

# Craftiness of Airport tenders ratings are simply beyond anyone's belief

## Flashback



WINAIR 1st day flight service to Montserrat

As of January 19, 2011 WINAIR will no longer operate scheduled flights out of Montserrat. It would not be for any reason that Montserrat has said thanks, and goodbye considering that a year ago the airline published that while they did not make a killing operating in Montserrat, they did not lose money.

Meanwhile Montserrat Airways Ltd. (FlyMontserrat) has announced that from around the same time, their Montserrat-Antigua-Montserrat airfares will begin at \$603.00 or US\$225.00.

The question for Montserrat as we flashback to the following article from 2005 must be, "did we learn anything? Did Montserrat really ever demanded to know? Or did Montserrat just simply roll along with an administration, the third since 2005 which prove that they can still do nothing to improve the living conditions of Montserrat?"

#### The article begins:

A volcano limerick in last week's issue of *The Montserrat Reporter* asked whether someone was stacking the deck in the selection of an airline to serve the new airport at Gerald's. A careful reading of the report evaluating the tenders reveals that such may indeed be the case.

For instance, the evaluators faulted LIAT because

they did not provide evidence that CARIB AVIATION agreed with LIAT'S proposals, when the tender submitted by LIAT/CARIB AVIATION is a joint tender. Is this simple incomprehension or deliberate deception? **Montserratians must ask why.**

Other for instances:

\* Tender rules clearly stipulated a maximum one-way fare of \$151. LIAT accepted the \$151 maximum as the one-way fare, along with an excursion fare of \$125. Instead of accepting the maximum, WINAIR proposed an increase to \$175. Yet WINAIR, clearly deserving disqualification for a variation in tender, was ranked ahead of LIAT, despite a fare \$24 higher, on the questionable basis that LIAT'S acceptance of the stated rate "would appear optimistic and does not allow them to offer the range of services envisaged in the tender."

Does that mean that the proposed maximum of \$151 was originally proposed in the hope that LIAT would be unable to accept it, and when that hope was disappointed it became necessary to disparage LIAT for having the effrontery to do so? **Montserratians must ask why.**

\* The tender rules clearly stipulated a load factor of 35 percent over three months before any

reduction of flight frequencies: LIAT accepted while WINAIR proposed a 45-percent load level over **two months**, a variation of the tender agreement, posing a threat of earlier reductions in service.

\* The evaluation of tenders pointed out that LIAT earned a less flexible fare rating on the grounds that it "does not have Twin Otter aircraft," as WINAIR does. CARIB AVIATION, LIAT's co-tenderer, operates Twin Otters, Islanders and smaller aircraft out of V.C. Bird International Airport to various destinations. Both LIAT/CARIB and WINAIR state that they would need to acquire an additional aircraft to operate the Montserrat/Antigua route. Yet the awarded scores differ in a category for which both equally qualify? **Montserratians must ask why.**

\* The tender requirements clearly stated that "selected air carrier will have the exclusive right and obligation to operate scheduled fixed wing air services between Montserrat (Gerald's Airport) and Antigua (VC Bird International Airport)." Yet LIAT, which operates regional service from Antigua, is ranked lower than WINAIR, with operations based in St. Maarten but none in Antigua. The reasons offered to support this stretch of credibility? According to a report to

Council: "the Montserrat Antigua route was treated as a stand-alone route and not integrated into the LIAT system," (which, to be charitable, is pure poppycock on its face); that WINAIR has an inter-airline agreement with LIAT (they're superior to a group for whom they work?); and that WINAIR's failure to meet the medivac requirements in the tender rules needn't disqualify it in a category in which LIAT/CARIB AVIATION does because, "since the Public Service Obligation (PSO) only applies to scheduled services, the GoM shall also reserve the option to retain other facilities, including charters to service its medivac needs, on a 24 hour-a-day basis."

The tender document clearly sets down that "All tenders received will be



deemed to have been made subject to and in accordance with the conditions set out in this Invitation to Tender, unless the GOM has agreed in writing to the contrary. Any additional or alternative terms or conditions offered by air carriers will be deemed to be rejected by the GOM, unless the GoM has expressly accepted them in writing."

The intentional confusion and deliberate manipulation that pervades

the tenders evaluation report persuasively suggests that the evaluators knew in advance of preparing it what its conclusions were expected to be.

If it appears we might be overworking this issue, it is this country that will suffer at what may seem to be just a mistake. Montserratians must demand to know before this travesty goes any further why and for whose benefit this statistical fairytale is being told.

## AG accused of impropriety

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Dean(1993) QB 769 is most destructive." The Attorney General is the Minister of Justice and the question must be asked should he remain as Attorney General in light of the Learned Judges description of his behaviour in this case.

The seriousness of the issue is underlined by the fact that the Attorney General's

Office found it necessary to request the Judge to soften his words. That request was granted but reversed by the Appeals Court after successful representation by Legal counsels Mr. David S. Brandt and Kharl Markham with him for the Appellant, the Attorney General represented himself before the court of Appeal.

In conclusion we need

to take seriously the staffing in the Attorney General's Office. We must select and appoint an individual that can provide the kind of advice and counsel that the Governor and the Government requires. The new Attorney General has to lead an effective team of legal personnel consistent with our needs and the financial constraints that we are experiencing today.