

Request for Proposals (RFP)

Economic Analysis for Electronic Monitoring and Observers in the Federal Fisheries Off Alaska



Issue Date: November 1, 2021
DEADLINE FOR PROPOSALS: December 3, 2021

RFP Process Schedule

- November 1, 2021** Request for Proposal (RFP) issued and distributed
- November 10, 2021** Deadline for written questions regarding this RFP
Please email questions to Michael Arredondo at marredondo@psmfc.org
- November 15, 2021** Q&A document, including the answer to the written questions posted on the PSMFC website at: <http://www.psmfc.org/procurements/blog>
- December 3, 2021** Deadline for submission of proposals
Proposals need to be submitted by e-mail to: marredondo@psmfc.org
Subject line for submissions: *Economic Analysis for Electronic Monitoring and Observers in Alaska*
Faxed and hard copy proposals **will not** be accepted.
- December 6-10, 2021** Proposal review
- December 13, 2021** Project finalist selected (timeline subject to change)

Introduction

Pacific States Marine Fisheries Commission (PSMFC) seeks a contractor to prepare the analysis and implementation plan necessary for NOAA's National Marine Fisheries Service (NMFS), Alaska Region, to implement monitoring programs in the federal fisheries off Alaska. PSMFC was formed by Congress more than 60 years ago and helps resource agencies, including NMFS, to manage fisheries and implement fishery management programs. This project will support NMFS in the implementation of monitoring programs that include fishery management plan amendments and regulatory amendments authorized by the Magnuson-Stevens Fishery Conservation and Management Act (MSA)¹.

To carry out their responsibilities for conserving and managing groundfish resources, the North Pacific Fishery Management Council (Council) and NMFS must have high quality, timely, and cost-effective data to support management and scientific information needs. In part, this information is collected through a fishery monitoring programs for the groundfish fisheries off Alaska. Observers and Electronic Monitoring (EM) systems provide fishery-dependent information that is used to estimate total catch and interactions with protected species. Managers use these data to manage groundfish and prohibited species catch (PSC) within established limits and to document and reduce fishery interactions with protected species. Much of this information is expeditiously available (e.g., daily or at the end of a trip, depending on the type of vessel) to ensure effective management. Scientists also use fishery-dependent data to assess fish stocks, evaluate marine mammal interactions with fishing gear, characterize fishing impacts on habitat, and provide data for fisheries and ecosystem research and fishing fleet behavior. These data contribute to the best available scientific information used to manage the fisheries in the North Pacific.

While a large component of monitoring programs in Alaska rely on the use of observers, the Council supports integrating EM and reporting technologies into NMFS North Pacific fisheries-dependent data collection programs, where applicable, to ensure that scientists, managers, policy makers, and industry are informed with fishery-dependent information that is relevant to policy priorities, of high quality, and available when needed, and obtained in a cost-effective manner.

The Council and NMFS have been on the path of integrating technology into the fisheries monitoring systems for many years, with electronic reporting systems in place, and operational EM in some fisheries. A new EM program for compliance purposes on pelagic pollock trawl catcher vessels and tenders both delivering to shoreside processors will obtain necessary information for quality accounting for catch including bycatch and salmon PSC in a cost-effective manner, and provide reliable data for compliance monitoring of a no discard requirement for salmon PSC. This trawl EM program has the potential to advance cost efficiency and compliance monitoring, through improved salmon accounting and reduced monitoring costs.

To support the implementation of monitoring programs, NMFS and the Council are required to prepare analytical documents to inform the public and policy makers about the potential effects of those actions. These analyses must address a range of statutory requirements before any monitoring program, or subsequent amendments to a monitoring program may be implemented.

¹ http://www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf

This project will develop the analysis and implementation plan necessary to implement monitoring of pollock catcher vessels using pelagic trawl gear in the Bering Sea and Gulf of Alaska. The goal for EM in these programs is compliance monitoring of maximized retention. Catch accounting for the vessel's catch and bycatch will be done via electronic reports and shoreside plant observers. Regulatory change is needed to modify the current retention and discard requirements to allow participating catcher vessels to maximize retention of all species caught (i.e., minimize discards to the greatest extent practicable) for the use of EM as a compliance tool.

Scope of Work

PSMFC intends to contract with one firm to provide professional services under the following four tasks:

1. Prepare Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA). An RIR/IRFA will be developed for regulatory amendments necessary to establish monitoring programs. NMFS staff, including Alaska Regional economists and NOAA General Counsel (GC), will review a draft RIR/IRFA and the contractor will revise the draft RIR/IRFA to address the agency comments. The contractor must present the draft RIR/IRFA to the North Pacific Fishery Management Council (Council). The contractor will then prepare a final RIR/IRFA that incorporates comments and recommendations by NMFS, NOAA GC, and the Council.

The analysis must address alternatives and issues related to the monitoring proposal and the potential impacts of the monitoring regulations on the regulated public and NMFS. In addition, the analysis must evaluate the impact on the observer fee collection program that supports the partial coverage component of the observer program. Both the draft and final RIR/IRFA must comply with the requirements of E.O. 12866², the Regulatory Flexibility Act³, and NMFS's guidance for the preparation of economic analyses⁴.

2. Prepare an implementation plan for monitoring programs. In consultation and coordination with NMFS Alaska Region staff, the contractor will prepare a written implementation plan that can be integrated into the RIR/IRFA, and also act as a stand-alone document. The implementation plan will describe how NMFS would implement the monitoring programs in coordination with existing monitoring under the Annual Deployment Plan to maximize consistency and cost efficiency. In addition, the implementation plan will address NMFS staff and budget resources, recommended outreach efforts.
3. Assist in preparing the proposed and final rules for the monitoring program regulations. The contractor will work with NMFS to help draft the proposed rule, respond to public comments, and help draft the final rule.

² <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>

³ <https://advocacy.sba.gov/resources/the-regulatory-flexibility-act/>

⁴ <https://www.fisheries.noaa.gov/national/laws-and-policies/guidance-conducting-economic-and-social-analyses-regulatory-actions>

4. Preparation of analysis for fishery management plan or regulatory amendments: it is anticipated that as the first three tasks are being completed that new analytical projects will be identified or prioritized by NMFS. These projects would include analysis to support additional amendments to monitoring programs. These could include amendments to revise record keeping and reporting requirements necessary to effectively monitor fisheries, modifications necessary to assign and deploy observers, or other aspects of fishery monitoring to support management.

Project Timeline: This project is expected to start in late in 2021 and last for 1 year. Specific milestones and deadlines may be adjusted as needed upon mutual written agreement between PSMFC and the contractor.

Travel:

- The project may require travel of 1-2 trips to the Alaska Regional Office in Juneau, Alaska and each trip is expected to be 3-4 nights.
- In addition, the project may require travel to 3-4 North Pacific Fishery Management Council meetings in Seattle, WA, or Anchorage, AK and each trip is expected to be 5-6 nights.

Contractor Qualifications

The qualified contractor must have knowledge of the laws, regulations, and NOAA policies governing the preparation of RIRs and IRFAs. The contractor must demonstrate successful experience preparing analytical documents to support the NMFS federal rulemaking process for North Pacific fisheries, experience preparing analytical documents for review by the North Pacific Fishery Management Council, and knowledge of analyses required for implementation of cost recovery programs authorized by the MSA. He or she must demonstrate experience developing analyses that meet NMFS's requirements and the ability to produce analytical documents on deadline.

Proposal Requirements and Scoring

Requirements

Please provide a resume for each person proposed to work on this project and an explanation of the roles and responsibilities anticipated for each person listed. Please provide the hourly rate charged for each person proposed to work on the project, an estimate of the travel and per diem costs for any people proposed to attend the organizational meeting with NMFS staff in Juneau and Council meetings in Anchorage and Seattle and information about any other anticipated costs associated with completing the project.

Scoring

All proposals will be evaluated and scored using the following criteria:

1. Experience (55%) Proposers should demonstrate past performance and experience preparing analytical documents, including RIRs and IRFAs, to support the NMFS federal rulemaking process for North Pacific fisheries and all other experience listed in as contractor qualifications described above. For each person identified as a proposed contributor to the project, provide a list of the projects that each person has successfully completed in the past that demonstrative experience and describe how that person's contribution to the listed project meets these experience requirements. Preference will be given to contractors with successful experience developing analyses for monitoring programs authorized by the MSA. Please identify and provide reasons for any cancelled projects within the past two years.

2. Analytical Approach (30%) Proposers will be scored on the basis of their overall and specific technical and analytical approach to the described tasks, along with their understanding of the specific issues and risks relating to each of the separate tasks. Proposers must explain in writing their analytical approach to:
 - Successfully and independently plan and carry out complicated North Pacific fishery management analytical projects with multiple components;
 - Productively and successfully communicate with staff in various agencies and offices involved in North Pacific groundfish fisheries management and the North Pacific Fishery Management Council process;
 - Incorporate input from agency staff, who may have a wide variety of perspectives and interests at stake, into analytical documents;
 - Effectively and constructively communicate the results of the analysis to the public and Council.

3. Cost (15%) Proposers will be scored on the basis of the cost estimates provided in their proposal.

INSTRUCTIONS, CONDITIONS, AND NOTICES TO PROPOSERS

QUESTIONS

Questions regarding this RFP shall be submitted in writing no later than November 10, 2021 to:

Michael Arredondo
205 SE Spokane Street, Suite 100
Portland, OR 97202
Email: marredondo@psmfc.org

NOTICE OF INTENT

If your organization is interested in submitting a proposal, please send an email by November 10, 2021 to marredondo@psmfc.org, notifying PSMFC of your intent to submit a proposal. Your "reply to" address will be added to an email list of interested vendors. This list will be used to notify interested vendors of any modifications to this RFP. Interested vendors may still submit a proposal without submitting a notice of intent, however they may not be apprised of any changes to the RFP.

AMENDMENTS TO SOLICITATIONS

If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Proposers shall acknowledge receipt of any amendment to this solicitation in Proposer's cover letter.

SUBMISSION, MODIFICATION REVISION, AND WITHDRAWAL OF PROPOSALS

Deadline for proposals is December 3, 2021

Proposals by electronic copy must be submitted to:

Attn: Michael Arredondo
205 SE Spokane Street, Suite 100
Portland, OR 97202
Email: marredondo@psmfc.org

Proposals and modifications to proposals may be submitted via electronic copy in PDF or MS Word format.

PSMFC reserves the right to consult with and to consider information from its own sources, including information from state and federal agencies regarding the proposer's prior performance or the status of outstanding investigations or warrants involving the proposer.

Proposers are responsible for submitting proposals, and any modification of revisions, so as to reach PSMFC by 4:00 p.m. Pacific time on December 3, 2021.

Late proposals

Any proposal, modification, or revision at the PSMFC office designated in the solicitation after the exact time specified for receipt to offers is "late" and will not be considered unless it is received before award is made, the PSMFC Fiscal Manager determines that accepting the late offer would not unduly delay the acquisition; and

There is acceptable evidence to establish that it was received at the PSMFC installation designation for receipt of offers and was under the PSMFC's control prior to the time set for receipt to offers; or

It is the only proposal received.

However, a late modification of an otherwise successful proposal that makes its terms more favorable to the PSMFC will be considered at any time it is received and may be accepted.

Acceptable evidence to establish time of receipt at the PSMFC installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of PSMFC personnel.

If an emergency or unanticipated event interrupts normal PSMFC processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent PSMFC requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal PSMFC processes resume.

Proposals may be withdrawn by written notice received at any time before award. Proposals may be withdrawn in person by an offer or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

Proposers shall submit proposals in response to this solicitation in English and in U.S. dollars.

Proposers may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

Proposers may submit revised proposals only if requested or allowed by PSMFC.

Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Fiscal Manager.

Each Proposal must state that it is a firm offer which may be accepted within a period of ninety (90) days. Although the contract is expected to be awarded prior to that time, the ninety day period is requested in order to allow for unforeseeable delays.

Proposer shall submit the name, address, and telephone number of the person(s) with the authority to bind the firm, as well as to answer questions or provide clarification concerning the firm's proposal.

PSMFC is not liable for any costs incurred by vendors/contractors in developing or submitting their response to this RFP.

PROPOSAL EVALUATION

General. All proposals received in accordance with these RFP instructions will be evaluated to determine if they are complete and meet the requirements specified in this RFP. An award will be made to the Proposer whose offer is judged to be the most advantageous to PSMFC. PSMFC expressly reserves the right to reject any and all proposals and make no award under this RFP, or to negotiate separately with competing vendors.

All Proposals received in accordance with these RFP instructions will be reviewed, analyzed, evaluated and scored in accordance with the scoring criteria mentioned above. If needed, additional information may be requested from one or more Proposers.

Request for additional information. During the evaluation period, PSMFC may request additional information in order to fairly evaluate a Proposer's offer. If such information is required, the Proposer will be notified in writing (or by email) and will be permitted a reasonable period of time to respond.

CONTRACT AWARD

All qualified proposals will be evaluated and an award will be made to the firm whose combination of qualifications, cost and technical offers is deemed to be in the best interest of PSMFC.

The PSMFC may reject any or all of the proposals if such action is in the PSMFC's interest.

The PSMFC may waive informalities and minor irregularities in proposals received.

The PSMFC reserves the right to make an award on any item for a quantity less than a quantity offered, at the unit cost or price offered, unless the offer specifies otherwise in the proposal.

The PSMFC reserves the right to make multiple awards if, after considering the additional administrative cost, it is in the PSMFC's best interest to do so.

Exchanges with proposers after receipt of a proposal do not constitute a rejection or counteroffer by the PSMFC.

The PSMFC may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced prices exist when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the PSMFC Fiscal Manager determines that the lack of balances poses an unacceptable risk to the PSMFC.

If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

The PSMFC may disclose the following information in post award debriefings to other proposers:

- The overall evaluated cost of price and technical rating of the successful proposer;

- The overall ranking of all proposers, when any ranking was developed by the agency during source selection; and

- A summary of the rationale for award.

SPECIAL CONTRACT AWARD REQUIREMENTS

Conflict of Interest

The Proposer warrants that, to the best of the Proposer's knowledge and belief, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined in the Federal Acquisition Regulations (FAR) Subpart 9.5, or that the Proposer has disclosed all such relevant information.

The Proposer agrees that if an actual or potential organizational conflict of interest is discovered after award, the Proposer will make full disclosure in writing to the PSMFC Fiscal Manager. This disclosure shall include a description of actions that the Proposer has taken or proposes to take, after consultation with the PSMFC Fiscal Manager, to avoid, mitigate, or neutralize the actual or potential conflict.

Remedies – The PSMFC Fiscal Manager may terminate the contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the Proposer was aware of a potential organizational conflict of interest prior to award or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to the PSMFC Fiscal Manager, PSMFC may terminate the contract for default, debar the Proposer from PSMFC contracting, or pursue such other remedies as may be permitted by law.

The Proposer further agrees to insert provisions that shall conform substantially to the language of this clause, including this paragraph, in any subcontract, personnel agreement, or consultant agreement hereunder.

Indemnification

Contractor shall indemnify and hold harmless PSMFC and its officers, agents, employees, boards and commissions, against any and all loss, damages, liability, claims, suits, costs and expense whatsoever, including reasonable attorney's fees, regardless of the merits or outcome of any such claim or suit arising from or in any manner connected to Proposer's negligent performance of services provided or work conducted as a result of this RFP.