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Award

HOA3 - Harbour Operating Agreement

Caledonian Maritime Assets Ltd (Utility)

F15: Voluntary ex ante transparency notice

Notice identifier: 2025/S 000-020411

Procurement identifier (OCID): ocds-h6vhtk-0510bb

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Section I: Contracting authority/entity

I.1) Name and addresses

Caledonian Maritime Assets Ltd (Utility)

Municipal Buildings, Fore Street

Port Glasgow

PA14 5EQ

Email

procurement@cmassets.co.uk

Telephone

+44 1475749920

Country

United Kingdom

NUTS code

UKM83 - Inverclyde, East Renfrewshire and Renfrewshire

Internet address(es)

Main address

<http://www.cmassets.co.uk>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA12082

I.4) Type of the contracting authority

Body governed by public law

I.5) Main activity

Other activity

Harbour Authority & Asset Owner

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

HOA3 - Harbour Operating Agreement

Reference number

CMAL0322

II.1.2) Main CPV code

- 63721000 - Port and waterway operation services and associated services

II.1.3) Type of contract

Services

II.1.4) Short description

This notice concerns the award of a harbour operating agreement, known as HOA3, by Caledonian Maritime Assets Limited (CMAL) to CalMac Ferries Limited (CFL).

CMAL is the statutory harbour authority at certain harbours and other marine facilities and is responsible for the operation, management, maintenance and improvement of them.

CFL is due to be appointed by Transport Scotland on behalf of Scottish Ministers as the operator of lifeline ferry services in the Clyde and Hebrides, under a ferry services contract known as CHFS3. Please refer to this notice published by Transport Scotland for further details: Notice ID: MAY529943. The CHFS3 services will call at the CMAL harbours.

CMAL is awarding the HOA3 to CFL because it is the operator of CHFS3 and because of the need to have the same operator for both the ferry services and the harbour operations as explained in this notice.

II.1.6) Information about lots

This contract is divided into lots: No

II.1.7) Total value of the procurement (excluding VAT)

Value excluding VAT: £70,000,000

II.2) Description

II.2.3) Place of performance

NUTS codes

- UKM6 - Highlands and Islands
- UKM8 - West Central Scotland

Main site or place of performance

Ports and harbours within the CHFS operating area

II.2.4) Description of the procurement

CMAL intends to award the HOA3 to CFL following the negotiated procedure without prior publication of a call for competition under regulation 48 of the Utilities Contracts (Scotland) Regulations 2016. Regulation 48(1)(c)(ii) is applicable in this case due to the unique position of CFL as the lifeline ferry services operator under CHFS3, due to which competition for HOA3 is absent for technical reasons.

Both HOA3 and CHFS3 involve the performance of harbour based duties at CMAL harbours:

The harbour operating duties include: assessing navigational safety in the harbour, vessels mooring operations, operating pier equipment, inspecting harbour assets and reporting on defects, management of navigation, collection of third party harbour charges, liaison with third party tenants and harbour users, housekeeping (including cleaning slipways, cleaning ladders, weed-killing, septic tank emptying, potable water testing), managing waste at the harbours (generated on the harbour and from vessels), dealing with dangerous goods in harbour areas, managing harbour user conflict, managing harbour health and safety including permits to work, and acting as the first point of contact to deal with harbour emergencies and security issues. These duties are allocated to CFL under HOA3.

The harbour based ferry operations duties include: managing ferry bookings (including sale of tickets), checking-in customers, face-to-face dealings with ferry customers, marshalling ferry traffic and pedestrians and managing ferry disruptions. These duties are allocated to CFL under CHFS3.

Currently, and historically, the harbour operating duties and the harbour based ferry operations duties have always been delivered by the same operator entity, with the same

workforce deployed to perform all the duties. Under this arrangement, individual staff members perform dual roles covering both harbour operations and ferry operations. For the reasons explained below, this is the only reasonable and viable means of delivering the services.

CFL is the current incumbent operator of both the harbour operations (under a HOA2 contract awarded by CMAL on 22 August 2016) and the lifeline ferry services (under a CHFS2 contract award by The Scottish Ministers on 22 August 2016).

II.2.11) Information about options

Options: No

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Negotiated without a prior call for competition

- The works, supplies or services can be provided only by a particular economic operator for the following reason:

- absence of competition for technical reasons

Explanation:

See Additional information at VI.3

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

Section V. Award of contract/concession

Contract No

CMLA0322

A contract/lot is awarded: Yes

V.2) Award of contract/concession

V.2.1) Date of conclusion of the contract

12 May 2025

V.2.2) Information about tenders

The contract has been awarded to a group of economic operators: No

V.2.3) Name and address of the contractor/concessionaire

CalMac Ferries Limited

The Ferry Terminal

Gourock

PA19 1QP

Telephone

+44 7983199180

Country

United Kingdom

NUTS code

- UKM83 - Inverclyde, East Renfrewshire and Renfrewshire

The contractor/concessionaire is an SME

No

V.2.4) Information on value of contract/lot/concession (excluding VAT)

Total value of the contract/lot/concession: £70,000,000

Section VI. Complementary information

VI.3) Additional information

The date in V.2.1 should be disregarded when viewing this notice, as it is the date of sending this notice and is completed only as it is a mandatory field which does not enable a date in the future to be entered. The current indicative date for award of HOA3 is 30 September 2025.

CFL is and will continue to be the operator of the lifeline ferry services under CHFS3 and is the only economic operator that could conceivably deliver HOA3. This is due to the technical arrangements for the workforce, under which individual staff members perform dual roles. CFL will have a workforce under CHFS3 that is responsible for delivery of the harbour based ferry operations duties. In order to perform those duties effectively, the individual staff members must be based on the ground in each harbour. The nature of these lifeline ferry services means that many harbours are in remote and rural locations. It is not possible for one individual to adequately perform those duties at multiple harbours.

Many of the harbours are served by few ferries per day (or week), with few other harbour users, and so open only for limited hours a day based around the scheduled lifeline ferry services. Individual staff members based on the ground at those harbours therefore have capacity to perform harbour operator duties as well as the harbour based ferry operations duties. The services (harbours and ferries) have always been delivered in tandem, and existing staff members have the skills and experience to perform a dual role.

In circumstances where CFL already has a workforce on the ground in the harbours to perform the ferry services under CHFS3, with the existing capacity to perform the harbour operator duties under HOA3, it is inconceivable that any third party operator could compete to perform the HOA3 services.

CMAL has considered whether a reasonable alternative or substitute (to appointing CFL) exists for the delivery of HOA3. It has concluded that there is no such alternative or substitute. While in theory it would be possible for a third party harbour operator to deploy its own second workforce to perform the harbour operations (alongside the CFL workforce performing the ferry operations), in practice this would be ruinously inefficient, requiring a substantial increase (near doubling) of the overall workforce in the harbour, significant under-utilisation and excess capacity in individual staff members (who would be prevented from performing a dual role), and significant staff accommodation challenges at harbours where

available space is already constrained. While the potential for a transfer of certain staff from CFL to a third party harbour operator might potentially create a level of competition, this would in itself be an artificial solution that would come at the cost of inefficiency and unworkability, because CFL would then have to recruit to back-fill roles (including attracting new staff at remote locations) and this would not address the fundamental concern of having an inflated over-sized harbour based workforce with significant under-utilisation and excess capacity across two operators and significant physical constraints for in-harbour accommodation.

The absence of competition is not the result of an artificial narrowing down of the parameters of the procurement but instead reflects the reality of how these important lifeline ferry services can continue to be delivered in an effective, efficient, sustainable and financially responsible way.

(SC Ref:798469)

VI.4) Procedures for review

VI.4.1) Review body

Greenock Sheriff Court

1 Nelson Street

Greenock

PA15 1TR

Email

greenock@scotcourts.gov.uk

Telephone

+44 1475787073

Country

United Kingdom

Internet address

<https://www.scotcourts.gov.uk/the-courts/court-locations/greenock-sheriff-court-and-justice-of-the-peace-court>

