



Procurement Hub – Fredericton
301 Bishop Drive
Fredericton, NB E3C 2M6

March 21, 2019

F5211-190036

ADVANCED CONTRACT AWARD NOTICE

TITLE: Program for the Rescue of Entangled/Entrapped/Stranded Marine Animals in Distress: Newfoundland and Labrador Region

INTRODUCTION:

The purpose of this Advance Contract Award Notice (ACAN) is to signal the government's intention to award a contract for these services to Tangly Whales Inc., 244 Tolt Road, Portugal Cove, St. Philips, NL A1M 1R2. Before awarding a contract, however, the government would like to provide other suppliers with the opportunity to demonstrate that they are capable of satisfying the requirements set out in this Notice, by submitting a statement of capabilities during the ACAN posting period.

If other potential suppliers submit a statement of capabilities during this ACAN posting period that meets the requirements set out in the ACAN, the government will proceed to a full tendering process on either GETS or through traditional means, in order to award the contract.

If no other supplier submits, on or before the closing date, a statement of capabilities meeting the requirements set out in the ACAN, a contract will be awarded to the pre-selected supplier.

BACKGROUND:

The purpose of DFO's Program for the Rescue of Entrapped/Stranded Marine Animals in Distress is to provide a 24-hour, seven-day-a-week toll-free telephone line for commercial fishers and members of the public to report entangled, stranded and/or entrapped marine animals and maintain a ready team to safely respond to and assist or release entangled, entrapped and stranded marine animals.

It aims to ensure the safe release of whales, small cetaceans, Leatherback sea turtles and other marine animals from commercial fishing gear, aquaculture nets, boat moorings or navigational markers, thus providing both a direct mitigation for species currently listed under the Species at Risk Act (SARA), and decreasing damage to commercial fishing gear. The program has the added benefit of both improving communications with commercial fishers and the general public regarding marine animal conservation and providing an opportunity to collect scientific data safely to improve our understanding of these species.

OBJECTIVE

The purpose of DFO's Program for the Rescue of Entrapped/Stranded Marine Animals in Distress is to provide a 24-hour, seven-day-a-week toll-free telephone line for commercial fishers and members of the public to report stranded and/or entrapped marine animals and maintain a ready team to respond safely to and assist or release entangled, entrapped and/or stranded marine animals.

BACKGROUND, ASSUMPTIONS AND SPECIFIC SCOPE OF THE REQUIREMENT

Assistance to fishers who have marine animals entangled in their fishing gear has been provided throughout Newfoundland and Labrador, by various organizations, since the late 1970s. Fisheries and Oceans Canada (DFO) provides funding, along with other logistics and equipment support, for the delivery of this service.

This program addresses incidents throughout the entire Newfoundland and Labrador Region, which typically experiences more large marine mammal entanglements than any other region of the country. With an expansive coastline and ocean area, high cetacean species diversity, widespread commercial fishing activity, high stakeholder/public expectations and a small Non -Government Organization (NGO)



community, to date the best means to respond to these entangled, stranded and entrapped animals has been through DFO delivering a Program for the Rescue of Entrapped/Stranded Marine Animals in Distress. The potential location and timing of such incidents is unknown.

The contractor is required to deliver the project in accordance with the Statement of Work ONLY in situations and conditions considered safe for such delivery. Under no circumstances should the contractor attempt a rescue of a marine animal if environmental/weather conditions, or the logistical circumstances are not reasonable and safe given the circumstances of the disentanglement or release activity proposed. The Contractor shall monitor the environmental/weather conditions for changes that render the disentanglement or release operation no longer safe. The contractor must adhere to Section 52 permit issued, Section 38 permit issued, SARA permit issued, the Protocol for Liaison with DFO and any other protocols that may be provided by the DFO.

REQUIREMENTS - TASKS AND ACTIVITIES

The contractor shall provide a year round, seven-day-a week, 24-hour a day emergency response to commercial fishers and the general public who have seen or are seeing marine animals entangled in commercial fishing gear, stranded, or in trouble throughout the waters of the Newfoundland and Labrador Region.

The response capabilities must include delivery of the following:

1) Maintaining toll-free telephone number for the public and commercial fishers to utilize and report all gear-entangled, injured, entrapped or stranded marine animals. This will include all Marine mammal species. Some particular at risk species such as the endangered Leatherback sea turtle, as well as Right and Blue whales, will also be assisted as necessary.

2) Informing and advising those persons reporting marine mammal incidents regarding an appropriate approach for them to deal with the reported incident, including a safe perimeter to maintain and any additional safety considerations.

3) Informing, as soon as possible, by email or telephone, the Department of Fisheries and Oceans (DFO) office located in closest proximity to the incidents where a marine mammal entanglement or entrapment has been reported, as well as the DFO Marine Mammal Coordinator, and provide details on reported location and description of the incident; and to maintain that ongoing communication with DFO, until the incident is effectively addressed, or until such time as the marine animal is no longer in distress.

4) Providing an appropriate and safe response to entanglement or entrapment incidents. There are serious risks involved with any disentanglement attempt and each situation is unique and can be unpredictable. DFO's objective is to ensure that response actions taken proceed in the safest manner possible for everyone involved in order to minimize risk to human safety.

5) Responders must be physically fit and able to work safely in adverse conditions, including harsh and, unpredictable marine environments. Contractor should use the appropriate safety equipment during all disentanglement activities.

Contractor should also have available at all times a Global Positioning System (GPS) device.

6) If part of the work is conducted while on a DFO vessel, the Recipient Contractor should ensure that persons engaged in the marine mammal response activity wear appropriate safety equipment during the entire length of the activity. Safety equipment includes, but may not be limited to, a safety helmet and personal floatation device that meets Canadian safety standards.

7) Providing the safe removal of commercial fishing gear from entangled or entrapped marine animals at the request of commercial fishers, where possible or when required.

8) Providing the safe removal of dead marine animals from fishing gear at request of commercial fishers, where possible or when required.



- 9) Providing notification of a toll-free telephone number for assistance and project information to licensed commercial fishers, government and non-government agencies that work directly with commercial fishers and recreational boaters and/or other recreational users.
- 10) Providing information to the Canadian Coast Guard on dead, floating marine animals for inclusion in appropriate Notices to Mariners and/or other Coast Guard communications mechanisms.
- 11) Discussing general species biology of various marine animals inhabiting the waters of the DFO Newfoundland and Labrador Region with commercial and recreational fishers and the public.
- 12) Providing expert advice on how to safely handle live entangled, entrapped or injured marine animals and dead marine animals to DFO, or other organizations, as requested.
- 13) Safely collecting morphometrics and samples from dead or live entangled or entrapped marine animals, as and when directed by DFO Science. Any such sampling activities would only take place under the direction of DFO Science. Contractor would need to be authorized under appropriate *Marine Mammal Regulations, Fishery (General) Regulations* and *Species at Risk Act* permitting processes.
- 15) Liaising with and providing scientific information to DFO Marine Mammals scientists in the region, and elsewhere, who are interested in and/or who work with marine animals;
- 16) Maintaining, in good and safe working order, emergency response equipment such as an appropriately inspected and licenced boat, motor, vehicle and other equipment necessary for the safe removal of marine animals entangled in commercial fishing gear and/or other marine equipment.
- 17) Communications
 - 17.1 Informing the public and stakeholders about the program through media and public outreach.
 - 17.2 Acknowledging DFO's contribution in any public communications about the program.
 - 17.3 Ensuring that any announcements, brochures, advertisements, web content or other materials promoting the programme will display the DFO signature, Canada wordmark or otherwise make reference to DFO. Material displaying DFO signature, Canada wordmark or otherwise references DFO, should be reviewed and approved by the Department prior to use.
 - 17.4 As a courtesy, DFO will be notified in advance of media interviews taking place on marine mammal response. Questions from media related to the Marine Mammal Response Program must be directed to the Department's media relations. (DFO Media Relations, 613-990-7537 Media.xncr@dfo-mpo.gc.ca) DFO will be consulted on any, announcements, brochures, advertisements, web content or other materials that will display the DFO signature, Canada wordmark or otherwise make reference to DFO.
 - 17.5 Agreeing to the distribution by DFO of information about the programme as part of public communication initiatives including, but not limited to, feature stories, news releases, speeches, web content, DFO promotional materials and special publications.
 - 17.7 DFO may, at its sole discretion, withdraw the requirements of the contractor's acknowledgement of the DFO's contribution in all public communications of the programme.

ESTIMATED LEVEL OF EFFORT

The services outlined above will be required on an as and when required basis. The contractor is required to report each instance, as outlined in this Statement of Work.



SPECIFICATIONS AND STANDARDS

Details are noted above in Tasks and Activities. In addition, DFO does have the following requirements for this scope of work.

- a) Training -
The contractor must have completed and keep up to date appropriate response training and experience consistent with national and international standards.
- b) Persons involved in disentanglement, entrapment and rescue incidents -
No persons who are not employees or trained volunteers of the contractor shall be aboard the contractor vessels at any time during disentanglement, entrapment and rescue activities.

OPERATING FROM A DFO VESSELS

If contractor is operating from a DFO vessel, DFO employees will provide a security briefing to the contractor, which includes the location of vessel safety equipment, emergency measures, safety regulations and the route, navigation or patrol plan as per DFO procedures. DFO employees will maintain control of the vessel at all time.

REPORTING AND INVOICING REQUIREMENTS

The contractor must submit, via email to the Fisheries and Oceans Project Authority (Marine Mammal Coordinator), monthly or more frequently if required, written progress reports (supported by monthly invoices) including, but not limited to:

1. information on number and species of marine animals assisted or rescued
2. location of rescues/strandings
3. number of reported incidents received
4. details on scientific data collected including number and kinds of samples taken from dead or authorized live marine animal species
5. issues or concerns related to the situations encountered
6. number of fishers/recreational boaters, and/or other ocean environment recreational users contacted via an education or public awareness type scenario, and/or any other pertinent information.

These reports should be supported by photographs or videos of rescue and/or disentanglement operations. Submission of photographs and/or videos should also include the full names and pertinent contact information of all people in the photographs and/or videos.

The required monthly reporting template format will be provided by Fisheries and Oceans Canada, and may be updated from time to time.

CONTRACTOR OBLIGATIONS

- Deliver the Rescue and Stranding Program for Marine Animals in Distress, as per the Statement of Work.
- Prepare and submit, via email, accurate monthly (or more frequently if required), written progress reports, as per DFO-provided reporting template. This will include the provision of appropriate photos and videos documenting the rescue/disentanglement efforts, depending on the circumstances of each incident, and only if such photos and videos can be safely obtained.
- Prepare and submit an accurate final annual report summarizing all project activities and results, as per DFO-provided reporting template.
- The contractor shall label any equipment loaned or provided by DFO, as being the property of Canada. The contractor shall take reasonable and proper care of all equipment loaned or provided by DFO. The contractor will also ensure that the equipment is returned to DFO in good working condition upon contract completion. The contractor is responsible for ensuring appropriate insurance coverage for all equipment.



PROJECT MANAGEMENT CONTROL AND CHANGE MANAGEMENT PROCEDURES

Any contractor requested changes in the scope of work will be submitted, in writing, to the Project Authority. The Contracting Authority is responsible for the management of the Contract and any changes to the Contract must be authorized in writing by the Contract Authority. The Contractor must not perform the work in excess of or outside the scope of the Contract based on verbal or written requests or instructions from anybody other than the Contracting Authority.

CONTRACT PERIOD

The Contractor is responsible for the delivery of the Rescue and Stranding's Program for Marine Animals in Distress (as outlined above) for the period of April 8, 2019 to March 31, 2024.

CLIENT SUPPORT

- DFO will provide the required monthly reporting template format (in Word and Excel formats) for the contractor, which may be updated from time to time.
- DFO will provide the required "Protocol for Liaison with DFO" for the contractor, which and may be updated from time to time, and any .
- DFO will make the identified Project Authority available to the contractor as the main point of contact for all activities.
- DFO will provide feedback within three business days of submission of any communications regarding the media relations aspects of the contract.

LOCATION OF WORK

Contract activities will take place within the DFO Newfoundland and Labrador Region. Given the nature of the work it is not possible to anticipate where all rescue and/or disentanglement activities will take place.

Occasionally, on an as and when needed basis, the contractor may be required to travel elsewhere in Atlantic Canada to undertake similar activities. This would only be done at the written request of Fisheries and Oceans. Any costs incurred for work outside the identified regions above will be above and beyond the scope of the value of this current contract and will be contracted/acquired and paid separately.

LANGUAGE OF WORK

The language of work shall be English.

MINIMUM MANDATORY REQUIREMENTS

1. The proposed resource must have a minimum of 10 years' experience in marine mammal response incidents, including specifically disentangling large whales from fishing gear, entrapped marine animals in pack ice, stranded marine animals and dead marine animals;
2. The proposed resource must have a minimum of 10 years' experience coordinating marine mammal response incidents;
3. The proposed resource must have a minimum of 10 years' experience maintaining a hotline to report marine mammal incidents;
4. The proposed resource must have appropriate insurance and liability coverage, as well as the appropriate DFO permits to conduct marine mammal response.

TRADE AGREEMENTS APPLICABILITY OR OTHER OBLIGATIONS:

Trade agreements applicable for this requirement include Canadian Free Trade Agreement (CFTA), North American Free Trade Agreement (NAFTA), World Trade Organization – Agreement on Government Procurement (WTO-AGP)

GOVERNMENT CONTRACTS REGULATIONS EXCEPTION AND LIMITED TENDERING REASONS:

The following policy requirements are applicable to this ACAN process:

Applicable Exceptions to Soliciting Bids under the Government Contracting Regulations (GCRs)
(Section 6):



Section 10.2.1 Section 6 (d) only one person or firm is capable of performing the work applies to this ACAN for the following reasons:

There are no known alternative sources of supply. Tangly Whale's Inc. is the only known supplier in the Newfoundland and Labrador region for this service.

CONTRACT PERIOD:

The contract period is estimated to be from April 8, 2019 through to March 31, 2024.

ESTIMATED VALUE:

The total estimated value of the contract shall not exceed \$200,000.00 excluding all applicable taxes for the initial year, \$200,000.00 for 2nd contract year, \$200,000.00 for the 3rd contract year, \$200,000.00 for 4th contract year, and \$200,000.00 for the 5th and final contract year for a total value of 1,000,000.00.

INSURANCE

The Contractor must have appropriate insurance and coverage as per Occupational Health and Safety Regulations, including current liability insurance and/or appropriate Workers Compensation coverage in place in the Provinces of Newfoundland and Labrador throughout the duration of the contract. Copies of this documentation must be provided to the DFO Project Authority in advance of commencement of the Contract.

The Contractor is responsible for deciding if insurance coverage is necessary to fulfill its obligation under the Contract and to ensure compliance with any applicable law. Any insurance acquired or maintained by the Contractor is at its own expense and for its own benefit and protection. It does not release the Contractor from or reduce its liability under the Contract.

SUPPLIER'S RIGHT TO SUBMIT A STATEMENT OF CAPABILITIES:

Suppliers who consider themselves fully qualified and available to provide the services described herein, may submit a Statement of Capabilities in writing to the Contracting Officer identified in this Notice on or before closing date. The Statement of Capabilities must clearly demonstrate how the supplier meets the advertised requirements.

CLOSING DATE FOR SUBMITTING STATEMENT OF CAPABILITIES:

Friday, April 5, 2019 at 2:00 p.m. (Atlantic Time)

Inquiries and statements of capabilities are to be directed to:

Kimberly Walker

Senior Contracting Officer
Procurement Hub – Fredericton
Telephone: (506) 238-3511
Facsimile: (506) 452-3676
Email: DFOtenders-soumissionsMPO@dfo-mpo.gc.ca