



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

August 2, 2019

F5211-190227

ADVANCED CONTRACT AWARD NOTICE

TITLE: Program to Respond to Dead and Distressed Marine Animals in the Pacific Waters

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 Ocean Wise Conservation Association, P.O. Box 3232, Vancouver, BC, V6B 3X8. 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 Program to Respond to Dead and Distressed Marine Animals in the Pacific Waters is to support the Pacific Marine Mammal Response Program in Canadian Pacific waters by coordinating marine animal response efforts; responding, where possible and safe, to marine animals incident; providing response guidance to other authorized partners; and maintaining marine animal incident data and sharing with DFO.

It aims to ensure all dead and distressed marine animal incidents in Pacific Canadian waters are reported, particularly those involving species currently listed under the *Species at Risk Act (SARA)*, entangled pinnipeds and other live and distressed marine animals, as well as rehabilitating injured marine mammals. 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.

Ocean Wise is a program dedicated to marine mammal (whales, dolphins, porpoises, sea lions seals, sea otters and sea turtles) conservation in the Pacific through response, research and education. The rescue program is through the Vancouver Aquarium which is also one of the largest rescue facilities in the world - rescuing, rehabilitating and releasing over 150 marine mammals each year.

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 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 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.
- 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 mammal 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 ensure 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 mammal response activity 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) Providing the safe response to distressed, injured or entangled pinnipeds, if deemed safe to do so, where possible or when required.
- 7) Providing the safe response to dead marine animals, including sampling and necropsies of smaller marine animals, when possible or when required.
- 8) Providing rehabilitation to marine mammals with the intent of re-release when deemed appropriate and where possible or when required.
- 9) Discussing general species biology of various marine animals inhabiting the waters of the DFO Pacific Region with commercial and recreational fishers and the public when appropriate.
- 10) Providing expert advice on how to safely handle entangled pinnipeds, and injured or distressed marine animals, as well as dead marine animals, to DFO, or other organizations, as requested.
- 11) When possible, Safely collecting samples from dead marine animals, as and when directed by DFO marine mammal coordinator. Contractor would need to be authorized under appropriate *Fishery (General) Regulations, Marine Mammal Regulations* and *Species at Risk Act* permitting processes.
- 12) Liaising with and providing scientific information to DFO Marine Mammal staff in the region, and elsewhere, who are interested in and/or who work with marine animals;
- 13) 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.
- 14) Communications
 - 14.1 Informing the public and stakeholders about the program through media and public outreach.
 - 14.2 Acknowledging DFO's contribution in any public communications about the program.



14.3 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.

14.4 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.

14.5 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.

14.6 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 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.

PROJECT MANAGEMENT CONTROL AND CHANGE MANAGEMENT PROCEDURES

The contractor will:

- Deliver the Program to Respond to Dead and Distressed Marine Animals in the Pacific Waters for the response to distressed or dead marine animals in the Fisheries and Oceans Canada (DFO) Pacific Region, 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.

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.

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 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.

DFO OBLIGATIONS

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.

CONTRACTOR RESPONSIBILITIES

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.

LOCATION OF WORK, WORK SITE AND DELIVERY POINT

Contract activities will take place within the DFO Pacific Region, specifically in Pacific Canadian waters. 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 Pacific 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 paid separately.

LANGUAGE OF WORK

English shall be the working language of all deliverables under this Contract.

SECURITY REQUIREMENTS

There is no requirement for security clearance because all work will occur offsite at a non-DFO facility and there is no classified or protected information arising from this work.

TRAVEL AND LIVING

No travel or living expenses will be paid as a result of any contract awarded.

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



- details on scientific data collected including number and kinds of samples taken from dead or authorized live marine animal species
- issues or concerns related to the situations encountered
- 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 response operations whenever possible. 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.

MINIMUM MANDATORY REQUIREMENTS

- The proposed resource must have a minimum of 10 years' experience in marine mammal response incidents; including entangled or distressed pinnipeds, rescuing and rehabilitating marine animals, and dead marine animals.
- The proposed resource must have a minimum of 10 years' experience coordinating marine mammal response incidents;
- The proposed resource must have a minimum of 10 years' experience managing a reporting database;
- 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) and North American Free Trade Agreement (NAFTA), Agreement on Internal Trade (AIT) and 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. Ocean Wise Conservation Association is the only known supplier in the Pacific region for this service.

CONTRACT PERIOD:

The contract period is estimated to be from Contract Award through to March 31, 2020 with the option to extend for 3 additional 1 year periods.

ESTIMATED VALUE:

The total estimated value of this contract shall not exceed \$100,000.00 annually, excluding all applicable taxes.

INSURANCE

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, August 21, 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