

## **1. Overview:**

BETHWAITE DESIGN (BD) invites suitably qualified companies to submit preliminary applications to become licensed 49er Class builders.

Preliminary applications for consideration in the current cycle are to be submitted no later than 30<sup>th</sup> June 2022.

For this invitation to bid there is no fee to submit a preliminary application. Late and subsequent applications will be accepted with a \$5000 USD fee that is nonrefundable.

Applications are to be submitted in electronic form to the 49er Class Builders Application Working Party via the Class manager, Ben Remocker, at [ben@porttackracing.com](mailto:ben@porttackracing.com).

The information to be provided with the preliminary application must include information to allow the working party to assess the applicant against the criteria set out in Appendix A1. To give applicants an idea of how the assessment panel will review applications the general marking criteria that will be used are provided in Appendix B.

Any prospective applicant that has questions on any aspect of this process may send e mail questions to 49er Class manager at [ben@porttackracing.com](mailto:ben@porttackracing.com) until 20 June 2022. All applications will be handled on a confidential basis and BD can provide a written confidentiality agreement upon request.

## **2. Background**

BETHWAITE DESIGN is the Copy Rights holder for the 49er Sailboat, currently selected as an Olympic Event until 2024, and proposed for 2028 inclusion as well. As in the past, new builders are eligible to apply to become Licensed Builders of the boats, wings, centerboards, and rudders, and retailers of all 49er equipment. All applications will be address in a Fair, Reasonable and Non-Discriminatory (FRAND) basis.

A cornerstone principle of the 49er class is that all boats and equipment sold by the class builders must be made in strict compliance with the specification of the BD construction manual. BD is committed to continuing this strict one-design principle and ensuring that all new and existing manufacturers maintain the highest uniform standards. The class will remain, a high performance, manufacture one-design boat built within construction tolerances set down to allow uniformity of equipment. No attempt at optimization of the boat or equipment within the allowable tolerances will be permitted and all boats must be constructed from molds and tooling purchased from the BD master plugs.

In order to appoint new class builders BD is now commencing a multi-stage formal application process to identify new builders that have the relevant expertise, experience, competence and business strength to meet the requirements.

BD sees this process as an opportunity for the class to grow on a worldwide basis and is looking to ensure that high-quality, one-design boats and equipment are accessible to sailors in all parts of the world.

This process is seeking to appoint new builders and re-qualify existing builders.

### **3. New Builder Appointment Process**

BD will undertake a multi-stage process to assess the suitability of applicants to become approved as 49er Class Builders. Please note that BD has no target for the number of new builders.

The process is intended to ensure that any new builder appointed will understand the requirements to be a 49er Class Builder and will be able to successfully function within the Class.

BD takes no position as to the level of competition in any market and will not in any way allocate market areas or restrict the ability of any builder to sell class-legal equipment wherever it chooses. However, bidders should note

that peak annual demand to date is around 140 boats per year, and should bear that in mind while preparing their own business case.

The new builder appointment process will be conducted on a regular basis, linked to the Olympic cycle in accordance with World Sailing requirements, to ensure that new builders and equipment suppliers are only introduced during non-critical phases of the Olympic cycle.

BD anticipates this round of builder appointments will be complete by late 2023 and builders will be required to commence production no later than 8 months after the 2024 Olympics. BD will work with successful applicants to agree appropriate timetables for mold supply, audit, and testing of samples etc.

A Working Party consisting of representatives of BD, the 49er Class, and independent experts (as deemed necessary by BD) has been established to undertake review of the applications.

The process set out below details the requirements to become a new builder.

## **Outline of the Approval Process:**

### **Step 1 – Preliminary Applications**

Invitation for preliminary applications from any party interested in becoming a 49er builder. All applications will be handled on a confidential basis and BD can provide a written confidentiality agreement upon request.

### **Step 2 – Preliminary Application Assessment**

Review by the Working Party of preliminary applications against initial acceptance criteria (see appendix A1).

### **Step 3 – Formal License Applications**

Invitation to selected applicants to submit formal license applications after signing a non-disclosure agreement and being issued with detailed information on the requirements of the 49er Builders Manual (49erBM) and details of all required licenses, fees etc.

#### **Step 4 – BETHWAITE DESIGN Formal License Application Assessment**

Review by the Working Party of formal applications against detailed acceptance criteria (see appendix A2).

#### **Step 5 – Provisional License**

Granting of provisional licenses subject to pre-production approval.

#### **Step 6 – Pre-Production Approval**

Completion of the pre-production approval. Granting of BD Licensed Builder status and approval to commence production and sales (see Appendix A3).

#### **Step 7 – Ongoing Review Compliance**

Ongoing production review and compliance audits in accordance with the 49erBM and the requirements of World Sailing.

### **Appendix A – Acceptance Criteria**

#### **Appendix A1 – Initial Assessment**

The initial acceptance criteria for selection of applicants to proceed to a formal license application will include satisfactory information being supplied on the following. Please note that any information provided will be handled on a strictly confidential basis. BD can provide a written confidentiality agreement upon request.

1. The location, financial capabilities, and experience of the company.
2. The availability of sufficient capital to set up and operate a viable production process.
3. Relevant manufacturing experience.
4. Key personnel and their experience.
5. Preliminary information on the companies QA systems, process and procedures.

The adequacy of the application will be assessed as follows:

For each of the five criterion above the assessment panel will assign a percentage score, out of 100, on a fair and reasonable basis, based on the assessed strength of the applicant in that particular area. This assessment

will be based on the panel's assessment of the applicant being likely to be able to meet the detailed requirement and acceptance criteria to become a licensed builder. The panel may seek information on the applicant from the MNA and/or class regional organization appropriate to the proposed manufacturing location.

The applicant will be assessed on the five criteria and assigned a percentage score for each criterion by the panel. In order to progress to the next stage of the process the applicant must score a mark of at least 70% for each of the five criterion. If the applicant does not meet this requirement the application will be rejected.

If the application is rejected the applicant may, at the discretion of the assessment panel, be invited to submit additional specific supporting information on any issues with a view to having their application reconsidered.

### **Appendix A2 – Formal License Application**

If the applicant is successful with their preliminary application, they will be invited to sign a non-disclosure agreement, following receipt of which BD will provide a package of the following;

- The proposed BD approved builder licensing agreement.
- The relevant sections of the builders manual
- The FRAND procedure for licensing equipment suppliers.
- Class fee schedules and processes
- Approximate costs of the required BD supplied moulds and building equipment.

Applicants will then be invited to submit a detailed application including the following information;

1. The extent of relevant epoxy, carbon, and gelcoat manufacturing experience of the applicant.
2. Applicants' key personnel; their qualifications, training, experience, personal profile, and ability to undertake their proposed roles.

3. Corporate Structure
4. The applicant's financial structure and strength. Applicants are to submit a business plan demonstrating their financial ability to execute their proposed construction strategy for the 49er boats.
5. Experience in one-design dinghy construction, distribution, promotion and sales including any existing dealer networks.
6. The applicant's quality assurance systems and QA track record and ability to comply in all respects with the quality requirements of the CM.
7. Location and suitability of the proposed production facility, with preference given to locations away from existing builders (currently UK/Europe, and New Zealand).
8. Proposed production rate and staffing levels.
9. Proposed distribution systems.
10. Applicant's compliance processes with World Sailing (WS) sustainability policy.
11. Demonstration that applicant is capable of building boats in compliance with the Construction Manual.
12. Fluency in Technical English
13. Proposed equipment guarantees.
14. Agreement to abide by the 49er class builder common philosophy, a commitment to the expansion, development and long-term success of the class.
15. Agreement to pay all licensing fees and royalties.
16. Other factors identified as important by the reviewers.

The panel will review the application and request any additional information they consider necessary to comprehensively assess the application.

The class is committed to recruiting strong, stable, supportive long-term builders and suppliers on a FRAND basis.

The adequacy of the application will therefore be assessed as follows;

For each of the 16 criterion the assessment panel will assign a percentage score, out of 100, on a fair and reasonable basis, based on the assessed strength of the applicant in that particular area.

The marks for each criterion will then be collated and averaged. If the applicant scores more than 50% on every criterion and scores an average of 75% or more they will be invited to proceed to pre-production approval.

If the applicant has achieved the required 75% average but failed to score over 50% on one or more criterion they will be given one opportunity to resubmit their application, readdressing any failed criteria. If the applicants average initial score is less than 75% or they are unable to satisfactorily address any failed criterion their application will be rejected.

All applicants will be required to pay a fee of US \$10,000 to BETHWAITE DESIGN at the time of lodging their formal application to cover the costs of the application review process.

### **Appendix A3 – Pre-Production Approval**

If the applicant has been successful with their formal application, they will be invited to proceed to the pre-production approval process and be issued with full details of the 49erBM.

This will require purchase by the applicant of the necessary moulds and equipment produced from the master plugs, preliminary training of staff by the existing builders nominated representatives on the 49erBM requirements and techniques and then construction of 2 prototype hulls, wings, and foils, to prove to BD, 49er IM's, and WS technical staff that the builder is capable of meeting all the requirements of the 49erBM.

The cost of all supplied moulds and equipment and the costs of the existing builders and BD technical personnel required for training and assessment during the Pre-Production Approval process will be payable by the applicant. A pre-paid deposit against these costs will be required.

The details of this process are set out in the 49er BM, which will be provided to applicants at stage 2 of the process as outlined above upon entering into a non-disclosure agreement.

Upon completion of this process BD will submit a report to the Working Party and if the applicant has satisfactorily met the builders manual requirements they will be invited to become an 49er licensed builder and will be able to commence production as soon as all required contracts are completed.

## **Appendix B – Application Assessment Criteria**



<b>Rating</b>	<b>Defenition</b>	<b>Score Range Guide</b>
<b>EXCELLENT</b>		
Significantly exceeds the requirements	Significantly exceeds the basic criterion requirements. Exceptional demonstration by the applicant of the relevant ability, understanding, experience, skills, resource or quality measures required to meet the criterion. Proposal identifies factors that will offer potential added value.	90%+
<b>GOOD</b>		
Exceeds the requirements in some aspects	Applicant satisfies the basic criterion requirements with some additional benefits. Above average demonstration by the applicant of the relevant ability, understanding, experience, skills, resource or quality measures required to meet the criterion.	80%+
<b>ACCEPTABLE</b>		
Meets the criterion in full	Satisfies the basic criterion requirements. Demonstration by the applicant of the relevant ability, understanding, experience, skills, resource, or quality measures required to meet the criterion, with supporting evidence.	70%+
<b>MINOR RESERVATIONS</b>		
Marginally deficient	Generally satisfies the basic criterion requirements but with minor deficiencies identified. Minor deficiencies which should be readily addressable of the applicants relevant ability, understanding, experience, skills, resource or quality measures required to meet the criterion.	50% to 70%
<b>SERIOUS RESERVATIONS</b>		
Significant issues that need to be addressed	Major reservations about the applicants ability to satisfy the criterion requirements. Significant reservations of aspects of the applicants relevant ability, understanding, experience, skills, resource or quality measures required to meet the criterion, or serious lack of supporting evidence.	<50%
<b>UNACCEPTABLE</b>		
Significant issues not capable of being resolved	Does not meet the criterion and appears unable to do so. Does not comply and/or insufficient information provided to demonstrate that the applicant has the ability, understanding, experience, skills, resource or quality measures required to meet the criterion.	<30%