

**Responses to this Competition are  
due by:  
12 Noon, on Thursday, 17th May 2018  
(Late tenders will not be considered)**

**Covered Pleasure Craft - Waterbus  
on Lough Leane**

**Request for Proposals**

**Public Competition for a Permit to carry  
passengers on Covered Pleasure Craft - Waterbus  
on Lough Leane, Killarney National Park, Co. Kerry**

**Awarded by:**

**National Parks & Wildlife Service  
Department of Culture, Heritage and  
the Gaeltacht**

**90 North King Street,  
Smithfield,  
Dublin 7.**

**May 2018.**

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# Killarney National Park

## Competition for New Permits for covered pleasure craft to Convey Passengers on Lough Leane

### Introduction

The Department of Culture, Heritage and the Gaeltacht, (“the Department”), through its National Parks and Wildlife Service, (“NPWS”), is responsible for the operation and maintenance of Killarney National Park. It governs the Lakes of Killarney pursuant to the Bourn Vincent Memorial Park Act 1932 (“the Act”) and the Bourne Vincent Memorial Park Bye-laws (“the Bye-laws”).

Pursuant to the Bourne Vincent Memorial Park Act and/or to the Bourne Vincent Memorial Park Bye-laws, it is necessary to have a valid permit issued from the Department in order to carry passengers on covered pleasure craft/waterbus on Lough Leane, Killarney National Park, Co. Kerry.

On foot of that statutory obligation the Department has decided to hold a public competition in respect of the issuing of such permits in relation to the carrying of passengers on Covered Pleasure Craft/Waterbus on Lough Leane, Killarney National Park, Co. Kerry.

This document provides:

- (i) The terms and conditions for the Competition
- (ii) The various documentation that must be returned in response to this Competition (“the Competition Bid”)
- (iii) The procedure as to how the successful applicant will be selected.

Applicants who intend making a Competition Bid for the covered pleasure craft/waterbus tender will be advertised by Public Advertisement of the general Competition details and may either download the relevant competition documents from the Departments website, <https://www.chg.gov.ie/heritage/heritage-publications>, or apply for them to be sent manually.

Any parties who require advice, further information and/or clarification in relation to the Competition requirements as set out herein, may do so, by following the “Queries” section of the original tender information.

Any such questions/queries, together with the responses thereto, will be shared with all candidates publicly, by way of a document published on the Department’s website.

**All applicants must provide a working email address to enable the NPWS to communicate with them and deal with relevant issues directly in a timely manner.**

## Tender Information

The following are the general terms and conditions under which the award of a Permit will be made:

1. Tenders are invited for the operation of covered pleasure craft for the conveyance of passengers on Lough Leane, Killarney National Park, from 1<sup>st</sup> June 2018 to 31<sup>st</sup> May 2019.
2. The Department reserves the right, solely at its own discretion, to extend the licence annually thereafter for up to a maximum period of three years, subject to agreement on price etc.
3. There is a Minimum Reserve price of €15,000 (per craft) on this tender.
4. Operators must have a valid Passenger Ship Certificate for the vessel from the Department of Transport, Tourism and Sport. They will also be required to have a current Tax Clearance Certificate, Health & Safety statement and Public and Employers Liability Insurance.
5. Tenders must be submitted on the enclosed tender form and should be in a sealed envelope marked "Tender – Lough Leane" and forwarded to:

Parks and Reserves Unit  
Department of Culture, Heritage and the Gaeltacht  
National Parks and Wildlife Service  
90 North King Street  
Smithfield  
Dublin 7

**6. AWARD CRITERIA**

In this tender process, licences shall be offered using the following award criteria in the event that the number of applications/tenders received exceeds the number of licences on offer/available:

Marks will be awarded to tenders according to the following breakdown:-

- a) Price – having regards to tendered price above minimum reserve (60 marks)
- b) Experience – full details of experience and qualifications of **EACH** proposed crew member in operating passenger ships of this type (30 marks)
- c) Knowledge – knowledge of the route must be satisfactory (10 marks)

**The closing date for receipt of tenders is 12 noon Thursday 17th May 2018 (Late tenders will not be considered)**

**The Department does not bind itself to accept the highest or any tender received.**

**TENDER FORM FOR 1<sup>st</sup> June 2018 to 31<sup>st</sup> May,**  
**2019.**

(1) My tender AMOUNT is: € \_\_\_\_\_

In Words: \_\_\_\_\_

(2) Names and PPS numbers of proposed crew members

**Name**

**PPS Number**

_____	_____
_____	_____
_____	_____
_____	_____

(3) Details of Knowledge of the route of EACH proposed crew member (give full details)

_____
_____
_____
_____

(4) Details of Experience of EACH proposed crew member (give full details)

_____
_____
_____
_____

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name and Address (Block letters)**

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## General Information

1. The Permit award will be made to a suitable qualified Individual or a partnership, where a boat is jointly owned or leased.
2. The Terms and Conditions provided for at Appendix 2 are the rules to which an Operator who is issued a Permit pursuant to this Competition must adhere.
3. These Terms and Conditions will be issued to Operators annually prior to the new Season and, in order to participate in the Competition; all Operators will be required to sign their acceptance in order to qualify for the Permit. These Terms and Conditions are a key aspect to the safe operation of the National Park Lakes as a visitor site. Non compliance with the Terms and Conditions as set out will result in appropriate action by the Department. This action may include withdrawal of the Permit and its reallocation to another Operator.
4. Any Applicant seeking entry to the Competition must enter solely in his / her own right (or on the basis of a Partnership), with access to his / her own vessel<sup>1</sup> and may not act as Sub Contractor to, Agent for or Partner with any existing Permit holder. Any Competition Applicant judged to be pursuing such a course will be excluded from the Competition.
5. Vessels operating on Lough Leane are required to be in possession of a current, valid Passenger boat certificate as awarded by the Department of Transport, Tourism and Sport (D/TTAS) Marine Safety Office<sup>2</sup>; additionally, all Boatmen must be in possession of, as a minimum, the Boatman's safety certificate<sup>3</sup>. Any vessel(s) not in possession of a validly-awarded DTTAS certificate or any Boatman not in possession of a minimum competency certificate, or any intending applicant who has had either of these documents withdrawn for any reason, will not qualify for an NPWS Permit for conveying passengers on Lough Leane.
6. All applicants for Permit under this Competition are required to be in possession of a valid, current Tax Clearance Certificate (TCC), provided by the Irish Revenue authorities. Details of the TCC system and how to apply for a **Certificate** are available at: <http://www.revenue.ie/en/online/tax-clearance.html>
7. All applicants **MUST** demonstrate clearly how they will ensure compliance with the requirement that all passengers will be pre-booked.
8. **All successful applicants** MUST provide evidence of Public Liability Insurance Cover and Employers Liability Insurance Cover before the permit can be awarded.
9. The Department reserves the right, solely at its own discretion, to extend the permit annually thereafter for up to a maximum of three years, subject to agreement on price.
10. All canvassing by intending Applicants after the Competition Advertisement has been published is disallowed and will immediately disqualify them. Intending Applicants should not attempt to contact the Departmental personnel directly by telephone and should instead address any queries in writing via email or post (see separate heading "Queries" below for details on how to do this.)

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<sup>1</sup> NPWS will consider any Applicant who does not own their own vessel(s) and who are, for example, leasing a vessel(s) for the purposes of applying for the Permit or who can indicate a firm intention to acquire a particular vessel.

<sup>2</sup> The Minister for Transport, Tourism and Sport grants a Licence to the Owner (who may be a body corporate) in relation to a specified vessel.

<sup>3</sup> The master skipper and alternate skipper of a passenger boat **must** hold a valid certificate and commercial endorsement as required by the Merchant Shipping (Passenger Boat Manning) Regulations 2005.

The above requirements are non-discretionary and must be adhered to before an application for a Permit can be considered in detail. Failure to comply with any one of these conditions will result in automatic exclusion from the Competition.

These requirements, terms and conditions remain valid for the duration of the permit.



## Competition Format

The applicants must complete the **Competition Cover Letter** in the form set out at **Appendix 1** and attach to it all of the supplementary information required, which is set out below.

The Competition Cover Letter and all the individual documents required must be submitted by the date stated in the Competition Advertisement ("the Competition Closing Date"). Any applications received after this date will be automatically excluded and the Applicant so advised.

The following are the documents required to be submitted by the applicants by the Competition Closing Date in order to be considered:

No.	Item	Details
1.	<b>Competition Cover Letter</b>	This is an essential requirement without which a valid bid cannot exist. It will set out the key information relating to the Applicant and <b>MUST</b> be signed by the principal person involved.
2.	<b>Copy of current D/TTAS Passenger Ship Certificate</b>	This is an essential requirement. A fresh up to date version of this document will be required to be re-submitted at every future Permit renewal date or as part of any future Competition application.
3.	<b>Copy of Irish Revenue Tax Clearance Certificate (TCC)</b>	This is an essential requirement. A fresh up to date version of this document will be required to be re-submitted at each Permit renewal date or as part of any future Competition application.
4.	<b>Full details of the vessel(s)</b>	<p>Full details of the vessel(s) it is proposed to use, including:</p> <ul style="list-style-type: none"> <li>- Name;</li> <li>- Age;</li> <li>- <b>Construction Type</b></li> <li>- Passenger capacity;</li> <li>- Name of owner (see 4(a) below);</li> <li>- Address of owner and full <del>and</del> contact details including postal / email address and telephone number (landline &amp; mobile);</li> <li>- Insurance details; (Minimum cover requirement is <b>€6.35million for Public Liability and €13million for combined Public and Employers Liability</b>);</li> <li>- Details of facilities onboard, including specifically, whether there are passenger shelters <b>or other</b>, etc</li> <li>- Proposed home berth / port of departure.</li> <li>- A good quality colour photograph of the relevant vessel, clearly showing the name.</li> </ul> <p><b>Specific information is required in relation to facilities for passengers: please ensure you complete the appropriate breakdown &amp; description form at Appendix 5</b></p>
4(a)	<b>Ownership of Vessel</b>	<p>In the event that the Competition Applicant is not the owner of the Vessel(s) but is leasing same, please provide full details in relation to the Lease terms as follows:</p> <ul style="list-style-type: none"> <li>- Duration of Lease</li> <li>- Named parties to the Lease</li> <li>- Copy of legal documentation detailing the Lease</li> </ul> <p><b>Note:</b></p> <ol style="list-style-type: none"> <li>1. In the event that the Owner of the Vessel(s)/ the named party to the Lease is a Company, relevant documentation showing the beneficial owner / owners of the Company <b>must</b> be provided. In the event that this information shows that <u>any</u> of the beneficial owners is an existing Permit holder, the Competition Bid from that Applicant will be excluded <b>automatically</b> and will not be considered</li> </ol>

		<p>further.</p> <p>2. In the event that the Owner of the Vessel(s)/ the named party to the Lease is a Company, and relevant documentation showing the beneficial owners of the Company is not available, or it is not completely clear who the beneficial owners are, the Department reserves the right to disqualify the Applicant from the Competition and refuse to consider their Bid further.</p>
5.	<b>Details of the Master of the vessel</b>	<p>Details of the Master of the vessel(s)proposed should be provided including:</p> <ul style="list-style-type: none"> <li>- Full name</li> <li>- Full Postal Address</li> <li>- Contact Telephone Number(s)</li> <li>- Email address</li> <li>- Skipper qualification (Boatman's Safety Certificate issued by the DTTAS)</li> <li>- Outline of experience (dates of service, positions held on other vessels)</li> <li>- Outline of specific experience with reference to the lakes <b>within Killarney National Park.</b></li> </ul> <p><b>It is a key requirement that Applicants provide as much detail as possible in relation to their previous experience. Please provide all details requested at form Appendix 6</b></p>
6.	<b>Details of alternate Skipper<sup>4</sup></b>	<p>Details of the nominated Alternate Skipper including:</p> <ul style="list-style-type: none"> <li>- Name, (Applicants <u>must</u> name one alternate skipper).</li> <li>- Full Postal Address</li> <li>- Contact Telephone Number(s)</li> <li>- Email address</li> <li>- Alternate Skipper's qualification (Boatman's Safety Certificate issued by the DTTAS)</li> <li>- Outline of experience (dates of service, positions held on other vessels)</li> <li>- Outline of specific experience with reference to boating on the lakes within Killarney National Park</li> </ul> <p><b>It is a key requirement the Alternate Skipper's previous experience. Please provide all details requested at form Appendix 6</b></p>
7.	<b>Details of Booking System</b>	<p>Please provide a worked through example of how a passenger makes a booking, with each step of the process explained from the initial enquiry, (telephone, Email or on - line), to confirmation of booking, to payment of tariff, to issue of booking reservation /ticket, to presentation of ticket at Reen Pier, to validation of ticket and to collection of ticket prior to embarkation. <b>This is an essential requirement of the bid process.</b></p>
8.	<b>Health &amp; Safety Declaration</b>	<p>A Personal Declaration in relation to the Health &amp; Safety Record of both the vessel(s)and the Applicant (<b>including Skipper and Alternate Skipper</b>), should be provided, using the form set out in the Competition documentation at <b>Appendix 3.</b></p>
9.	<b>Marine Safety Declaration</b>	<p>A Personal Declaration in relation to the previous Marine Safety Record of both the vessel(<b>the Applicant, the Skipper and the</b></p>

<sup>4</sup> Applicants **must name one Alternate Skipper**. Failure to nominate an **Alternate Skipper** will result **the Applicant** must notify this office with details of the replacement **Alternate Skipper**, who will **then** be subject to the same assessment process.

		<b>Alternate Skipper</b> should be provided, using the form set out in the Competition documentation at <b>Appendix 4</b> .
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Any additional material offered by Applicants, **other than that set out above**, is irrelevant to the Competition assessment and will not be considered.

## Assessment Procedure<sup>5</sup>

The following is an outline of the Assessment and Decision process which will be applied in order to select the winning Tenders:

		<b>Task</b>	<b>Output</b>
<b>Stage One:</b>	<b>Assessment Panel.</b>	To assess responses to the Competition and award marks to each Applicant.	<u>Recommendation to:</u> Award permit to specific applicant

		<b>Task</b>	<b>Output</b>
<b>Stage Two:</b>	<b>Regional Management</b>	To consider the recommendation of the Assessment Panel and to make a decision.	<u>Decision to:</u> Award permit to specific applicant

		<b>Task</b>	<b>Output</b>
<b>Stage Three:</b>	<b>Director NPWS</b>	To consider the <b>outcomes</b> from Stage one and two	<u>Decision to:</u> Confirm the final Applicant selection.

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<sup>5</sup> The various roles that are assigned to the various participants in the Assessment process are not, for any of the parties concerned, a statutory function but are a part of the process designed to ensure award of Permits in an open and transparent manner while ensuring proper validation of the applicants' merits.

## **Award Procedure**

The following is the Award procedure which will be applied following the selection of the winning Applicants:

1. NPWS will issue of Letter of Intent to the selected Applicants informing them of the intention of NPWS to award them a Permit for the Gap trip and advising them of the 2 weeks minimum Notice period
2. Simultaneously, NPWS will issue a letter to all the remaining unsuccessful Applicants informing them of the decision and advising them of Appeal period the proposed Award date.
3. Following the expiry of the 2 weeks Notice period (or any extended period), NPWS will request proof of Public Liability Insurance Cover and Employers Liability Insurance Cover.
4. On receipt of number 3 above a final Award Letter will issue to the successful candidates.

## **Assessment Panel composition**

The applications received will be assessed by a Panel comprised of the following:

<b>NPWS Assistant Principal (Chair)</b>
<b>NPWS Higher Executive Officer</b>
<b>NPWS Clerical Officer</b>
<b>NPWS KNP Staff member</b>

The role of the Assessment Panel will be:

- To consider the documentation received and determine whether all of the relevant required information has been supplied;
- To consider in particular whether an applicant should, by reason of a failure to supply key information under “Pass / Fail” criteria, be disqualified;
- To rate the applicants having regard to the information supplied under qualifying criteria and their assessment of the quality of the submissions made;
- To make a recommendation to NPWS Management on the successful candidates.

## Documentation Assessment

Immediately following the closure of the Bid period, the Assessment Panel will meet to consider the bids received. This initial assessment will focus on the list of required documentation sought and will identify any gaps in the information supplied.

In respect of certain specific items identified as “Pass / Fail”, the Panel will, in the event of adequate documentation not being supplied, whether through unavailability or because of accidental omission, request its supply on an exceptional basis (i.e. after the Competition closing date) in order to afford applicants every reasonable opportunity to address the position. In the event that it is not then immediately provided, the Panel will disqualify that candidate without further notice and will not provide scores for the remaining criteria<sup>6</sup>.

In respect of other items required outside of those in the “Pass / Fail” category, if the Assessment Panel find that there is an omission of information or if they require further clarification of material submitted, they **may**, at their discretion, ask the relevant applicant to supply certain additional material. In the event that this happens, the Panel will make the request formally, in writing, and the Applicant will also reply, in writing, within a specified time period.

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<sup>6</sup> It is understood that, in respect of the Passenger Boat Certificate, the boat might be under survey or awaiting an initial survey at the time of the application. In the absence of this document therefore, proof of a current application will be required and the Marine Survey Office will be consulted before proceeding.

## Scoring Assessment Matrix

The following is the Scoring model which will be applied by the Assessment Panel:

Item No.	Required Documentation	Provided Yes / No	Pass / Fail or Assess <sup>7</sup>	Available Marks	Score
1	Department of TTAS Passenger Ship Certificate		Pass / Fail	N/A	-
2	Tax Clearance Certificate		Pass / Fail	N/A	-
3	<b>Proof of Insurances</b>		<b>Pass /Fail</b>	<b>N/A</b>	-
4	<b>Booking System Detail</b>		<b>Pass /Fail</b>	<b>N/A</b>	-
5	Details of Vessel(s)proposed		Assess	50	
6	Details of Skipper proposed		Assess	50	
7	Details of Substitute Skipper proposed		Assess	50	
8	Health & Safety Declaration		Assess	50	
9	Marine Safety Declaration		Assess	50	
	<b>Total</b>			<b>250</b>	

<sup>7</sup> Information/Material/documentation responding to **all** of the categories is required for a valid bid to exist; however, some of the issues are pass/fail items and some require individual assessment. This column indicates which category the particular item falls into. If "Pass/Fail" is indicated, then the criteria is one that absolutely **must** be met and a failure to provide the information will mean an applicant will be disqualified. If "Assess" is indicated, then it follows that the criteria is one where a qualitative judgement will be made by the Assessment Panel and scores awarded on merit.



## **Freedom of Information**

All papers created in the course of this Competition will be subject to the provision of the Freedom of Information Act 2014.

Candidates should, in the course of responding to the Competition, consider whether there is any matter included which they consider so commercially sensitive that they would not agree to make public to other parties in the event of an FOI Request being made and should indicate same to the NPWS by way of a separate note, included with the Competition Bid.

In the event that a Freedom of Information Request is lodged after the Competition, the NPWS will, as provided for in Legislation, consult fully with all relevant parties prior to the release of any documents.

## **Data Protection**

All data submitted by applicants with their Competition Bid is subject to the provisions of the Data Protection Acts (1988 and 2003). Additionally, in the event of successful applicants winning a Permit and engaging in the business, any data derived thereafter (e.g; trip frequency, numbers of passengers etc) may also be subject to Data Protection legislation.

Applicants agree that, in the event of their being selected as the winning candidate, any information or data derived from their engagement with Killarney National Park which is, after the date of the award of Permit, in the possession of the Department may be shared as follows:

- In response to any enquiry related to the maintenance of a safe regime for visitors on the lakes
- To provide regular data to the Marine Survey Office of the Department of Transport, Tourism and Sport in support of their mission to regulate the safer carriage of passengers within Irish waters;
- To engage with other Agencies concerned with the Lakes of Killarney and its conservation and promotion. These currently include the OPW, Kerry County Council, UNESCO and Fáilte Ireland ; Environment Protection Agency
- To respond to enquiries from An Garda Síochána or the Revenue Commissioners;
- As part of any Discovery of documents related to any legal action taken against the Department of Culture, Heritage and the Gaeltacht, the OPW or the Department of Transport, Tourism and Sport.

## Appeal Procedure

In the event that an applicant is dissatisfied with the recommendation of the Assessment Panel and the subsequent decision made by the Department, they may pursue an appeal mechanism as outlined below.

Applicants who are dissatisfied with the decision taken may appeal the decision, setting out their grounds for Appeal in writing, and the grounds for appeal must be addressed to the Director of NPWS and sent to the following address:

The Director,  
National Parks and Wildlife Service,  
Department of Culture, Heritage and the Gaeltacht,  
90 North King Street,  
Smithfield,  
Dublin 7.

This must be done in the 2 week period immediately following the decision to award the Permit (i.e.: **before** final confirmation of the Award of Permit). Appeals after this deadline cannot be considered.

Grounds for Appeal must be fully outlined and should state clearly reasons why the Appellant believes there are grounds for a reappraisal of the decision.

Stating an intention to appeal the decision before the expiry of the 2 week notice period before Award of the Permit to the successful candidate will not have any effect on the timeframe for the award and the Department will reserve the right to proceed to make the Award of the Permit even if those circumstances arise.

## Queries

In the event that intending Applicants have a query in relation to the Competition or are unclear about any aspect of this documentation, they should address their question to the Department's national Parks and Wildlife Service:

- **by email** to: joanne.robinson@chg.gov.ie

Or

- **by post** to NPWS, 90 North King Street, Smithfield, Dublin 7.

**Before 12.00 p.m. Thursday, 10th May 2018.** All queries must be submitted in writing, via email or post and verbal queries will be refused and will not be responded to.

A response to all queries received will be issued by email at the same time to all parties competing no later than **Close of Business on Friday, 11<sup>th</sup> May 2018.**

**Responses to this Competition are  
due by:  
12 noon Thursday 17th May 2018**

## Document checklist

The following is the document checklist for the Competition Bid:

	HAVE YOU REMEMBERED TO INCLUDE.....	Check
1	A completed and signed Competition Cover Letter page. ( <b>Appendix 1</b> )	
2	A copy of your up to date, valid Department of Transport Tourism and Sport Passenger Ship Licence as awarded by the Marine Survey Office.	
3	A copy of your current, valid, Tax Clearance Certificate	
4	Copies of your Public and Employers Liability Insurance certificates	
5	Full details of the Vessel(s) you are proposing to use (including, in the event that you do not own the Vessel(s) yourself, details of who does and the legal arrangements around your use of it.) Please complete Appendix 5	
6	Full details of the Master of the Vessel(s) (including qualifications and relevant experience and a copy of his/her Boatman's Safety Certificate as issued by the DTTAS ) Please complete Appendix 6	
7	Full details of the Alternate Skipper you propose to nominate, (including their qualifications and relevant experience and a copy of his/her Boatman's Safety Certificate as issued by the DTTAS). Please complete Appendix 6	
8	The completed and signed Health and Safety Declaration enclosed with the Competition documents ( <i>Appendix 3</i> ).	
9	The completed and signed Marine Safety Declaration enclosed with the Competition documents at ( <i>Appendix 4</i> ).	

## Appendix 1

### Competition Covering Letter

This document may be completed electronically or handwritten: however, it must be signed personally by the Principal Applicant and returned with the supporting documentation required.

I wish to apply for consideration for the award of:

Permit to operate a covered pleasure craft/waterbus for the conveyance of passengers on Lough Leane, Killarney National Park.

I attach all the required documents necessary for a full assessment of my bid.

The following are my key details:

1. Name of Principal Applicant: \_\_\_\_\_  
Please Print clearly

2. Contact details: \_\_\_\_\_  
email address

\_\_\_\_\_  
Postal address

\_\_\_\_\_  
telephone

3. I agree to be bound by the Competition Rules as set out.

\_\_\_\_\_  
**Signed (Principal Applicant)**

\_\_\_\_\_

\_\_\_\_ / \_\_\_\_ / 2018.

## Appendix 2

### Conditions for issuing Permits to Convey Passengers on Lough Leane, Killarney National Park from 01<sup>st</sup> June to 31 May 2019

I understand that my Permit for the 2018 Season will be issued, subject to my acceptance of the standard conditions outlined below.

Conditions:	
<b>1: Award Process</b>	
1.1	Permit will be awarded for the conveyance of passengers in covered pleasure craft/waterbus on Lough Leane.
1.2	The within conditions <b>must</b> be accepted prior to any sailing with passengers. Any amendment by an applicant of the within conditions will invalidate the award of the Permit.
1.3	The Operator will nominate a skipper and an alternate who may operate the vessel(s) on their behalf during the season. Such person must be clearly nominated <b>in advance</b> . For the sake of clarity, such person or persons as nominated by the applicant are simply acting as servant, -or employee of the holder of the Permit and <b>will</b> have no rights whatsoever in respect of the Permit.
1.4	The award of a Permit does not automatically entitle the holder to receive one in subsequent years.
1.5	The issuing of a Permit is valid for the 2018 /2019 season only.
<b>2: Use of Permit</b>	
2.1	The holder of the Permit is authorised to convey passengers on Lough Leane for the official 2018 season only and in respect of a specified vessel <b>or vessels</b> .
2.2	The Permit is to operate <b>a boat or boats</b> with a maximum of 78 passengers
2.3	<b>There shall be no plying for hire at Reen Pier, at Ross Pier within the curtilage of Ross castle, within the public car-parking areas at Ross Castle, on Inisfallen Island or at Lord Brandon's Cottage. All passengers conveyed must have pre-booked in advance of embarkation.</b>
2.2	The Permit is personal to the grantee and is not assignable.
2.3	Only the holder or his or her nominated skipper / alternate may utilise the Permit.
2.4	The Permit must be clearly displayed at all times on the specified <b>vessel(s)</b>
2.5	Failure to display the Permit may result in the vessel(s)being refused permission to depart from Reen Pier
2.6	Only persons duly authorised to do so by law shall be <b>permitted</b> to operate the designated <b>vessel(s)</b> .
2.7	The Permit will only be issued to a person with a designated vessel <b>or vessels</b> . The specified vessel(s) must be licensed as a valid passenger ship by the Maritime Safety Directorate of the Department of Transport Tourism & Sport (or such Department as may hold such function in succession). A copy of the Licence must be submitted to the NPWS when required.
2.8	If the specified vessel(s)needs to be withdrawn for repairs during the season or needs to be replaced, another licensed vessel(s)may be substituted, provided always that the NPWS and the MSO are notified in writing as soon as practicable <b>in advance of such substitution</b> and are furnished with all relevant documentation regarding the replacement vessel. In such instances, a new Permit will be issued which reflects the name of the replacement vessel.
2.9	
2.10	The Permit is issued on the understanding that it will be used during the 2018/2019 season only.  If the Permit cannot be used for the entire 2018/ <b>2019</b> season or a significant part thereof, the NPWS should be notified immediately in writing.
2.11	Evidence of Public Liability Insurance Cover and Employers Liability Insurance Cover must be produced to the NPWS before permit will be issued.
2.12	The instructions of NPWS Officials or their authorised representatives must be complied with at all

	times.
<b>3: Non-transferability</b>	
<b>3.1</b>	The Permit attaches to the designated individual / Partnership alone and cannot be transferred under any circumstances.
<b>3.2</b>	The Permit is non-transferable and non-assignable to any person or persons.
<b>3.3</b>	The Permit cannot be bought, sold, traded or gifted in any manner.
<b>4: Revocation</b>	
<b>4.1</b>	The issuing of a Permit by the Department is a limited and revocable privilege given to the holder of a Permit and does not amount to a proprietary interest.
<b>4.2</b>	The Permit may be revoked at any time should any of the within conditions not be complied with.
<b>4.3</b>	The Permit may be immediately revoked or suspended, should there be any breaches of safety, which in the opinion of the NPWS would justify such revocation or suspension.
<b>4.4</b>	The Permit may be revoked at any time for such a period as is deemed necessary; (a) in the interest of public safety; (b) for the preservation of the lake habitat; or (c) for any other good and justifiable reason.
<b>4.5</b>	A Permit that has not been used for a period of 28 successive days when landing is feasible will be revoked.
<b>5: Safety</b>	
<b>5.1</b>	The holder of the Permit or his or her skipper must act responsibly at all times and in compliance with the Department of Transport Tourism and Sport's licensing requirements.
<b>5.2</b>	At all times it is essential that advice and instruction from the NPWS official in charge with regard to conditions in the Park be heeded. At times, this may take the form of a general communication to the boatmen regarding conditions, but this information/instruction may also be given at the pier, depending on the circumstances. The NPWS will however bear no responsibility for the decision taken by boatmen with regard to the safety of the passage, or water conditions at the pier.
<b>5.4</b>	The Permit holder must issue safety warnings to all passengers as directed to do so by the NPWS.
<b>5.5</b>	Understanding that the majority of passengers are recreational visitors and may have limited knowledge or experience of the lake, Permit holders will make particular provision for their safety during the passage. As well as carrying onboard the necessary lifejackets required under the conditions of their Marine Passenger Licence, all Permit holders on Lough Leane may also, at their discretion, carry additional protective flotation equipment for use by passengers. However, they <b>must</b> ensure that the use of such devices does not interfere with the deployment of the legally-required lifejackets, should they be required in the event of an emergency. Life jackets must be worn by all passengers and crew members, including the Master, at all times.
<b>5.6</b>	Prior to leaving embarkation/disembarkation point at Ross Castle, the Skipper / Alternate will ensure that all passengers have been advised of all relevant safety measures. The Skipper / Alternate will also carry out a practical general demonstration of how to fit the lifejacket and will show the key features and how they are to be used in an emergency. Understanding that Passengers will be from different countries and knowledge of English may be variable, this demonstration <b>must</b> be carried out in full view of passengers and must be presented in a way that is simple and aids the understanding of all. (Operators are reminded that this passenger briefing is a requirement of their MSO Licence.)
<b>5.7</b>	Having regard to the specific issue of risk to passengers arising from transferring from the boat to the embarkation/disembarkation point a safety protocol will be followed.
<b>5.8</b>	The Master/Skipper/Alternate must ensure that a VHF radio, complying with the relevant regulations, must be carried in the vessel at all times when passengers are on board.
<b>5.9</b>	If/when bicycles or other luggage is being carried the Master/Skipper/Alternate must comply with directions/advice provided by the Marine Survey Office of the Department of Transport, Tourism and Sport. When bicycles are carried the number of passengers will be reduced in line with the directions/advice from the Marine Survey Office.

5.10	<b>The Skipper/Alternate Skipper will ensure that a suitable VHF Radio Set, (to comply with the directions/advice from the Marine Survey Office of the Department of Transport and Tourism), is carried on the boat(s) whenever passengers are being conveyed on the lakes within Killarney National Park.</b>
<b>6:</b>	<b>General Conditions</b>
6.1	The Craft shall be covered and shall be no greater than approximately 21m long, 5.1m wide and 2m deep. Craft carrying capacity should be at least 20 passengers and a maximum of 78 passengers.
6.2	It will be necessary to have the craft painted in a colour scheme which is acceptable to the National Parks and Wildlife Service.
6.3	Embarkation and disembarkation of craft is only permitted at the designated point at the Ross Castle area of Ross Bay. Only the routes designated by The National Parks and Wildlife Service can be used.
6.4	The maximum permitted load of the craft shall be as determined by The National Parks and Wildlife Service.
6.5	The on-board interpretative programme must be agreed in advance with The National Parks and Wildlife Service, both in terms of its content and the permitted volume level of the commentary.
6.6	The sale or consumption of alcohol is prohibited on the craft. Any waste or litter arising from the operation of the craft must be removed by the operator and disposed of in a place, manner and frequency agreeable to The National Parks and Wildlife Service.
6.7	Operators shall not erect any notice or shall not advertise for business within the National Park except in a manner approved by the National Park and Wildlife Service.
6.8	Operators will be required to dispose of all effluent and bilge from the craft into the Killarney town sewage treatment plant and to produce, when requested, officially documented evidence from the Local Authority confirming that the operator has complied with this condition of diesel, oil or waste substances of any kind on Lough Leane could lead to withdrawal of the licence.
6.9	Smoking is prohibited on the craft.
6.10	No functions other than the tours on the lake along the agreed routes during daylight hours will be permitted.
6.11	The Minister for Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service shall be indemnified against all claims for injury to persons or damage to property arising out of the negligence of the operator. The combined insurance policy should provide cover of at least €12.7 million for Employer's Liability and at least €6.5 million for Public Liability. The Policy should contain an endorsement in favour of both the Minister for Culture, Heritage and the Gaeltacht and The National Parks and Wildlife Service. Evidence of insurance must be submitted within two weeks of an acceptance of tender, failing which the tender and its acceptance may, at the sole discretion of the Department, be regarded as null and void. <b><u>Current operators should submit their current insurance policy with their tender.</u></b>
6.12	Operators must have a valid Passenger Ship Certificate for the vessel from the Department of Transport, Tourism and Sport and shall comply with any other requirements of the Minister for Transport, Tourism and Sport, the Merchant Shipping Acts and any other applicable laws or regulations. Copies of the relevant certificates must be forwarded to The National Parks and Wildlife Service (NPWS) within two weeks of an acceptance of tender, failing which the tender and its acceptance may, at the sole discretion of NPWS be regarded as null and void. <b><u>Current operators should submit their current Passenger Ship Certificate with their tender.</u></b>

<b>6.13</b>	Operators shall comply with the Safety, Health and Welfare at Work Act 2005 and 2010 and any relevant statutory provisions as defined under that Act.
<b>6.14</b>	National Parks and Wildlife Service shall be permitted to inspect vessels at all reasonable times.
<b>6.15</b>	There is a minimum reserve price of €15,000 on tenders. The Minister does not have to accept the highest or any tender and reserves the right to examine craft before a decision on a tender is taken. The tender price will be payable within two weeks of the acceptance of any tender.
<b>6.16</b>	Operators will be required to keep a record of the number of passengers carried on their vessel in each month and shall furnish a copy of same to NPWS. The operator will also be required to keep a record of the revenue raised in each month. Audited accounts shall be furnished to The National Parks and Wildlife Service (NPWS) at the end of each season. (Please note; the purpose of this clause is to gather information for NPWS on the number of visitors using the service and the true value of the licence. The records shall be treated in the strictest of confidence and shall not be released to any other third part without the prior permission of the operator).
<b>6.17</b>	Operators must have a valid Tax Clearance Certificate at all times during the period of the licence, a copy of which must be furnished to NPWS within two weeks of an acceptance of the tender, failing which the tender and its acceptance may, at the sole discretion of The National Parks and Wildlife Service, be regarded as null and void. <b><u>Current operators should submit their current Tax Clearance Certificate with their tender.</u></b>
<b>6.18</b>	Operators will be required to enter into a formal agreement incorporating the above conditions. A breach of any of the conditions of the agreement may lead to immediate withdrawal of the licence and the Minister for Culture, Heritage and the Gaeltacht and NPWS will not accept liability for any loss of earnings or other expenses incurred by the operator as a result of this action.
<b>6.19</b>	Tenderers should be aware that, under the Freedom of Information Acts 2014, information provided by them during this tender process may be liable to be disclosed.
<b>6.20</b>	Tenderers are asked to consider if any of the information supplied by them in their tender should not be disclosed because of its commercial sensitivity. If tenderers consider that certain information is not to be disclosed because of its commercial sensitivity, tenderers should, when providing such information, clearly identify same and specify the reasons for its commercial sensitivity. If tenders do not identify it as commercially sensitive, it is liable to be released in response to a Freedom of Information request without further consultation with you. The Department of Culture, Heritage and the Gaeltacht will, where possible, consult with Tenderers about commercially sensitive information so identified before making a decision on a request received under the Freedom of Information Acts.

**I confirm that I accept all the above conditions.**

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please return to:

**This signed form, returned unamended, must be received before the Boat Operator will be issued with a Permit for the 2018 season.**



**Appendix 3: Health and Safety Personal Declaration form**

(A copy of this Form is to be printed off, completed and returned with the Competition Bid.)

No.	Question	Please tick one box only for each question.	
		Yes	No
1	Have <b>there been</b> any reportable (to local NPWS staff or <b>Health and Safety Authority or An Garda Síochána</b> ) H&S incidents on your vessel(s) in the past 5 years involving either passengers or crew?		
	If yes, please give <u>brief</u> details below including date, circumstances of incident and injuries caused. If there is more than one incident, please outline all on separate pages: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
	If the answer to (1) was Yes, was the incident(s) reported to the Health and Safety Authority <b>or An Garda Síochána</b> ?		
	If yes, what action was taken subsequently in respect of the incident? <hr/> <hr/> <hr/> <hr/> <hr/>		
2	Have you, or a Company with which you are / were involved as a Partner or Director, ever been prosecuted for an offence under H&S legislation? (If yes, give details on separate page)		
3	Have you, or a Company with which you are involved as a Partner or Director, ever been convicted of an offence under H&S legislation? (If yes, give details on separate page)		
4	Have you, or a Company with which you are involved as a Partner or Director, ever been sued civilly for negligence or a breach of care under H&S? (If yes, give details on separate page)		
<p><b>I consent to the NPWS contacting the Health &amp; Safety Authority and/or An Garda Síochána for the purposes of assessing my Competition Bid to verify any information or data held by them relative to my Health &amp; Safety record or status.</b></p>			
<p>Signed: _____</p> <p>Please Print name: _____</p> <p>Date:    /    / 2018</p>			

**Appendix 4: Marine Safety Personal Declaration form**

**(A copy of this Form is to be printed off, completed and returned with the Competition Bid.)**

No.	Question	Please tick one box only for each question.	
		Yes	No
1	Have there been any reportable (to the NPWS or Marine Safety Office Inspectorate or An Garda Síochána) Marine Safety incidents on your vessel(s) in the past 5 years?		
	If yes, please give <u>brief</u> details below including date, circumstances of incident and injuries caused. If there is more than one incident, please outline all on separate pages: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
	If the answer to (1) was Yes, was the incident(s) reported to the Marine Safety Office Inspectorate or An Garda Síochána?		
	If yes, what action was taken subsequently in respect of the incident? <hr/> <hr/> <hr/> <hr/> <hr/>		
2	Have you, or a Company with which you are involved as a Partner or Director, ever been prosecuted (either previously or currently) for an offence under Marine Safety legislation? (If yes, give details on separate page)		
3	Have you, or a Company with which you are involved as a Partner or Director, ever been convicted of an offence under Marine Safety? (If yes, give details on separate page)		
4	Have you, or a Company with which you are involved as a Partner or Director, ever been sued civilly (either previously or currently) for negligence or a breach of care under Marine Safety? (If yes, give details on separate page)		
<p><b>I consent to the NPWS contacting the Marine Survey Office and/or An Garda Síochána for the purposes of assessing my Competition Bid to verify any information or data held by them relative to my Marine Safety record or status.</b></p>			
<p>Signed: _____</p> <p>Please Print name: _____</p> <p>Date:    /    / 2018</p>			

**Appendix 5  
Scoring Assessment Breakdown for Proposed Vessel(s)**

To ensure that proper levels of Customer comfort are provided, Applicants are requested to provide details of these matters as appropriate. Details are sought specifically in respect of Seating, but Applicants are also encouraged to provide details of any other measures they would make available which would improve the comfort of passengers.

Please provide photographs as appropriate in support of description.

Vessel(s) Name:

Item No.	Required Details	Marks Available	Score Achieved
1.	Total dedicated passenger seating <sup>8</sup> capacity overall  Details -	(50)	

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<sup>8</sup> Seating is defined as fixed moulded plastic / timber chair seating, secure fixed bench seating or secure couch seating which is specifically designed and intended for passenger use only. All seating must be fixed / secure with adequate back support / handholds. Please provide photographs indicating proposed provision.  
Applicants should note that poor quality, temporary or ad hoc seating arrangements (e.g.: sitting on engine housings, rough planked seating or plywood slats) are not permitted and, if offered, will result in a zero score.

**Appendix 6**

**Scoring Assessment Breakdown for Vessel(s) Skipper/Alternate Skipper**

It is a key requirement that the Skipper / Alternate Skipper have the appropriate Qualifications, Skills and Experience necessary to operate from Reen Pier. List all relevant legally-required Certificates; include both the earliest and the most recent awarded in order to facilitate a full assessment.

<b>Assessment of Master Skipper</b>	<b>Qualifications and Experience – Insert Details below.</b>	<b>Marks Available</b>	<b>Score Achieved</b>
<b>Master Skipper of the Vessel(s) proposed Name -</b>	<ul style="list-style-type: none"> <li>• Date first Masters Certificate<sup>9</sup> awarded</li> <li>• Date the most recent Certificate awarded</li> <li>• All other relevant certificates</li> </ul>	(50)	
<b>Assessment of Alternate Skipper</b>	<b>Qualifications and Experience – Insert Details below.</b>	<b>Marks Available</b>	<b>Score Achieved</b>
<b>Alternate Skipper of the Vessel(s) proposed Name -</b>	<ul style="list-style-type: none"> <li>• Date first award Masters Certificate<sup>10</sup> awarded</li> <li>• Date the most recent Certificate awarded</li> <li>• All other relevant certificates</li> </ul>	(30)	

<sup>9</sup> Scores will be allocated based on the earliest award and Applicants must, to receive the maximum score, ensure that they provide evidence of this date, as well as their most recent, up to date, Certificate.

<sup>10</sup> Scores will be allocated based on the earliest award and Applicants must, to receive the maximum score, ensure that they provide evidence of this date, as well as their most recent, up to date, Certificate