

Request for Proposals

**Analysis and Regulatory Development for Catch Shares Programs and Cost
Recovery Programs in the Federal Fisheries Off Alaska**



Actual issue date: May 15, 2012

DEADLINE FOR PROPOSALS: June 8, 2012

Proposal Schedule

Request for Proposal (RFP) issued and distributed: May 15, 2012

Deadline for notification of intent to respond: May 22, 2012 (4 PM PST)

- Please notify PSMFC if your firm intends to respond to this RFP. Your notification should be sent via email to MArredondo@PSMFC.org and DColpo@PSMFC.org
- After this date, proposals will not be accepted from vendors who did not express intent.

Deadline for written questions regarding this RFP: May 29, 2012

- Please email question to MArredondo@PSMFC.org and DColpo@PSMFC.org

Responses to written questions available on PSMFC RFP page: June 1, 2012

- Responses to all questions will be provided to all participating parties.

Proposal submission deadline: June 8, 2012 (4 PM PST)

- Only e-mailed proposals will be accepted. Submit proposals to: MArredondo@psmfc.org and DColpo@PSMFC.org
- Faxed and hard copy proposals will not be accepted.

Proposal Review: June 11-15, 2012

Project Finalists Selected: June 18, 2012

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 catch share programs and cost recovery programs in the federal fisheries off Alaska.

This project has four tasks:

1. Preparation of analytical documents to support the proposed cost recovery programs;
2. Preparation of an implementation plan for the proposed cost recovery programs;
3. Assistance with preparation of the proposed and final rules for regulations governing the proposed cost recovery programs; and
4. Preparation of analysis for other fishery management plan amendments for catch share programs, or preparation of analyses that develop as a result of the first three tasks, or are prioritized by NMFS in the future.

Background

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 fishery management plan amendments, regulatory amendments and cost recovery programs authorized by the Magnuson-Stevens Fishery Conservation and Management Act (MSA)¹.

The North Pacific Fishery Management Council and NMFS have developed a range of catch share programs that assign exclusive catch privileges to fishery participants. To support the implementation of these catch share 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 catch share program, or subsequent amendments to a catch share program may be implemented

Section 304(d) of the MSA requires that the Secretary of Commerce establish a fee collection program for the recovery of the actual costs directly related to management and enforcement of the CDQ Program and all limited access privilege programs as that term is defined by the MSA. Collectively, the CDQ Program and the limited access privilege programs also are known as "catch shares programs." This project will develop the analysis and implementation plan necessary to implement cost recovery for the following three catch shares programs:

- Amendment 80 cooperatives in the Bering Sea and Aleutian Islands management area (Amendment 80),
- American Fisheries Act (AFA) pollock fisheries in the Bering Sea, and the
- Western Alaska Community Development Quota (CDQ) Program.

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

The total amount of the cost recovery fee may not exceed 3 percent of the ex-vessel value of fish harvested under the catch shares program. Fees submitted to NMFS must be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B) of the MSA.

The NMFS Alaska Region has three cost recovery programs currently in effect that will be used as a model for development of the additional cost recovery programs. The existing cost recovery programs are for the halibut and sablefish individual fishing quota (IFQ) program, the crab rationalization program, and the Central Gulf of Alaska rockfish program.

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 cost recovery programs. NMFS staff, including the Alaska Regional Economist 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 in person 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 cost recovery proposal and the potential impacts of the cost recovery regulations on the regulated public, NMFS, and any other government agency that may be eligible for cost reimbursement. In addition, the analysis must contain a description of the observer fee collection program NMFS is proposing to implement in 2013, and the relationship, overlap, or related aspects of the cost recovery programs and the observer fee 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 cost recovery 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 new cost recovery programs in coordination with

² <http://www.alaskafisheries.noaa.gov/analyses/eo/eo2012866.pdf>

³ <http://archive.sba.gov/advo/laws/regflex.html>

⁴ http://www.alaskafisheries.noaa.gov/analyses/RIR_RFAAguidance.pdf and <http://www.nmfs.noaa.gov/sfa/RFA%20Guidelines.PDF>

existing cost recovery programs to maximize consistency and administrative efficiency, and to minimize costs for industry members, particularly those with obligations in multiple cost recovery programs. In addition, the implementation plan will address NMFS staff and budget resources, recommended outreach efforts, and recommended annual reporting requirements that will be necessary to develop and administer the new programs.

The implementation plan also must describe the Alaska Region's three existing cost recovery programs and identify the primary administrative or functional components of each program. In addition, the implementation plan also must address the process for determining standard ex-vessel prices under the other cost recovery programs and the observer fee program to determine if these processes can be integrated or simplified.

3. Assist in preparing the proposed and final rules for the cost recovery program regulations. The contractor will work with NMFS to draft the proposed rule, respond to public comments, and draft the final rule.
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 catch share programs. These could include amendments to revise record keeping and reporting requirements necessary to effectively monitor catch share programs, modifications necessary to assign and track quota, or other aspects of catch share management.

Project Timeline: This project is expected to start in summer 2012 and last for several years, with the bulk of project activities completed by mid-2013. Specific milestones and deadlines may be adjusted as needed upon mutual written agreement between PSMFC and the contractor.

Travel: The project may require travel to the Alaska Regional Office in Juneau, Alaska. In addition, the project will require travel to three to four North Pacific Fishery Management Council meetings and each trip is expected to be 5-6 nights. Council presentations would likely be in Seattle, WA, or Anchorage, AK.

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

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 using Appendix A, and 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.

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. Please include references from these projects. Preference will be given to contractors with successful experience developing analyses for cost recovery 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.

Appendix A. Budget Template

Person 1:

Name:

Title/Role:

Hourly rate:

Residence (City, State):

Person 2:

Name:

Title/Role:

Hourly rate:

Residence (City, State):

Person 3:

Name:

Title/Role:

Hourly rate:

Residence (City, State):

Person 4:

Name:

Title/Role:

Hourly rate:

Residence (City, State):

Person 5:

Name:

Title/Role:

Hourly rate:

Residence (City, State):

Repeat as necessary.

Please provide 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.