

275 Passenger Flagship ZEST Vessel Procurement

RFP 2509

Part A – Proposal Instructions

December 4, 2025
Revision – 1



FLAGSHIP CRUISES & EVENTS**REQUEST FOR PROPOSALS FOR THE
275 Passenger Flagship ZEST Vessel Procurement****RFP 2509****ISSUED: 4 DECEMBER 2025****PART A: RFP INSTRUCTIONS****1. BACKGROUND**

The California Air Resources Board's Sustainable Heavy-Duty Initiatives for Future Technology (SHIFT) is part of California Climate Investments, a statewide initiative that puts billions of Cap-and-Invest, formerly known as Cap-and-Trade, dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment — particularly in disadvantaged communities.

La Iniciativa de Tecnologías Futuras para Vehículos Pesados Sostenibles (SHIFT, por sus siglas en inglés) de la Junta de Recursos del Aire de California forma parte de las Inversiones del Clima de California, una iniciativa estatal que destina miles de millones de dólares de Cap-and-Trade para la reducción de gases de efecto invernadero, fortalecimiento de la economía y mejoramiento de la salud pública y el medio ambiente – especialmente en comunidades en desventaja.

Flagship, a long-standing maritime operator serving the greater San Diego region, is dedicated to providing exceptional passenger ferry service, harbor transportation, and on-water experiences that support the region's mobility, tourism, and community needs. Flagship's vision is to deliver safe, reliable, and innovative marine transportation while offering memorable public and private event services. The company strives to enhance regional connectivity, elevate the quality of waterfront experiences, and remain a trusted partner in supporting coastal operations, community engagement, and emergency response capabilities along San Diego Bay.

Flagship is procuring two (2) Vessels from qualified firms (Proposers) to advance its Rapid Electric Emission Free (REEF) initiative. Flagship plans to grow sustainably, reducing greenhouse gas emissions. Flagship is committed to operating the cleanest vessels possible and has developed a plan to shift a significant part of its fleet to zero emissions. Aside from the cost of the vessels themselves, the project will include significant investment to equip ferry terminals with terminal charging infrastructure to support the system. These vessels represent a significant milestone in the effort to fulfill the plans to implement the Zero Emissions Sustainable Transportation (ZEST) project.

For detailed information regarding the required Services, please refer to Part B, Technical Specifications. The individual or firm selected pursuant to this RFP (Selected Proposer) will be expected to provide any and all Services in compliance with applicable local, state, and federal laws, rules, and regulations.

2. SOLICITATION TIMELINE

Listed below is the anticipated schedule that outlines pertinent dates of which Proposers should be aware; all dates are subject to revision at Flagship's sole discretion:

December 4, 2025	Issuance of RFP
December 15, 2025	Industry Day
December 17, 2025	Written requests for clarifications are due
December 22, 2025	Responses to requests for clarifications
January 9, 2026	Proposals due
February 2, 2026	Shipyard Selection

3. PRE-PROPOSAL CONFERENCE

Flagship will conduct a Pre-Proposal Conference. Attendance is not mandatory but is highly recommended. The Pre-Proposal Conference will take place on Monday, December 15th at 11:00am PDT via Zoom. Proposers will receive an invite after submitting the executed NDA.

The purpose of the Pre-Proposal Conference will be to answer questions about the RFP. All statements and interpretations provided by Flagship representatives at the Pre-Proposal Conference are non-binding unless contained in a subsequent written Addendum.

4. REQUESTS FOR CLARIFICATION OF RFP; ADDENDA

All requests for clarification regarding the meaning or interpretation of any part of this RFP should be submitted via email to: abby.butzen@auroramariinedesign.net. All requests must be submitted by the date and time set forth in Part A, Section 2.

Should Flagship/Aurora determine that a clarification of the RFP is in order, Flagship/Aurora will issue a written addendum clarifying the matter, which will be emailed to parties with a completed NDA.

Flagship/Aurora's failure to respond to a request for clarification or modification will be deemed to be a rejection of such request. Any Flagship/Aurora determination on any Proposer request will be final. Addenda issued for this RFP, if any, must be expressly acknowledged in Proposer's cover letter.

5. NON-COLLUSION

By submitting a proposal in response to this RFP, each Proposer certifies that its proposal is genuine and not a sham or collusive or made in the interest of or on behalf of any person not named therein; that the Proposer has not, directly or indirectly, induced or solicited any other person to submit a sham proposal or any other person to refrain from responding to this RFP; and that the Proposer has not in any manner sought collusion to secure any improper advantage over any other person submitting a response to this RFP.

6. SAMPLE AGREEMENT; EXCEPTIONS

The Selected Proposer will be required to execute a contract with Flagship, a sample of which is included in Part C of this RFP. Proposers must review all of the terms and conditions set forth in the Sample Agreement. Submittal of a proposal will be deemed acceptance of all the terms set forth in this RFP and the Sample Agreement unless the Proposer includes any modifications requested to the Sample Agreement in its cover letter, or in an attachment thereto. All requests for exceptions must be in writing, separately identified, and delineated for each section of the Sample Agreement. Flagship reserves the right to request further clarification of any requested exception during negotiations and to exclude unacceptable exception(s). No exceptions may be requested after the deadline for the submittal of proposals.

7. PERFORMANCE BOND

The Selected Proposer must furnish at its own expense a Performance Bond at the times and in the amounts as follows:

- Within ten (10) calendar days of execution of the contract, Contractor must furnish a Performance Bond in an amount equal to 25% of the combined total price for Base Vessel 1 and Base Vessel 2.
- Upon Flagship's Final Acceptance of Base Vessel 1, the Performance Bond may be reduced to an amount equal to the sum of 25% of the total price for Base Vessel 2, plus 10% of the total price for Base Vessel 1.
- Upon the expiration of the warranty period and settlement of all outstanding warranty claims for Base Vessel 1, the Performance Bond may be reduced to an amount equal to 25% of the total price for Base Vessel 2.
- Upon Flagship's Final Acceptance of Base Vessel 2, the Performance Bond may be reduced to an amount equal to 10% of the total price for Base Vessel 2 and remain in force and effect until the expiration of all warranties and settlement of all outstanding warranty claims.

The bond must be with a California-admitted corporate surety or with two (2) or more sufficient sureties to be approved by Flagship. As an alternative to furnishing a bond, the Selected Proposer may guarantee faithful performance of the contract by depositing with Flagship a certified check or cashier's check from a solvent bank for the prescribed amount. An irrevocable standby letter of credit issued in a form approved by Flagship may also be an acceptable substitute to a Performance Bond. The Performance Bond will guarantee the Selected Proposer's faithful performance of and compliance with all terms, conditions, and requirements of the Agreement. The Performance Bond must remain in full force and effect until the expiration of all warranties and settlement of all outstanding warranty claims.

Upon Contractor's request, Flagship may, in its sole discretion, approve an alternative performance guaranty, such as an Irrevocable Letter of Credit.

For purposes of Proposer's Price Proposal, set forth in Part D, Proposers must include bonding costs to satisfy the requirements set forth above.

8. PROPOSAL CONTENT AND FORMAT

Each proposal submitted in response to this RFP must respond fully to the requirements of this RFP and include the following elements in the sequence listed below. It is expected that proposals submitted to Flagship be of professional caliber in context and appearance. All descriptions and materials should be clear, concise, and provide sufficient information to minimize questions and assumptions. Proposals should be limited to 25 pages, excluding cover letter, table of contents, resumes, required forms, drawings, and the cost proposal.

Flagship, at its option, may require a Proposer to provide additional information and/or clarify submitted information.

I. COVER LETTER (No Page Limit)

The cover letter must be on company letterhead, be signed by an individual who is legally authorized to bind the firm to the proposal (including the price proposal) and must include all of the following information:

- Proposer's name, including all firms involved in a joint venture and any subcontractors.
- If the Proposer is a joint venture: (1) provide an executed copy of the Joint Venture contract with the proposal; and (2) outline the specific areas of responsibility (including administrative, technical, and financial) for each member of the Joint Venture.
- Proposer's business address, telephone numbers, and email address.
- Introduce the firm and summarize its qualifications.
- Name(s) of authorized principals with authority to negotiate and contractually bind the firm.
- A statement that binds the Proposer to its proposal and Cost Proposal Form for 180 calendar days.
- Include an express acknowledgement of the receipt of a complete set of RFP documents and all Addenda issued for this RFP, if any.
- Requests for exceptions to the Sample Agreement must be stated in the cover letter, or in an attachment thereto. All requests for exceptions to the Sample Agreement must be in writing, separately identified, and delineated for each section of the Sample Agreement. See Part A, Section 6 and Part C of this RFP.

II. TECHNICAL PROPOSAL (No Page Limit)

A. Project Understanding and Approach

In this section, provide the following information:

- A discussion demonstrating the Proposer's understanding of the Services and their significance to Flagship's day-to-day activities.
- Proposer's proposed approach to providing the Services, including identification of all subconsultants or subcontractors the Proposer intends to use for this Project. As further discussed in Part B, Proposer must confirm

that Danfoss is the designated subcontractor/supplier/integrator for electrical propulsion system (and ultimately under subcontract with selected contractor) to perform the applicable work set forth in Part B. Danfoss does not and will not act on behalf of Flagship with regard to this RFP.

- A discussion on potential impacts to cost, scope and schedule based on lessons learned performing work similar to the Services, including Proposer's recommendations to lower and/or control costs, if applicable.
- Identification of additional tasks, if any, not identified in the Technical Specifications in Part B of this RFP that may be required to successfully meet the stated objectives of this RFP.
- Proposer's approach to working with Flagship staff.
- An organization chart that clearly identifies the proposed team composition.
- A staffing plan by task listed in the Technical Specifications in Part B. Discuss workload for all Key Personnel, indicating their expected availability, the percentage of their time that will be devoted to this Project and any other assurances as to their ability to provide the Services in a responsive and timely manner.
- Address how unanticipated staffing shortfalls will be handled.
- Explain how Key Personnel and subcontractors will be managed.
- If the work is to be shared among firms and offices at different locations, indicate where each office is located and what work is to be performed in each office.
- Provide a Preliminary Schedule, identifying each major element of and proposed timeline for the completion of key events. The date of Final Acceptance is desired to be no later than **April 30, 2027** for Vessels 1 & 2 at which points the vessels will be ready for service with all work complete.
- Describe systems used to organize, allocate resources and schedule design, manufacturing, and testing activities.
- Describe how work is monitored and how adjustments in the production and completion schedule of each vessel are made.
- Describe the Proposer's quality control, quality assurance and internal testing programs.
- Describe how the USCG inspection and testing program will be structured and managed.
- Describe how the Proposer intends to interface with Flagship during final engineering, design, manufacturing, and post-manufacturing phases, and how the review process will be structured and managed with Flagship.
- Describe Proposer's facilities that will be used. Include the location of your shipyard, as well as detail of production capacity for concurrent vessel manufacturing. Descriptions of the infrastructure should include yard capacity, infrastructure, current and future workload. Describe: (i) the facilities will be utilized including fabrication and assembly locations; (ii) areas used for materials handling and storage; (iii) crane capacity and capability; (iv) how

the vessel will be docked and launched; (v) where the vessel will be moored and worked on once launched.

- Provide a Proposed Delivery Plan for the movement of the Vessels from the Proposer's facility to the San Diego Area, see Section 983 of Part B.

B. Proposer's Qualifications and Experience

In this section, the Proposer must provide information about its company so that Flagship can evaluate Proposer's stability and ability to support the commitments in its proposal.

- Description of Proposer's qualifications to perform the Services, specifically including:
 - Knowledge and understanding of all applicable regulations, codes, and local conditions relating to the Services, including applicable United States Coast Guard regulations contained in 46 CFR, Subchapters J and K, and compliance with all Americans with Disabilities Act (ADA) requirements.
 - Accounting and administrative systems in place to allow Flagship to adequately administer grant funded vessel manufacturing contracts.
 - Quality Control and Quality Insurance systems in place to check analyses, calculations, drawings, specifications, purchase orders, cost estimates, reports, and supporting documentation required to perform the Services.
 - Past projects involving ZEST propulsion system integration.
- Identify and describe the Proposer's aluminum vessel manufacturing/repair experience. List experience of Proposer on similar projects over the last five (5) years. The projects should demonstrate the Proposer's capability and expertise with similar vessel manufacturing/repair projects. Provide contact information for at least three of the listed similar projects.

C. Proposer's Business and Financial Qualifications

In this section, Proposers must provide pertinent information to allow Flagship to reasonably formulate a determination about the financial stability and strength of the Proposer such as financial references, financial statements, or other relevant documentation. Describe any administrative proceedings, claims lawsuits, settlements, or other exposures pending against the Proposer.

D. Qualifications and Experience of Key Personnel

“Key Personnel” are those individuals who are essential to the successful completion and execution of the Services. Key Personnel must be available for the duration of the engagement and may not be substituted by the Selected Proposer without Flagship’s prior written approval. Substitution of Key Personnel without Flagship’s prior written approval will constitute a breach of the Agreement awarded pursuant to this RFP. Flagship reserves the right to direct the removal of any individual, including Key Personnel. In this section, Proposers should identify those positions it proposes as Key Personnel, and must provide the following for all Key Personnel:

- Name and title
- A description of their qualifications and experience relevant to performing the Services
- Number of years of experience performing work similar to or related to the Services
- A resume

E. References

Proposers must provide at least three references of client for whom, within the past five years, the Proposer has provided the same or similar services as those called for in this RFP. For each reference include:

- Entity name
- Contact name, email address, and phone number
- A brief description of the project and the roles of the respective team members in successfully completing the project

III. PRICE PROPOSAL & SCHEDULE OF VALUES

(No Page Limit)

Proposers are directed to submit firm prices for all work set forth in the RFP on Flagship Schedule of Values. The Schedule of Values will provide detailed information on how the “Total Direct Cost” is derived. The prices included in the Schedule of Values should include all costs for labor, materials, tools, equipment, services, subcontractors, suppliers, taxes (except California State sales or use taxes), insurance, shipment, delivery, overhead, profit, and all other costs necessary to perform the work in accordance with the RFP.

Unit prices and lump sum prices must be entered in the appropriate spaces provided on the Price Proposal. Unit prices must be multiplied by the quantities shown, and the total must be inserted in the "Total Unit Price Amount" column. All spaces must be filled out and the required detail and cost breakdown must be included. In the event of any error or discrepancy between the unit price and the calculated total price, the unit price will govern. Flagship may correct any mathematical errors apparent on the face of the proposal.

The "Total Direct Cost" of each line item in the Schedule of Values must be entered in the corresponding line item in the Price Proposal. The amounts shown in the "Total Unit Price Amount" column must be added together in arriving at the "Total Price" which Flagship will use to evaluate the Price Proposal. The prices included on the Price Proposal should include all costs for labor, materials, tools, equipment, services, Subcontractors, Suppliers, taxes (except California State sales or use taxes), insurance and bonding, shipment, delivery, overhead, profit, and all other costs necessary to perform the work in accordance with the RFP.

Option Pricing must be provided in the space allocated in the Schedule of Values for each Optional item identified in the Part B Technical Specification.

All applicable tariffs on major equipment and components shall be identified and costed as a separate cost in the proposal *without* any markup. Bidders must be prepared to show an itemized list of tariff costs and shall clearly specify which equipment is subject to tariffs and the tariff rates used in their pricing. In the event of significant tariff changes occurring between proposal submission and equipment purchase, the Contractor shall promptly notify the Owner and submit a change order reflecting the actual tariff cost difference, supported by appropriate documentation. Such tariff-related change orders shall be processed on a pass-through basis without markup.

IV. CAPABILITY STATEMENTS

(No Page Limit)

Proposers must submit documentation demonstrating their ability to satisfy the following requirements

- Documentation demonstrating the Bidder's ability to secure a Performance Bond, typically a letter of commitment from a bonding or surety company or, proof of their ability to achieve alternate compliance in accordance with Section 7.
- Documentation of the Proposer's ability to satisfy the Insurance Requirements in the Part C, Sample Agreement

9. PROPOSAL SUBMISSION INSTRUCTIONS

All proposals must be submitted to Flagship via the Flagship website. Instructions and details can be found by visiting Flagship's Electric Ferry Page

Proposals received after the date and time specified in Part A, Section 2 will be considered late and will not be accepted.

10. WAIVER

Proposers are solely responsible for examining, with appropriate care and diligence, all parts of this RFP and fully informing themselves of all relevant aspects of the Technical Specifications. By submitting a proposal, the Proposer represents and warrants that the Proposer has: sufficiently examined and are familiar with each part of this RFP and with all matters affecting the performance of the Technical Specifications; checked its proposal for errors and omissions; confirmed that the prices stated in its proposal are correct for performing the Technical

Specifications and as intended by it. The Proposer waives any claim against Flagship for costs incurred in preparing a proposal and responding to this RFP.

11. WITHDRAWAL OF PROPOSAL

Submission of a Proposal shall constitute a firm offer to Flagship for 180 calendar days from the submission deadline for proposals stated in Part A, Section 2 of this RFP.

A Proposer may withdraw its proposal any time before the date and time when proposals are due, without prejudice, by submitting an email request for its withdrawal to Abby Butzen at abby.butzen@auroramarinedesign.net.

12. EVALUATION PROCESS

I. Flagship Evaluation Committee

Flagship and Aurora will make up a team with the responsibility for (1) reviewing all responsive proposals and (2) conducting the evaluation and interviews, if any, described in this RFP. Flagship reserves the right to reject or accept any and all proposals, to waive any minor irregularities in proposals or procedures, and to request additional information from Proposers at any stage of the evaluation.

II. Evaluation Criteria

Flagship intends to award a contract to the most qualified, responsible firm submitting a responsive proposal. Ranking of Proposers will be based on a maximum of 100 points allocated as indicated below. To determine the number of points a Proposer will receive in each category, the Evaluation Committee will consider the proposal material submitted, interviews (if applicable), additional information requested by Flagship, client references and any other relevant information about a given Proposer.

The following criteria will be used by the Flagship's Evaluation Committee in the evaluation of responsive proposals. The Evaluation Committee may consider sub-criteria reasonably related to the primary criteria even if not listed in the table below:

Evaluation Criteria	Maximum Points
<p>Project Understanding and Approach</p> <ul style="list-style-type: none"> • Proposer's understanding of the Services. • Proposer's proposed approach to providing the Services and working with Flagship staff. • Organization chart of proposed team. • Staffing plan for the Project. • Proposed General Arrangement and Propulsion Arrangement drawings. 	20

<p>Proposer's Qualifications and Experience</p> <ul style="list-style-type: none"> Proposer's qualifications to perform the Services, specifically including its demonstrated ability to satisfy the requirements of Part A, Section 14.C. Proposer's relevant experience performing work that is the same or similar to the Services, including the scope and dollar value of prior projects completed and Proposer's references. Sufficiency of Proposer's financial strength, resources and capabilities to perform the Services, as measured by information provided in response to Part A, Section 14.D. 	20
<p>Qualifications and Experience of Key Personnel</p> <ul style="list-style-type: none"> Key Personnel's qualifications to perform the Services. Key Personnel's relevant experience performing work that is the same or similar to the Services. 	20
<p>Price Proposal</p> <ul style="list-style-type: none"> Price Proposals will be evaluated based on the Total Price using the following formula: $S = 40 \times *L/P$ <p>"S" - is the score assigned to a Proposer for the Price criteria "P" - is the Total Price listed on a Proposer's Price Proposal "L" - is the lowest Total Price proposed among Proposers in the competitive range *Note: Tariffs will not be included in calculation</p>	40
Total Possible Points	100

III. Responsiveness Check and Preliminary Evaluation of Proposals

Flagship will conduct a preliminary responsiveness check to confirm that each proposal contains all the required documentation and information necessary to be deemed responsive to the RFP. Flagship may reject as non-responsive any proposal that does not include the documents and information required by the RFP. As part of the preliminary evaluation of proposals, the Evaluation Committee may request additional information or modified proposals and may check references. Using the Evaluation Criteria, the Evaluation Committee may, but is not required to, establish a competitive range consisting of those proposers that the Evaluation Committee believes have a reasonable chance of being selected for award (including technical and price proposal). The Committee may reject any proposal it determines insufficiently viable for further consideration (outside the competitive range) or may recommend rejection of all proposals. Proposers who are not in the competitive range will be notified as soon as it is practicable. Flagship reserves the right to request additional information and clarifications during the evaluation and selection process from any or all Proposers regarding their proposals.

IV. Revised Proposals, Interviews and Negotiations

After completing the preliminary evaluation, the Evaluation Committee may conduct further discussion or interviews with firms whose proposals the Evaluation Committee considers sufficiently viable to allow for further consideration ("the competitive range"). The Evaluation Committee may also reject any proposals it deems not within the competitive range. The Evaluation Committee may require that some or all Proposers attend an interview (may be in person or conducted via telephone per Flagship's request) in order to seek clarification regarding the various proposals. Flagship also reserves the right to request additional information and/or modified proposals, and to require any such information in writing. The evaluation committee may also contact any reference listed in the proposal or otherwise seek input about Proposers. Flagship reserves the right to complete the evaluation process without any interviews or additional information, so Proposers are encouraged to submit their best Proposal with their initial submission.

Upon completion of the final evaluation process, Flagship will rank each firm based on the Evaluation Criteria, considering all information, including written submissions and any additional information the Evaluation Committee received during the final evaluation process. This final ranking will be reflected in a composite score of each proposer in the competitive range. Flagship may accept the highest-ranked proposal or negotiate terms and conditions of the Agreement with the highest-ranked firm. If negotiations are unsuccessful, Flagship will terminate the negotiations with that firm and may open negotiations with the next highest-ranked firm. If negotiations with this firm are also not successful, Flagship may repeat the negotiations process with the next-highest-ranked firms, or, at its sole discretion, Flagship may reject all remaining proposals.

As part of negotiations, the highest ranked Proposer must provide a milestone schedule for each Vessel for Flagship's review and approval. The milestone schedule must include descriptions of work for each milestone and the proposed amount of payment associated with that milestone. The descriptions of work must use terminology consistent with the Technical Specifications for this RFP, and where applicable, reference the specific sections in the Technical Specifications for this RFP.

13. FLAGSHIP'S RIGHTS; WAIVER OF COSTS

This RFP does not commit Flagship to entering into a contract nor does it obligate Flagship to pay for any costs incurred in preparation and submission of proposals submitted in response to this RFP. Flagship will not reimburse any firm for costs incurred as a result of preparing or submitting a proposal, including negotiating with Flagship on any matter related to this RFP. Flagship reserves the right to:

- Request modified proposals or additional documentation at any time from any Proposer
- Remedy errors in the RFP process
- Reject any and all proposals
- Waive formalities and irregularities in proposals
- Modify or rescind any part of or the entire RFP
- Negotiate with any, all, or none of the Proposers
- Issue subsequent RFPs for the Services
- Accept a proposal that does not offer the lowest price

In the event the Selected Proposer defaults or fails to execute a contract with Flagship, Flagship may enter a contract with another proposer.

14. CONTRACT AWARD AND EXECUTION

Flagship reserves the right to not award any contract as a result of this procurement and may terminate the procurement and commence a new procurement for part or all of the Services at any time. Formal contract award will only occur as and when, if at all, Flagship takes such action.

If Flagship acts to award the Agreement, the Selected Proposer must execute and deliver execution copies of the Agreement within ten (10) working days of receipt, together with all required documents, including but not limited to, the insurance certificates and the performance guaranty. If the Proposer is an individual, the Agreement must be executed by the individual personally. If the Proposer is a co-partnership, it is desirable that the Agreement be executed by all of the partners, but it may be executed by one (1) of them. If the Proposer is a corporation, this Agreement must be executed by two corporate officers, consisting of: (1) the president, vice president or chair of the board; and (2) the secretary, assistant secretary, chief financial officer or assistant treasurer. In the alternative, this Agreement may be executed by a single officer or a person other than an officer provided that evidence satisfactory to Flagship is provided demonstrating that such individual is authorized to bind the corporation (e.g. a copy of a certified resolution from the corporation's board or a copy of the corporation's bylaws). If the Proposer is a joint venture, the Agreement must be executed on behalf of each participating firm by officers or other authorized individuals. If the Proposer is an LLC, the Agreement must be executed by an officer or member who is authorized to bind the LLC.

END OF PART A – RFP INSTRUCTIONS

The following Parts constitute the balance of this RFP:

PART B – VESSEL TECHNICAL SPECIFICATIONS

- Appendix B1 – Contract Design Package
- Appendix B2 – Renderings – Exterior
- Appendix B3 – Renderings – Interior
- Appendix B4 – Battery Ventilation Operating Scheme

PART C – SAMPLE AGREEMENT

PART D – COST PROPOSAL FORMS

- FS-1 – Schedule of Values in accordance with Part A, Section 9
- FS-2 – Price Proposal in accordance with Part A, Section 9