

## **Request for Proposals**

### **Analysis and Regulatory Development for Revisions to the American Fisheries Act and Halibut and Sablefish Individual Fishing Quota Catch Shares Programs in the Federal Fisheries Off Alaska**



**Actual issue date: November 30, 2017**

**DEADLINE FOR PROPOSALS: December 29, 2017**

## **Proposal Schedule**

### **SECTION 1: PROPOSED REQUEST FOR PROPOSALS (RFP) SCHEDULE**

#### ANALYTICAL SUPPORT FOR NMFS ALASKA REGION FIELD OFFICE

November 30, 2017 Requests for Proposals (RFP) distributed and posted at:

<http://www.psmfc.org/procurements/blog>

December 13, 2017 Deadline for Notice of Intent and written questions on RFP. Written questions should be directed to:

Michael Arredondo  
205 SE Spokane Street, Suite 100  
Portland, OR 97202  
Email: [contracting@psmfc.org](mailto:contracting@psmfc.org)

December 20, 2017 Questions and Answers document posted on PSMFC website:

<http://www.psmfc.org/procurements/blog>

December 29, 2017 Deadline for proposals

One (1) electronic copy to:

Michael Arredondo  
205 SE Spokane Street, Suite 100  
Portland, OR 97202  
Email: [contracting@psmfc.org](mailto:contracting@psmfc.org)

January 9, 2017 Contract awarded to successful bidder

## **Introduction**

Pacific States Marine Fisheries Commission (PSMFC) seeks a contractor to provide technical and analytical support necessary for NOAA's National Marine Fisheries Service (NMFS), Alaska Region, to manage catch share programs in the federal fisheries off Alaska.

This project has three tasks:

1. Preparation of analytical documents to support fishery management plan and/or regulatory amendments to the American Fisheries Act (AFA) and Halibut and Sablefish Individual Fishing Quota (IFQ) catch share programs identified following recent program reviews.
2. Assistance with preparation of the proposed and final rule documents for regulations to revise the AFA and IFQ Programs that arise from task 1.
3. Preparation of analytical documents for additional revisions to the AFA and IFQ Programs that develop as a result of tasks 1 and 2 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 and regulatory amendments to modify catch share programs authorized by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Northern Pacific Halibut Act.<sup>1</sup>

The North Pacific Fishery Management Council (Council) and NMFS have developed a range of catch share programs that assign exclusive catch privileges to fishery participants. To support the implementation and ongoing management 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 need for revisions to those programs in response to changes in biological, economic, or social conditions affecting the fisheries managed under the program. 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 303A(c)(1)(G) of the Magnuson-Stevens Act requires NMFS and the Council to complete a comprehensive review of all catch share programs within a specified time frame. The Council and NMFS completed the review of the AFA Program in February 2017 and the IFQ Program in December 2016. Both of the program reviews resulted in NMFS recommendations and industry and Council ideas for potential modifications to the programs in order to meet policy and management objectives.

This project would provide support for analysis and rulemaking assistance for the follow-up actions that are being developed by the Council and NMFS as a result of the reviews, and potentially other actions that are identified by the Council or NMFS in the future. This project will produce analyses and documents that will be used to support proposed revisions to regulations governing the management, monitoring and administration of the

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<sup>1</sup> The MSA is available at [http://www.nmfs.noaa.gov/sfa/magact/MSA\\_Amended\\_2007%20.pdf](http://www.nmfs.noaa.gov/sfa/magact/MSA_Amended_2007%20.pdf) and the Northern Pacific Halibut Act is available at <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title16/html/USCODE-2010-title16-chap10->

AFA and IFQ Programs.

### **Scope of Work**

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

1. Prepare Regulatory Impact Review (RIR) documents to support proposed fishery management plan and/or regulatory amendments to the AFA and IFQ Programs. An RIR will be developed for regulatory amendments necessary to revise specific provisions of the AFA and IFQ Programs. NMFS staff and NOAA General Counsel (GC) will review a draft RIR and the contractor will revise the draft RIR to address the agency comments. The contractor must present in person the draft RIR to the North Pacific Fishery Management Council (Council) and its advisory bodies. The contractor will then prepare a final RIR that incorporates comments and recommendations by NMFS, NOAA GC, and the Council.

Both the draft and final RIR must comply with the requirements of E.O. 12866<sup>2</sup>, the Regulatory Flexibility Act<sup>3</sup>, and NMFS's guidance for the preparation of economic analyses<sup>4</sup>. The analysis must address alternatives and issues related to the proposed fishery management plan and/or regulatory amendments and the potential impacts of the alternatives on the regulated public, NMFS, and any other government agency that may be affected by the action. In addition, the analysis must identify the small entities that likely would be directly affected by the proposed action and describe the expected impacts of the action on those small entities, consistent with the requirements of Regulatory Flexibility Act.

2. Assist in preparing the proposed and final rule documents for the cost recovery program regulations to revise the AFA and IFQ Programs. Following Council recommendations for specific provisions of the AFA and IFQ Programs, the contractor will work with NMFS to draft the proposed rule, respond to public comments, and draft the final rule. The contractor will assist NMFS in preparing an Initial Regulatory Flexibility Analysis (IRFA) for the proposed rule and a Final Regulatory Flexibility Analysis (FRFA) for the final rule. Rulemaking documents must comply with the requirements of the Document Drafting Handbook<sup>5</sup> that provides guidance and examples for drafting documents that are published in the *Federal Register* and NMFS Alaska Region requirements that will be provided to the contractor.
3. Preparation of analytical documents for additional revisions to the AFA and IFQ Programs. NMFS anticipates that as the Council and NMFS are developing revisions to specific components of the AFA and IFQ Program that new analytical projects will be identified or prioritized by NMFS. These projects would include analysis to support additional amendments to the AFA and IFQ Programs. These could include amendments to revise record keeping and reporting requirements necessary to effectively monitor participation and harvest in the fisheries, modifications necessary to assign and track quota, or other aspects of catch share

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

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

<sup>4</sup> [http://www.alaskafisheries.noaa.gov/analyses/RIR\\_RFAAguidance.pdf](http://www.alaskafisheries.noaa.gov/analyses/RIR_RFAAguidance.pdf) and <http://www.nmfs.noaa.gov/sfa/RFA%20Guidelines.PDF>

<sup>5</sup> <https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf>

management.

All analytical documents must comply with the requirements of E.O. 12866, the Regulatory Flexibility Act, and NMFS's guidance for the preparation of economic analyses. The analysis must address alternatives and issues related to the proposed fishery management plan and/or regulatory amendments and the potential impacts of the alternatives on the regulated public, NMFS, and any other government agency that may be affected by the action. In addition, the analysis must identify the small entities that likely would be directly affected by the proposed action and describe the expected impacts of the action on those small entities, consistent with the requirements of Regulatory Flexibility Act.

Project Timeline: This project is expected to start in early 2018 and last through the end of 2018. 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 rulemaking documents. 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 catch share 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 any necessary meetings with NMFS staff in Juneau and Council meetings in Seattle and Anchorage 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 catch share 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):

Repeat as necessary.

Please provide an estimate of the travel and per diem costs for any people proposed to attend any necessary meetings with NMFS staff in Juneau and Council meetings in Seattle and Anchorage and information about any other anticipated costs associated with completing the project.