approach, the estimated total value is the one which will be taken for financial weight evaluation of our proposal, correct?

JCAAs response:

Please refer to our response to question # 7

28. According to ITC 5.10 you ask for a Tax Compliance Letter stating that we paid all taxes in Jamaica. Our company can provide the tax compliance letter for Germany, where we are obliged to pay respective taxes. Would this be acceptable for you? Does it have to be submitted with the proposal or after award?

JCAAs response:

There will be no need to submit evidence of your company being tax compliant in Germany. The requirement to provide a tax compliance certificate will be required only if your company is awarded the contract. This tax compliance certificate (TCC) can only be obtained in Jamaica. Further guidance will be provided to the successful bidder.

29. Data Sheet ITC 14.1 states that the condition of “short listed consultants may associate with” is not applicable. Does it mean we may not subcontract? If it is possible to use subconsultants or JVs, how would we get the approval of the procuring entity before proposal submission, which is required according to ITC 14.1.1 ?

JCAAs response:

In this consultancy short listed consultants is not applicable as this is an International Competitive Bidding procurement. Sub Consultants can be used or Jvs.

30. Form Tech 6: in their CV the experts state that they will be available. What happens if somebody gets sick, for example? Is it possible to insert exceptions to the confirmation?

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JCAAs response:

Yes, it is possible to insert other consultants. However, they must possess same or similar qualifications and experience. Approvals will need to be obtained from the Jamaica Civil Aviation Authority (JCAA) prior.

31. Form Fin 3: salary statements must be shared. According to the German data protection laws, it is forbidden to publish selected salaries of our employees. Would the average of the salary being paid for the different consultant levels be acceptable?

JCAAs response:

We really would rather the cost to be associated with the different consultants to the project. However, you may average the salary and if successful we can see if the Public Procurement Commission (PPC) will accept same. If they don't, we will have to come back to you, because while that law is applicable in Germany, in Jamaica we may need to see the total allotment for each consultant.

32. We understand that Jamaican law is applicable. Could this topic be negotiated in order to select a “neutral” Country (neither Jamaican nor German)?

JCAAs response:

This topic can be negotiated.

33. Same applies to 49.1: can we also negotiate a neutral place for arbitration issues?

JCAAs response:

This topic can be negotiated.

34. Would you expect us to make suggestions related to the SCC already in our proposal or will any topic be negotiated later on in case we win? For example, what would be the conditions related to liability and could we limit it to the volume of the project?

JCAAs response:

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Same can be negotiated after contract award.

35. Would it be possible to agree on shorter periods than 60 days for payment of invoices and 45 days for termination because of late payments as stated in the GCC? Our suggestion is reduction to 30 days for payment.

JCAAs response:

Same can be negotiated with the successful bidder after contract award.

36. Is WHT in Jamaica applicable for non-residents and if yes, how high is this WHT rate? We are a non-resident company without any branch / office in Jamaica.

JCAAs response:

WHT of 3% is imposed on payments in respect of 'specified services' purchased locally (above a de minimis amount of JMD 50,000 per invoice). I do not believe same will be applicable to international companies.

37. If we foresee a shorter period to achieve the project goals than the period estimated in the RfP, may we suggest it in our proposal or do we need to keep to your estimation?

JCAAs response:

Yes, a shorter time to achieve the project goals can be included in the proposal.

38. Question 1: ITC 17.1 states that: "The Consultant must submit: (a) Technical Proposal: one (1) original and three (3) copies. (b) Financial Proposal: one (1) original." Given the time-intensive nature of print submissions, would the client kindly consider also providing bidders the option of submitting their proposals electronically i.e., via email. We believe this is more efficient especially considering that some couriers are either not quoting shipments to Jamaica or providing guarantees of delivery, whereas printing locally has risks of non-conformity. Similar to other bids, the financial proposals could be password protected.

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JCAA's response:

Please refer to our response to question # 7

39. Question 2: ITC 2.5 states that: "The procuring entity will provide the following inputs, project data, reports, etc. to facilitate the preparation of the Proposals: Access to data." To facilitate the preparation of our proposal, can the authority please provide us with access to the aforementioned data.

JCAAs response:

Please accept our apologies for that error. The information that we can provide has been included in the terms of reference.

40. Please confirm the expected duration of the assignment is thirteen (13) months inclusive of the duration taken by the client to review and approve submitted deliverables.

JCAAs response:

The expected duration of the project usually between 12 -18 months subject to the Government of Jamaica (GOJ) Procurement process. The final determination of the tariffs should be available by June 30, 2024.

41. Kindly confirm the types and respective rates of all applicable direct taxes, payable by both resident and non-resident bidders, that need to be factored into the financial proposals www.iospartners.com 311 Mendoza Avenue Coral Gables, FL 33134 USA Office: +1-305-648-2877 Fax: +1-305-446-7122

JCAAs response

Please refer to our response to question # 11

42. Question 5: To level the playing field and align bidders' expectations with the budget limitations with the understanding that bidders might go above the estimated budget in line with their methodology and the project objectives: Please clarify the estimated Key Experts' total level of effort/ time-input over the project duration (in person-months)

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JCAAs response:

As Experts in the proposed consultancy, we expect that in reviewing the terms of reference the Consultant should be able to determine the effort and time required to complete the referenced project. While we have an internal budget, if needs be and within reasons, we will yield to the cost provided by the Consultants.

43. Question 6: While it is our understanding that bidders are responsible for proposing a team appropriate for undertaking the assignment as envisaged in the Terms of Reference, please confirm the client's minimum expectations regarding the key expert positions that will make up the consultancy team.

JCAAs response:

The minimum expectation regarding the key expert positions that will make up the consultancy team Project Director, Project Manager, Advisor and other team members. Each consultant must have clearly defined areas of expertise.

44. Please confirm that costs associated with publishing the proposals for charges should not be included in the consultants' financial proposals and will be covered separately by the client.

JCAAs response:

No, the responsibility and associated costs for publishing the charges should not be included in the financial proposals.

45. ITC 17.6 and ITC 17.8 states that: "The Proposals must be submitted no later than: Date: _01/February/2023 Time: 3:00 p.m." Considering the disruption of the just concluded holiday season to bidders' normal business processes, importance of the assignment, and to be able to submit quality offers, we would be grateful if you could respectfully consider the possibility of extending the deadline for receipt of proposals until February 28, 2023. While we recognize that you have a well-developed timebound plan, we trust that this short extension will be manageable and acceptable to you given the tentative September commencement date. The additional proposal preparation time would benefit the quality of all proposals and allow bidders to receive and reflect all clarifications into the proposals. JCAAs response

JCAAs response:

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Please refer to our responses to question # 1 & 11

46. What proofs are required to ascertain eligibility of Consultant? For example, what proof is sufficient to prove that the Consultant has not been convicted of offence involving dishonesty?

JCAAs response:

No proof is necessary. We expect the Consultant to advise the JCAA if they have been convicted of an offence involving dishonesty.

47. In case of a sub-Consultant, is there any requirement of Agreement to be submitted along with the Proposal?

JCAAs response:

No.

48. Are the experts required to attend the negotiations, or their confirmation for the duration of project is sufficient, at the negotiation stage?

JCAAs response:

All negotiations will be held virtually.

49. Request you to extend the proposal submission date by 1 month to 1 March 2023, to allow Consultants to prepare a comprehensive Proposal.

JCAAs response:

Please refer to the response to question # 1

50. Is the demonstrated experience of working on similar projects sufficient in developing countries, or is experience in developed countries also required?

JCAAs response:

Specific experience in developed countries can be included.

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51. During the fact-finding exercise, can the meetings be arranged in hybrid/online, or do sub-consultant need to be present physically for them?

JCAAs response:

Hybrid/Online options are possible for the fact-finding stage.

52. Our understanding of the Scope of Work is that we have to help the procuring entity with finalizing the Tariff Philosophy (Single/Double Till) for the airports, invite Multi-Year Tariff Proposals from the Airports, hold stakeholder discussions and finalize the Tariff for them before the next Tariff Period. Please confirm if the understanding is correct.

JCAAs response:

The understanding is correct.

53. 8 Areas of Evaluation Page 18

5. Training Regulatory Analysis and use of models and templates - This means to train the Airport Operator and JCAA on the Financial model prepared by the consultant in previous step (4 Develop flexible regulatory model..) Is our understanding, correct?

JCAAs response

It may be necessary to develop model/templates for the submission of annual out-turns vs projections for the airports' operations. The training would be for the airport operators to assist their submission and for the JCAA to conduct regulatory assessment of the submissions.

53. 9 Section 5 INDICATIVE ACTIVITIES AND
TIMELINE FOR REVIEW PROCESS Page 43

Phase 1: Meetings and consultations to advance discussions of major regulatory policy issues pertinent to current review. - This includes conducting meetings with the airport operators and other stakeholders to understand the regulatory issues on the basis of previous tariff finalization. Please confirm if our understanding is correct.

JCAAs response

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These consultations are intended to assist the JCAA in coming to policy positions on regulatory issues pertinent to the current review including emerging regulatory developments/issues and practice and consideration of previous policy positions in past reviews where relevant.

54.10 Section 5 INDICATIVE ACTIVITIES AND TIMELINE FOR REVIEW PROCESS

43 Phase 1: Guidance in relation to the use of models for preparation and submission of airports' charges proposals - In this phase, the airport operators would be guided on preparation of MYTP (Multi-year tariff proposal), that includes the actual vs projected calculations of previous control period and future projections of upcoming control period? Please confirm if our understanding is correct.

JCAAs response:

Yes, provision of guidance for the submission of historical projections & actuals and current projections if necessary.

55.11 Section 5 INDICATIVE ACTIVITIES AND TIMELINE FOR REVIEW PROCESS

43 Phase 2: Determination of Regulatory Positions/Objectives for Consultation Paper outlining the Authority's final positions. -

This phase would include determining the objectives of the Consultation paper with respect to the authority's requirements. This phase would also include drafting of consultation paper. Our observations and proposals of the Authority are written in the Consultation paper. Please confirm if our understanding is correct.

JCAAs response:

Observations and proposals are not written in the Consultation Paper. The Authority will be guided by the observations & proposals before coming to the decisions to be included in the Consultation Paper which is a public document.

56.12 Section 5 INDICATIVE ACTIVITIES AND TIMELINE FOR REVIEW PROCESS

43 Phase 3: Detailed investigation/review of airports' proposals including consultations. - This would mean examining the MYTP submitted by airport operators, analysis of the figures projected by the Operators for the future control period, assessment for its reasonableness and making adjustments to the various building blocks if needed. Please confirm if our understanding is correct.

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JCAAs response:

Yes, this understanding is correct.

57.13 Section 5 INDICATIVE ACTIVITIES AND
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43 Phase 4: Publish proposals for charges. Invite comments and host consultations in this phase, the stakeholder comments would be invited on Consultation paper, also the Airport operators would submit Tariff cards. Please confirm if our understanding is correct.

JCAAs response:

At this stage, the consultations are on the “draft” tariff proposals not the Consultation Paper. It is not clear what “tariff cards” are referring to. The Consultation Paper is at the beginning of the process to outline the Authority’s positions on major regulatory policy issues that will inform the review process.

58.14 Section 5 INDICATIVE ACTIVITIES AND
TIMELINE FOR REVIEW PROCESS

43 Phase 5: Final determination on maximum levels of airport charges to take effect January 1, 2025 and for the following four (4) years -In this phase, the comments on Consultation paper would be addressed and final price cap would be determined. Please confirm if our understanding is correct.

JCAAs response:

The comments are not on the Consultation Paper, however it the determination of the final price caps after consultations on the initial/ draft determinations.

59. Our clarification pertains to the “Indicative Activities and Timeline for Review Process” on page 42 under Section 5: Terms of Reference.

The project is expected to commence by September 2023. Phase I and II appear to be take approximately three months each, completing by end March 2024.

Phase 3 is expected to complete 9 months after the completion of Phase 2, which would be December 2024. Phases 4 and 5 would presumably follow, although no indicative timeline has been provided for them.

However, given that the charges are due to take effect as of 1 January 2025, we would like to clarify if Phase 3 should complete by end September 2024 (6 months after the completion of Phase 2 rather than 9 months)? This would

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allow three months for Phase 4 and 5 before the new charges come into effect on 1 January 2025.

JCAAs response:

Subject to the Government of Jamaica procurement process, the project may commence before September 2023. This would allow additional time as required for example in Phase 3 as identified in the question. If not, Phase 3 (or others) can be completed in a shorter period of time, in order to have the charges ready to take effect January 1, 2025.

END
