



7th Annual Meeting of the Commission

23-27 January, The Hague, The Netherlands

COMM7-Report ANNEX 7i Call for Proposals for a SPRFMO Observer Program Accreditation Evaluator

a. Background

The South Pacific Regional Fisheries Management Organisation is an inter-governmental organisation responsible for the long-term conservation and sustainable use of the fishery resources of the South Pacific Ocean and in so doing, safeguarding the marine ecosystems in which the resources occur. The SPRFMO Convention applies to the high seas of the South Pacific, covering about a fourth of the Earth's high seas areas.

Currently, the main commercial resources fished in the SPRFMO Convention Area are Jack mackerel and jumbo flying squid in the Southeast Pacific and, to a much lesser degree, deep-sea species often associated with seamounts in the Southwest Pacific.

The Organisation consists of a Commission and a number of subsidiary bodies. The Commission currently has 15 Members (Australia, the Republic of Chile, People's Republic of China, the Cook Islands, the Republic of Cuba, the Republic of Ecuador, the European Union, the Kingdom of Denmark in respect of the Faroe Islands, the Republic of Korea, New Zealand, the Republic of Peru, the Russian Federation, Chinese Taipei, The United States of America and the Republic of Vanuatu). The Commission also has four cooperating non-Contracting Parties (Republic of Colombia, Curaçao, Republic of Liberia and Republic of Panama).

The SPRFMO Secretariat is based in Wellington, New Zealand.

b. Objective of the Call for Proposals

SPRFMO is in the process of establishing its Observer Programme, as is called for in Article 28 of its constituent Convention. Currently, all Members and CNCPs are required to establish a national observer program¹ and ensure they meet prescribed observer coverage levels².

In 2016, the Commission commenced efforts to develop a SPRFMO Observer Program which would utilise independent and impartial observers sourced from national observer programmes or service providers to be accredited under consistent standards adopted by the Commission. To this end, the Commission has adopted [CMM 16-2019 – OP CMM] which prescribes, inter alia, the process for attaining accreditation and the minimum standards which must be met to receive accreditation.

Consistent with Article 28 of the Convention, the SPRFMO Observer Program will be coordinated by the Secretariat. The Commission is seeking an external consultancy to undertake the review and evaluation of any observer program submitted for accreditation by a Member, CNCP or service provider.

The successful tenderer will be required to, consistent with the process outline in [CMM 16-2019 - OP - 2019]:

1. Liaise with relevant Members, CNCPs, service providers, Chairpersons and the Secretariat throughout the evaluation process;

¹ See paragraph 2 of CMM 02-2018

² CMM 01-2018 (*Trachurus murphyi*), CMM 03-2018 (bottom fishing) and CMM 13-2016 (management of new and exploratory fisheries) specifies observer coverage levels for these fisheries.



2. Review nominated observer programs against the Commission's minimum standards; and
3. Provide a Final Evaluation Report to the Secretariat in respect of each programme nominated for accreditation.

It is envisaged that, from 1 January 2024, SPRFMO Members and CNCPs shall only deploy observers from national observer programmes or service providers accredited under the SPRFMO OP. Observer programmes may be accredited under the SPRFMO Observer Program for a maximum of 5 years before undergoing re-evaluation. To this end, the successful tenderer may have an opportunity to continue its work with SPRFMO following the initial round of accreditation should the Commission decide.

c. Guidelines for the tender and conditions for the contract

Tenders are expected to contain a detailed description including itemised pricing for accrediting national observer programs, or observer programs of a service provider, under the SPRFMO Observer Program. All prices must be expressed in New Zealand dollars, exclusive of taxes, and should specify any variable or fixed costs.

The tender must include the following information:

- a) Full breakdown of costs;
- b) Detailed outline of experience, including of relevant personnel, and technical capacity to review and evaluate national observer programmes or observer programmes of service providers;
- c) Demonstrated understanding of SPRFMO's needs, particularly in relation to relevant CMMs such as
- d) [CMM 16-2019 - OP] and CMM 02-2018.
- e) Proposed approach for undertaking the evaluations, including scheduling and timeframes; and
- f) Confirmation that the tenderer will maintain the security and confidentiality of any information provided to it by the Secretariat, a Member, CNCP or service provider in its capacity as SPRFMO OP Accreditation Evaluator.

d. Information for the tenderer

Submission requirements

The deadline for proposals is 5pm NZST 29 April 2019. Proposals from interested tenderers must be received by via email to secretariat@sprfmo.int no later than this deadline.

If a proposal includes information which can only be provided in hard copy, tenderers must post such information to the SPRFMO Secretariat using registered post by the deadline [c/o Level 26 Plimmer Towers, 2-6 Gilmer Terrace, Wellington 6011, New Zealand] [update if the premises changes].

The SPRFMO Secretariat will acknowledge receipt of all proposals received and any hard copy information received in accordance with paragraph 2.

All proposals must be received in English and in a format compatible with Microsoft Office (eg Microsoft word, excel) and/or Adobe Reader (eg .pdf files). Hard copy information provided pursuant to paragraph 2 may be exempt from this requirement.

All measurements must be in New Zealand units of measurements.

All proposals must identify a designated Contact Point (including a name, phone number and email address).

SPRFMO is not obliged to accept any proposals that do not meet these submission requirements.

Confidentiality

Tenderers should identify in their proposal any information which should be protected as confidential under any contract between the tenderer and SPRFMO, including the reason for its confidentiality. If the tenderer fails to identify any information in the proposal, SPRFMO will consider that the respondent has no information which should be protected as confidential under the contact. SPRFMO reserves the right, at its discretion, to refuse the request to treat information as confidential. In this case, SPRFMO will notify the respondent in writing.



Conflict of interest

Tenderers must disclose in their proposals any potential or actual conflict of interest in the course of delivering this service, and must specify how the tenderer proposes to address this conflict of interest. This will not automatically exclude the tenderer from consideration; however, SPRFMO reserves the right to consider the potential or actual conflict in relation to the proposal before the final decision is made.

Late proposals

Proposals received by email after the deadline of 5pm NZST, 29 April 2018 will be neither considered nor acknowledged by SPRFMO.

Modifications to Proposals

If a tenderer wishes to revise or modify any aspect of its submitted proposal, revisions must be in writing from the Contact Point, clearly identified and accompanied by a clear statement from the tenderer about the action it would like SPRFMO to take with the original submission. All revisions must be submitted by the due date. If a revision is received after the deadline, the revision (but not the whole proposal) will be disregarded.

Process and Evaluation Method

Tenders will be assessed by the SPRFMO Commission, taking into account the advice of the SC and CTC. The SPRFMO Commission will select a provider at its 8th Annual Meeting in January 2020 unless otherwise decided.

Tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract. The information must be signed by the tenderer. As proposals are submitted by email, electronic email signature is acceptable.

Tenders will be evaluated based on the following criteria:

- a. ability of tenderer to meet the objectives of the contract
 - experience
 - qualifications
 - technical capacity
- b. planning and execution of accreditation for nominated programs of projects
- c. cost-efficiency

SPRFMO may request additional information from one or more tenderers to aid its assessment. Additional information must be received by email within the timeframe requested. Additional information must be received by email within the timeframe requested. Additional information received for this purpose within the requested timeframe will be recorded as supplementary information received on request of the Commission. It will not be considered as a late submission or as a revision. Requests for additional information will be sent by email to the Contact Officer from the SPRFMO Secretariat.

Contact with SPRFMO regarding the tender process

The SPRFMO Secretariat is the designated liaison point between the SPRFMO Commission and any potential tenderers. All enquiries should be directed to secretariat@sprfmo.int.

The SPRFMO Secretariat may respond to any enquiries received orally or in writing. The response will be provided to all tenderers that have submitted a proposal. The Secretariat will aim to respond within three working days but may need to consult the SPRFMO Commission in relation to specific technical enquiries, in which case a response may take more time.

The SPRFMO Secretariat will not accept or respond to requests for information on the status and progress of the evaluation and selection progress. The outcome will be posted on the SPRFMO website following the 8th Annual Meeting of the SPRFMO Commission.



Selection

The successful tenderer can expect to be notified following the 8th Annual Meeting of the SPRFMO Commission, commencing in January 2020.

The successful tenderer will be expected to enter into a contract with SPRFMO for the provision of VMS services. The contract shall be governed by and construed in accordance with New Zealand law and the company must submit to the jurisdiction of the New Zealand courts. The contact duration will be no greater than [5 years], but will provide for the possibility of renewal.

Disclaimer

Tenderers are responsible for ensuring that:

- They have examined this Call for Proposals and the requirements specified within.
- They have examined any information made available to tenderers for the purpose of the proposal, including the relevant conservation and management measures referred to in this Call for Proposals.
- The proposal submitted is complete, accurate and realistic in terms of its delivery and cost.

Tenderers are responsible for all costs incurred in the preparation and lodgement of any proposals; and in respect of any discussions, negotiations, enquiries or any work undertaken by them after the proposal has been submitted. SPRFMO is not liable for any costs or compensation in relation to these matters, regardless of whether SPRFMO terminates, varies or suspends the Call for Proposals process; or takes any other option under this Call for Proposals.

Proposals are submitted on the basis that the tenderer acknowledges that:

It does not rely on any representation, letter, document or arrangement, whether oral or in writing, or other conduct as adding to or amending these conditions.

it does not rely upon any warranty or representation made by or on behalf of SPRFMO, except as expressly provided for in this Call for Proposals, but the tenderer has relied entirely upon its own enquiries and inspection in respect of the subject of its proposal.

SPRFMO will not accept responsibility for any misunderstanding arising from the failure by a tenderer to comply with the requirements set out in this Call for Proposals, or arising from any ambiguity, discrepancy, inconsistency, error or omission contained in a proposal.

Nothing in this Call for Proposals or any proposal submitted by a tenderer gives rise to contractual obligations between SPRFMO and the tenderer.

Any proposal submitted becomes the property of SPRFMO for the purpose of this Call for Proposals process and will be made available for use by SPRFMO and its Members and cooperating non-Contracting Parties for any purpose connected with the proposal process.

Intellectual property owned by the tenderer or third parties in material contained in the proposal does not pass to SPRFMO with physical property in the submitted documents. However, SPRFMO is granted an irrevocable, royalty free licence to use, reproduce and circulate any material contained in the proposal, or provided by the tenderer in response to this Call for Proposals, to the extent necessary to conduct the proposal process.

SPRFMO reserves the right to enter into negotiations or discussions with any one or more tenderers.