



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

April 29, 2019

F5211-190067

## **ADVANCED CONTRACT AWARD NOTICE**

**TITLE: Supporting Response to Dead and Distressed Marine Animals in Maritimes Provinces.**

### **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 Marine Animal Response Society, 1747 Summer Street, Halifax, NS B3H 3A6. 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 the project entitled "Supporting Response to Dead and Distressed Marine Animals in Maritimes Provinces" is to provide support towards: the operation of a toll-free bilingual reporting call centre; the coordination of marine animal response efforts; the response to marine animal incidents, where possible and safe; the provision of response guidance to other authorized partners; and the collection of basic marine animal incident data and appropriate sharing with DFO to contribute to their Marine Mammal Response Program tracking.

This project supports efforts to ensure incidents involving dead and distressed marine animals in the Maritimes Provinces are reported, particularly those involving species currently listed under the *Species at Risk Act (SARA)*, entangled whales and other live and distressed marine animals, and to promote efficiency by reporting to a single hotline.

### **OBJECTIVE**

The purpose of the project entitled "Supporting Response to Dead and Distressed Marine Animals in Maritimes Provinces" is to provide support for the operation of a toll-free bilingual reporting call centre to enable reporting; to support the coordination of, and response to, marine animal incidents, where possible and safe; to provide response guidance to other authorized partners; and when possible, to support the collection of basic marine animal incident data to inform conservation measures and improve understanding of marine animal species.

### **BACKGROUND, ASSUMPTIONS AND SPECIFIC SCOPE OF THE REQUIREMENT**

The Marine Animal Response Society is a charitable organization dedicated to marine animal (whales, dolphins, porpoises, sea turtle, sharks and seals) conservation in the Maritimes through response, research and education. The society, formerly known as the Nova Scotia Stranding Network, was established by a group of volunteers in 1990 to monitor and respond to strandings and incidental catches of marine animals.

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 embark on a response effort if environmental/weather conditions or the logistical circumstances are not reasonable and safe given the circumstances of the response activity proposed.



The Contractor shall monitor the environmental/weather conditions for changes that render the response operation no longer safe. The contractor must adhere to the *Fisheries (General) Regulations* Section 52 license issued, *Marine Mammal Regulations* Section 38 permit issued, SARA permit issued, the Protocol for Liaison with DFO and any other relevant and/or appropriate protocols that may be provided by the DFO.

## **REQUIREMENTS - TASKS AND ACTIVITIES**

The response capabilities must include delivery of the following:

- 1) Informing and advising those persons reporting marine animal incidents regarding an appropriate approach for them to deal with the reported incident, including a safe perimeter to maintain and any additional safety considerations.
- 2) Informing, as soon as possible, by email or telephone, the Department of Fisheries and Oceans (DFO) office located in closest proximity to where the marine animal incident 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.
- 3) Providing an appropriate and safe response to marine animal incidents. There are risks involved with any response attempt and each situation is unique and can be unpredictable. DFO's objective is to support the response organizations in ensuring that response actions taken proceed in the safest manner possible for everyone involved in order to minimize risk to human safety.
- 4) 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.
- 5) If part of the work is conducted while on a DFO vessel, the Recipient Contractor should ensure that persons engaged in the marine animal response activity from the Recipient's organization, wear appropriate safety equipment during the entire length of the activity, including any equipment required by DFO. Safety equipment includes, but may not be limited to, a safety helmet and personal floatation device that meets Canadian safety standards.
- 6) When possible, providing safe response to live stranded or distressed marine animals, including the refloating of marine animals, if deemed safe and appropriate to do so.
- 7) When possible, providing the safe response to dead marine animals, including sampling and necropsies.
- 8) When requested, 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.
- 9) During a response incident, providing expert advice on how to safely handle live stranded, injured or distressed marine animals, as well as dead marine animals, to authorized partners including DFO.
- 10) Safely collecting samples from dead marine animals. Contractor would need to be authorized under appropriate *Fishery (General) Regulations*, *Marine Mammal Regulations* and *Species at Risk Act* permitting processes.
- 11) Maintaining, in good and safe working order, emergency response equipment such as an appropriately inspected vehicle and other equipment necessary for the safe response to marine animals incidents and/or other marine equipment.
- 12) Communications



12.1 Advertising a toll-free bilingual telephone number for assistance to the public and relevant stakeholders.

12.2 Acknowledging DFO's contribution in any public communications about the project.

12.3 When appropriate, materials promoting work related to the project will display the DFO signature, Canada wordmark or otherwise make reference to DFO. DFO will be consulted on any materials that will display the DFO signature, Canada wordmark or otherwise make reference to DFO.

12.4 When possible and appropriate, as a courtesy, DFO will be notified in advance of media interviews taking place on marine animal response. Questions from media related to DFO's 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](mailto:Media.xncr@dfo-mpo.gc.ca))

12.5 Agreeing to the distribution by DFO of information about the project as part of public communication initiatives including, but not limited to, feature stories, news releases, speeches, web content, DFO promotional materials and special publications, ensuring that the Recipient is recognized as the provider of the work and that DFO's role is to support the work being conducted by the Recipient. The Recipient will be consulted on any materials or outreach that will display or advertise the MARS logo and/or hotline information in advance of distribution. If permission is granted, use of the MARS logo and/or hotline information must be accompanied by one of the following statements:

*Report dead, distressed, injured or entangled marine animals to the Marine Animal Response Society hotline: 1-866-567-6277*

OR

*Report dead or distressed marine animals to the Marine Animal Response Society hotline: 1-866-567-6277*

12.6 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 include the annual daily operation of the reporting hotline, as well as response services 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.

#### **Training**

The contractor must have completed and keep up to date appropriate response training and experience consistent with national and international standards.

#### **Persons involved in response incidents**

No persons who are not employees or trained volunteers of the contractor shall be aboard the contractor vessels at any time during 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. Personal Protective Equipment worn by the contractor must align with DFO safety standards when operating from a DFO vessel.



## **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:

- information on number and species of marine animals assisted or rescued
- location of rescues/strandings/dead animals
- number of reported incidents received
- issues or concerns related to the situations encountered

These reports may be supported by photographs or videos of response operations. Submitted data, photographs and/or videos will be the property of the Recipient and will (when possible) include the full names and pertinent contact information of all people in the photographs and/or videos. Any use of submitted data, photographs and/or video, must appropriately acknowledge the Recipient.

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

## **CONTRACTOR OBLIGATIONS**

- Carry-out services related to the response to distressed or dead marine animals in the Fisheries and Oceans Canada (DFO) Gulf and Maritimes Regions, 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 may include the provision of appropriate photos and videos documenting the rescue/response 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.

## **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 Project Authority.

## **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 when necessary.

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 Gulf and Maritimes Region, specifically in the waters of the Maritimes Provinces. Given the nature of the work it is not possible to anticipate where all response 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. 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 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;
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 managing a marine mammal incident reporting hotline;
4. The proposed resource must have a minimum of 10 years' experience managing a reporting database;
5. 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 (c) the nature of the work is such that it would not be in the public interest to solicit bids:

There are no known alternative sources of supply. The Marine Animal Response Society is the only known supplier in the Gulf and Maritimes regions for this service.

#### **CONTRACT PERIOD:**

The contract period is estimated to be from Contract Award through to March 31, 2020, with an option to renew for three years..

#### **ESTIMATED VALUE:**

The total estimated value of the contract shall not exceed \$150,000.00 annually, excluding all applicable taxes.

#### **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 Maritime Provinces 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:**

**Wednesday, May 15, 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](mailto:DFOtenders-soumissionsMPO@dfo-mpo.gc.ca)