



North Pacific Fisheries Commission

**1<sup>st</sup> DRAFT**

*REQUEST FOR PROPOSALS (RFP)*

**REQUEST TITLE: Regional Vessel Monitoring System (VMS) Design and Implementation Plan for the North Pacific Fisheries Commission VMS and Fisheries Monitoring Center (FMC)**

**CLOSING TIME:** Midnight, 15 March 2019 Tokyo, Japan (offers submitted by post must arrive at Secretariat not later than midnight of the day of business noted above – UTC +9)

**ISSUED BY:** Secretariat of the North Pacific Fisheries Commission (NPFC)



**North Pacific Fisheries Commission**

## **1. RFP Details**

Release Date: 0900 hrs local time Tokyo, Japan on 15 February 2019

Closing Time: Midnight local time Tokyo (UTC+9), Japan on 15 March 2019

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Proposal Details: The name of this proposal is “Regional Vessel Monitoring System (VMS) Design and Implementation Plan for the North Pacific Fisheries Commission VMS and Fisheries Monitoring Center (FMC).”

Proposal Submission: To be addressed to: The Executive Secretary, North Pacific Fisheries Commission, 2F Hakuyo Hall, Tokyo University of Marine Science and Technology, 4.5.7.Konan Minato-ku, Tokyo 108-8477, Japan and submitted electronically to [pflewwelling@npfc.int](mailto:pflewwelling@npfc.int) or by registered post to the address provided.

## **2. Introduction**

### **2.1. Invitation for consultancies to submit proposals**

The NPFC invites submissions of proposals for the development of a regional vessel monitoring system (VMS) design and implementation plan for the North Pacific Fisheries VMS and Fisheries Monitoring Center (FMC) that meets the RFP Proposal Evaluation Criteria and the intent of the Statement of Requirements.

### **2.2. Summary of Requirements**

The NPFC Small Working Group on VMS (SWG VMS) and the NPFC Secretariat are seeking support for the development of a regional vessel monitoring system design and implementation plan. The regional VMS will combine Members’ VMS data into a centralized FMC for the NPFC to support Members in their efforts to plan and execute surveillance and enforcement operations in support of compliance objectives and to deter and eliminate IUU fishing in the North Pacific. Data security protocols will be a key component of the design and implementation plan to ensure the confidentiality of members’ VMS data.

The regional vessel monitoring system design and implementation plan shall consider VMS lessons learned from other RFMOs, Member experiences and capabilities with VMS, and best practice guidelines available for VMS and FMC development. The plan shall include:



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- a. Recommendations for:
  - i. The scope of implementation of VMS within the NPFC;
  - ii. VMS data reporting elements and specifications;
  - iii. Minimum technical specifications of VMS Mobile Transceiver Units (MTUs)/Automatic Location Communicators (ALCs);
  - iv. Data dissemination, including data security and confidentiality protocols, of data transmitted from Vessels to Members' FMCs and subsequently to the NPFC, the NPFC to Members, and within the NPFC as appropriate;
  - v. The components of a NPFC FMC via which VMS and other data may be accessed and analyzed; and
  - vi. The roles and responsibilities of Members, the NPFC Secretariat and the Commission in VMS Governance and Administration.
- b. Analysis of potential challenges of implementing the recommended NPFC regional VMS.
- c. Requirements, including space, infrastructure, and human resources, for:
  - a. Development and implementation, including the linkage of Members' existing VMSs and any needed modifications;
  - b. Operation, including standard operating procedures; and
  - c. System Maintenance.
- d. A budget for the recommended plan, including a comparison of costs where appropriate.

The successful respondent to this RFP will be directed by the NPFC via the SWG VMS and will solicit input from NPFC Members and the NPFC Secretariat when and as required. The consultancy will ideally have experience in both Vessel Monitoring Systems and Information Management/Information Technology (IM/IT) as well as their use in fisheries monitoring. The *Regional Vessel Monitoring System Design and Implementation Plan* from this project will be reviewed in July 2019 by the NPFC Technical and Compliance Committee (TCC) and the Commission.

The proposals will be assessed against the RFP Proposal Evaluation Criteria (5.2).

### **2.3. Proposal Response Requirements**

The respondent is referred to the Statement of Requirements and the Proposal Evaluation Criteria for information on the requirements sought by the NPFC.

Incomplete proposals or proposals that do not respond to the full requirements of this RFP may be excluded from consideration at the discretion of the review panel.

### **2.4. About the NPFC**

The NPFC was established in July 2015 under the *Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean* to ensure the long-term conservation and sustainable use of the fisheries resources in the Convention Area while protecting the marine ecosystems of the North Pacific Ocean in which these resources occur.

The NPFC is currently comprised of eight Members: Canada, China, Japan, Republic of



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Korea, Russian Federation, Chinese Taipei, United States of America and Vanuatu. Interest has been expressed by Uruguay, Ukraine and the EU to consider Membership status within the organization.

The NPFC focuses its work on:

- Fisheries science – providing scientific data and advice on the fish stocks under the management mandate of the Commission;
- Fisheries management – providing policy and legal frameworks for the sustainable management of the fish stocks under its mandate as well as vessel registration and monitoring;
- Fisheries operations – supporting monitoring, control and surveillance of fisheries; and,
- Corporate services - supporting the organizations’ work through administration, IM/IT, human resources, budgeting and other corporate functions.

### 3. NPFC VMS Statement of Requirements

#### 3.1 Background

Currently, the NPFC Secretariat is responsible for monitoring the activities of approximately 1000 vessels that are registered in the NPFC Vessel Register, and as such are authorized to conduct fishing activities on the high seas in the NPFC Convention Area. The vessels of the Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC) also operate in the NPFC Convention Area and as such are of interest to the NPFC, including vessels, such as carrier vessels, that are registered to more than one of these RFMOs.

The NPFC Convention established the intent for the Commission to develop a system “for Members of the Commission to report movements and activities using real-time satellite position-fixing transmitters for vessels engaged in fishing activities in the Convention Area and... coordinate timely dissemination of data collected from members’ satellite vessel monitoring systems” (Article 7.2e). Following the 2<sup>nd</sup> TCC meeting in 2017, the Commission adopted a multi-year work plan which included the development of a VMS as a priority. The SWG VMS formed to advance this work plan priority, and following the 3<sup>rd</sup> TCC meeting was tasked with developing a recommended option, including a design and implementation plan for a regional VMS.

All NPFC Members save the Russian Federation are also members of the WCPFC and the IATTC, and the Russian Federation is also a member of the North Pacific Anadromous Fish Commission (NPAFC). These other RFMOs have overlapping jurisdictions with the Convention Area of the NPFC. All Members are familiar with VMS and have active vessel monitoring systems for both compliance and scientific purposes.

The monitoring of vessels not registered to the NPFC, but of interest, may be carried out through other monitoring mechanisms where appropriate, such as potentially sharing RFMO VMS data, AIS, satellite imagery, etc., and is a necessary function of the FMC to assess potential ‘hotspots’ for IUU fishing operations, either fishing or transshipment.



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The final intent of the NPFC VMS and FMC is to provide a secure, web-based, real-time, user-friendly, readily accessible and reliable Vessel Monitoring System (VMS) that is fully integrated with other MCS frameworks and relevant data in the Fisheries Monitoring Center (FMC) so as to continually support Members' efforts to effectively combat IUU fishing; to provide traditional fishing patterns for VME assessments and closed areas and cross checking of data for scientific analyses; to closely monitor, control and manage fisheries activities of both authorized fishing vessels and those not authorized by NPFC but by other RFMOs to ensure the achievement of optimal compliance levels; to conduct in-depth analyses of appropriate data sets so as to develop a deeper understanding of their fisheries; and to be flexible enough to readily incorporate emerging technologies or the changing needs and desires of Members.

### 3.2 Objective

The ultimate objective of this project is to provide the NPFC with a recommended option for developing and implementing a VMS compatible with Members' existing vessel monitoring systems and meets the objectives of the Commission, outlined *inter alia* in the NPFC Convention. In its formulation of a recommended option, the consultant will take into consideration factors including, but not limited to, the scale, scope, specifications, costs, governance and related processes with developing, implementing, and maintaining a regional VMS and appropriately equipped FMC for the NPFC.

This project shall be completed by early May 2019 to facilitate review and discussion of the recommended VMS option at the fourth Technical and Compliance Committee (TCC) and fifth Commission meetings in July 2019.

### 3.3 Requirements

The NPFC wishes to build on the current Members' existing VMS capabilities and automatically link it into a regional VMS to provide information for sustainable marine resource management and ecosystem protection in accordance with the NPFC's Conservation and Management Measures (CMM). The NPFC also wishes to be able to monitor both its registered vessels and non-Member fishing, carrier and bunker vessels conducting fishing activities in the Convention Area that are registered on the interim Register of non-Member Carrier Vessel Registry. This is to support achieving the objectives of the NPFC Convention, including ensuring vessel compliance with NPFC requirements and other RFMOs' rules for registration, and contributing to addressing potential IUU vessels operating in the area. This will be achieved via a Fisheries Monitoring Centre (FMC) which incorporates Members' VMS data, and may, to the extent feasible, incorporate data acquired through appropriate data sharing protocols with adjacent and overlapping RFMOs, and other vessel and environmental monitoring mechanisms such as Automatic Identification System (AIS) data.

To this end, the Consultant shall:

- a. Produce the recommended regional vessel monitoring system design and implementation plan under the guidance of the NPFC SWG VMS;
- b. Seek information from Members and take into consideration concerns and feedback from Members, the SWG VMS and the NPFC Secretariat;
- c. Provide mid-term and final reports to the SWG VMS and the NPFC Secretariat on



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- project status;
- d. Consider VMS lessons learned from other RFMOs, Member experiences with VMS, and best practice guidelines available for VMS and FMC development;
  - e. Seek information from adjacent and overlapping RFMOs as to:
    - Their VMS specifications and monitoring procedures (including but not limited to reporting specifications, VMS MTU/ALC technical specifications, data dissemination, and security arrangements and protocols);
    - FMC specifications and operations – costs, equipment, human resources, etc., that could impact the development of a NPFC regional VMS and FMC;
  - f. Consult with individual Members in order to:
    - Confirm their VMS specifications and monitoring procedures against the information in the reference documents provided (including but not limited to reporting specifications, VMS MTU/ALC technical specifications, data dissemination, and security arrangements and protocols) and based on ongoing discussions with the SWG VMS;
    - Obtain consensus regarding definitions and requirements where it has yet to be established, including proposing compromises for Members' consideration;
    - Understand their requirements to support the implementation of the recommended VMS option;
    - Ensure that their feedback is incorporated into the recommended option;
  - g. Ensure that these tasks and the deliverables outlined in 3.3.1 are fully completed and considered in the recommendations on the development of the NPFC Regional Vessel Monitoring System (VMS) Design and Implementation Plan.

### 3.3.1 Deliverables

#### 1. *Proposed Project Milestone Timeline*

To include an outline of the project methodology, time line per task/deliverable, decision points (e.g. when reports will be provided to the review committee for feedback and when feedback is desired, etc.).

#### 2. *Report: Background in Support of Identifying Requirements for and Proposed Design of a regional VMS for the NPFC*

*Part A* of the report will include a **Comprehensive VMS Overview** of:

- i. Information from other RFMOs as to:
  - their current VMSs and monitoring procedures, especially those whose jurisdictions are adjacent to or overlap the NPFC, including WCPFC, IATTC, NPAFC, and SPRFMO (building on information already available);
  - their definitions of “real time” as applied to VMS, including what latency (i.e., the lag times between the outgoing VMS transmission, receipt by the Member FMC, and receipt and



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- recording by the NPFC FMC) is acceptable; and
- The pros and cons of different VMS found in RFMOs as they relate to a regional VMS for the NPFC;
- ii. Information from other sources concerning best practices and lessons learned for RFMOs in the development, implementation and performance assessments of their VMS;
- iii. Requirements for VMS data from the Science and Compliance committees of the NPFC; and
- iv. Any other relevant information that could support the development of a regional VMS for the NPFC.

*Part B* of the Report will include the **Recommendations of Requirements for a regional VMS for the NPFC:**

- i. The scale/scope, including consideration of the NPFC's mandate to monitor "vessels engaged in fishing activities in the Convention Area" (NPFC Convention Article 7.2e), and the desire to monitor activities of non-Member vessels registered on the interim Register of non-Member Carrier Vessel Registry in the Convention Area;
- ii. Recommended reporting specifications including consideration of reporting frequency, remote polling capabilities, data format, vessel identifiers, positional data, MTU/ALC failure response, and data correction reporting; and
- iii. Minimum technical specifications of VMS MTU/ALCs to meet the required reporting specifications while minimizing costs to be incurred by Members, including consideration of tamper-proofing, hardware (including locational accuracy, antennas, operational status display, and geodetic datum), software (including unit configuration, operational status display, geofencing, and email/two-way messaging), data transmission, and satellite communications (including latency).

*Part C* of the Report will include the **Recommendation of Standard Operating Procedures for a regional VMS for the NPFC:**

- i. Data dissemination, cost implications, and security protocols for:
  - 1. automated transmission and formatting of data from the Member FMC to the NPFC;
  - 2. simultaneous transmission of the data to both the Member FMC and the NPFC if required;
  - 3. transmission of data from the NPFC to Members if required; and
  - 4. transmission of data to the NPFC from non-member vessels engaged in fishing activity within the NPFC;
- ii. Data security protocols for the storage of disseminated regional VMS data;
- iii. Data confidentiality and data sharing policies outlining the appropriate access for Members, NPFC Compliance Entities, members of the Science and Compliance Committees, the Secretariat, and others;
- iv. Outline of the roles and responsibilities of the Commission, Secretariat,



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and Members regarding the governance and administration of a regional VMS and related data; and

- v. Protocols for the incorporation of VMS data as part of the NPFC Compliance toolbox.

*Part D* of the Report will include **Additional Items**:

- i. Potential challenges involved in implementing a regional VMS for the NPFC;
- ii. An overview of the components and factors concerning the potential future integration of catch reporting (including bycatch, electronic log books and observer data) into the recommended regional VMS option; and,
- iii. Additional concerns highlighted by the SWG VMS and the NPFC Secretariat to be addressed.

Based on the review and feedback of the above report by the SWG VMS and the NPFC Secretariat, the Consultant will produce the following deliverable:

### **3. Implementation Plan for a NPFC Vessel Monitoring System**

To include:

- i. The findings of the report entitled “*Background in Support of Identifying Requirements for and Proposed Design of a regional VMS for the NPFC*”;
- ii. A development and implementation plan for the VMS design recommended in the report, including timeline (phased implementation if necessary), needed resources/infrastructure, formats, processes (including appropriate forms), tools, compatibility with other existing systems to be developed (e.g. vessel registry, CMS, observer program), training, etc.;
- iii. A plan for the ongoing operation and system maintenance of the implemented VMS design, including needed resources, etc.; and,
- iv. Costs associated with developing, implementing, operating, and maintaining the recommended VMS design and related tools (e.g. IM/IT systems), including a comparison of costs where appropriate, for individual members and the Secretariat.

### **References to be provided to the successful consultant:**

1. Point of contact from each Member for the consultant to reach out to as needed
2. MECTS-#3842541-v3-VMS Overview – NPFC Working Doc
3. IOTC-2016-CoC13-Inf03 A Survey of RFMO Vessel Monitoring Systems and Set of Best Practices
4. SWG VMS Items of agreement regarding the design of a regional VMS for the NPFC
5. NPFC VMS Study – Summary findings and Recommendations for an NPFC regional VMS





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### 4. Conditions of proposal

#### 4.1 Consortia

The NPFC will accept proposals from consortia. The NPFC requires that consortia appoint a lead member who is authorised to deal on behalf of all members of the consortia and enter into contracts which are binding on them. For the purposes of submitting the proposal:

- all consortia members should be clearly identified;
- the identity of the lead member should be clearly identified; and
- The NPFC may subsequently require all consortia members to execute statutory declarations stating that the lead member has the authority to bind other members.

#### 4.2 Onus on the respondent

Respondents are responsible for ensuring that they have:

- examined this RFP and all documents referred to in this RFP;
- examined any information made available in writing by the NPFC to respondents for the purpose of the proposal;
- examined all further information which is obtainable by making reasonable inquiries relevant to the risks, contingencies and other circumstances having an effect on their proposals; and
- satisfied themselves as to the correctness and sufficiency of their proposals including proposed prices.

Respondents are responsible for all costs incurred in the preparation and lodgement of proposals, and in respect of any discussions, negotiations, enquiries or any work undertaken by them after the proposal has been submitted.

The NPFC is not liable for any costs or compensation in relation to these matters, regardless of whether the NPFC terminates, varies or suspends the RFP process or takes any other action under this RFP.

Proposals are submitted on the basis that the respondent acknowledges that:

- it does not rely on any representation, letter, document or arrangement, whether oral or in writing, or other conduct as adding to or amending these conditions.
- it does not rely upon any warranty or representation made by or on behalf of the NPFC, except as expressly provided for in this RFP, but the respondent has relied entirely upon its own inquiries and inspection in respect of the subject of its proposal; and
- neither this RFP nor the proposal give rise to contractual obligations between the NPFC and the respondent.

#### 4.3 Ambiguities, discrepancies, inconsistencies, errors or omissions in proposals

The NPFC will not accept responsibility for any misunderstanding arising from the failure by a respondent to comply with the requirements set out in this RFP, or arising from any ambiguity, discrepancy, inconsistency, error or omission contained in a proposal.



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### **4.4 Ownership of proposal documents**

All proposal documents become the property of the NPFC on submission. The NPFC may make copies of the proposal documents for any purpose related to this proposal process. All information provided by respondents in their responses to this RFP:

- will be retained by the NPFC for the purposes of the proposal process, and may be destroyed by it thereafter in accordance with any legislative or other requirements;
- will be available for use by the NPFC and its advisers and contractors for any purpose connected with the proposal process; and
- is not returnable to the respondent.

Intellectual property owned by the respondent or third parties in material contained in the proposal does not pass to the NPFC with physical property in the proposal documents. However, the NPFC is granted an irrevocable, royalty free licence to use, reproduce and circulate any material contained in the proposal, or provided by the respondent in response to this RFP, to the extent necessary to conduct the proposal process and in the preparation of any resultant contract. In particular, the NPFC will rely on its Members (through the SWG VMS) to support the review and identification of the preferred respondent.

### **4.5 Confidential information**

During the proposal process the NPFC (including the SWG VMS) will treat as confidential all information contained in the proposal response and any additional information provided by the respondent in the course of the proposal process, provided that:

- the respondent has clearly designated the information as confidential; and
- the information is confidential in nature.

If the NPFC and a preferred respondent enter into negotiations and the NPFC does not accept that respondent's request to treat information as confidential, the NPFC will notify the respondent in writing of the decision. Unless the NPFC and the respondent reach agreement within five (5) working days of the notification, the NPFC reserves the right to not enter into a contract with that respondent and to enter into a contract with another respondent.

### **4.6 Language and measurement**

All proposals, including any supporting or supplementary material, must be in English. All measurements must be in metric units of measurement.

### **4.7 Provision of further information**

#### **4.7.1 Respondents' requests for further information about this RFP**

Requests from respondents for further information must be directed to the Contact Officer.

Where the NPFC requires, requests for further information must be put in writing and sent to the Contact Officer.

The NPFC's answers to requests for further information about this RFP may be given



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orally or in writing. If considered necessary, an interview may be arranged to discuss the inquiry.

### **4.7.2 Amendments, clarifications and additional information**

The NPFC may amend or provide clarification of this RFP, at its absolute discretion up until the Closing Time, and will circulate amendments to all respondents.

If any respondent discovers any material discrepancy, ambiguity, error or omission in this RFP, it must bring it to the attention of the Contact Officer. The NPFC may, at its discretion, issue a notice of amendment or clarification.

Where, in the opinion of the NPFC, further information provided to one respondent should be provided to all respondents, or any amendment or clarification of this RFP is required, the NPFC may:

- send the information to the other respondents; or
- send notification that further information is available, and how the information can be accessed to the other respondents.

Respondents should note that the commercial confidentiality of information provided to the NPFC will be taken into consideration when determining the distribution of further information.

### **4.7.3 Requests for information about the status of the evaluation process**

The NPFC will not accept or respond to requests for information on the status and progress of the evaluation process.

### **4.7.4 Requests from the NPFC for further information from respondents**

The NPFC may seek clarification or additional information from any respondent at any time. The respondent must reply in writing to any request from the NPFC under this section within 3 working days of that request.

## **4.8 Disclaimer**

The NPFC will not be liable to the respondent on the basis of contract, promissory estoppels, or other contractual, quasi contractual or restitutionary grounds whatsoever or in negligence as a consequence of any matter relating or incidental to the respondent's participation in this RFP including instances where:

- the respondent is not invited to participate in any subsequent process following completion of this RFP process;
- The NPFC varies or terminates the RFP process;
- The NPFC decides not to contract for all or any of the requirements; or
- The NPFC exercises or fails to exercise any of its rights under or in relation to this RFP.



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### **4.9 Conflict of interest declaration**

If a Conflict of Interest exists or arises at any time during the RFP process, the respondent must disclose any potential or actual Conflict of Interest and immediately notify the NPFC in writing. Moreover, respondent must specify how it proposes to address the potential or actual Conflict of Interest. To ensure no apparent Conflict of Interest exists, respondent must, at the time of submission of the Schedule 1 Proposal Response Form, provide full CVs of the principles that will be involved in the consultancy, as well as those of any sub-consultants or sub-contractors known at the time of submission. Prior to the hiring of any additional sub-consultant or sub-contractor thereafter, the respondent must also provide the full CVs of those parties or entities to the NPFC for review and consideration. In the event of a Conflict of Interest, the NPFC may, in its absolute discretion, do any or all of the following:

- enter into discussions to seek to resolve the Conflict of Interest;
- reject the proposal lodged by the respondent;
- take any other action it considers appropriate.

### **4.10 No contract or undertaking**

This RFP is expressly not a contract between the NPFC and the respondent, nor an offer of invitation to contract.

Nothing in this RFP, any proposal, or any conduct or statement made before or after the issue of this RFP is to be construed so as to give rise to any contractual obligations, express or implied; or any obligations in equity. The NPFC makes no binding representations or undertakings as to how the proposal process will be conducted.

### **4.11 Amendment, suspension, termination or abandonment of RFP by the NPFC**

Without limiting its rights at law or otherwise, and notwithstanding any other provision of this RFP, the NPFC reserves the right in its absolute discretion at any time to:

- cease to proceed with, amend or alter the process outlined in this RFP;
- require additional information or clarification from any respondent or anyone else;
- evaluate some, all or no proposals;
- provide additional information or clarification to respondents;
- negotiate with one or more respondent/s;
- call for new proposals;
- negotiate with any person who is not a respondent and enter into a contract in relation to the subject matter of this RFP with that person on such terms as the NPFC in its absolute discretion accepts;
- not select any respondent for a subsequent process and/or not proceed with the procurement of the requirement as set out in this RFP.

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## **5. Evaluation of proposal**

### **5.1 Evaluation methodology**

The objective of the evaluation is to identify the successful respondent to this RFP, who will in turn prepare the deliverables outlined above, providing a recommendation on how to develop



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the most cost-effective regional VMS and FMC for the Commission that meets the NPFC's requirements, presenting options where applicable.

The NPFC shall provide confidential access to the initial VMS compatibility study and other information it has available to the successful consultant.

The NPFC's decision on the parameters and methodology for evaluation will be final. The evaluation shall be conducted in two parts: the technical proposal and the financial pricing structure, consequently it is required that these two components be separated on submission for ease of evaluation.

The NPFC will not enter into a contract with a respondent who is bankrupt or insolvent nor with a respondent who has completed a false declaration in connection with this process.

The NPFC is not bound to accept the lowest bid and shall award the contract based on best value for funding.

## 5.2 Proposal Evaluation Criteria

The NPFC will assess the proposal against the following criteria:

### Essential Requirements:

1. At least 5 years of experience with developing the Information Management/Information Technology aspects of vessel monitoring systems, with a special emphasis on use of VMS for fisheries monitoring;
2. Familiarity with the technical and operational aspects of FMCs and their functions for RFMOs, including for compliance purposes;
3. Intimate knowledge and experience in working with various VMS service providers and ALC/MTUs;
4. Experience in developing and implementing VMS standard operating procedures;
5. Experience with FMCs, including maximizing integration between existing Member systems (e.g., ALC/MTUs);
6. Experience with the application of appropriate security measures for data transmission/handling to ensure the confidentiality of compliance operations and VMS data;
7. Experience with the use of VMS as an element in legal proceedings and associated requirements for VMS data used as evidence;
8. Experience in assessing costs of system development, implementation, operation, and maintenance; and,
9. Familiarity with best practices of VMSs for international bodies.



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### **Desirable Qualifications:**

1. Familiarity with the use of non-VMS data sources (e.g. AIS);
2. Proposals demonstrating additional or innovative methods of monitoring that may enhance detection of IUU fishing operations;
3. Familiarity with the RFMOs with overlapping/adjacent areas to the NPFC; and
4. In the eventuality that two (2) proposals of equal merit are provided, the Secretariat should accord priority to the bidder(s) who comes from NPFC Members.

### **5.3 Clarification, short-listing and negotiations**

The NPFC, at its absolute discretion, may:

- use any relevant information obtained in relation to a proposal (through this RFP or by independent inquiry) in the evaluation of proposals;
- enter into negotiations or discussions with any one or more respondents;
- seek clarification or additional information from any respondent; and
- shortlist respondents to this Request for Proposal for the purposes of issuing a Request for Tender (RFT).

The NPFC may shortlist respondents at any time during the evaluation process. If it does so, respondents will be advised accordingly, and shortlisted respondents may be invited to provide further information on their proposal to the NPFC or to participate in any further process.

### **5.4 Debriefing of unsuccessful respondents**

All respondents will be informed of the outcome of their proposal at the conclusion of the process.

## **6 Lodging proposals**

### **6.1 Requirements for lodging proposals**

Proposals are to be addressed to the Executive Secretary, North Pacific Fisheries Commission, 2F Hakuyo Hall, Tokyo University of Marine Science and Technology, 4-5-7 Konan Minato-ku, Tokyo 108-8477, Japan and submitted electronically to [pflewwelling@npfc.int](mailto:pflewwelling@npfc.int) or by registered post to the address provided prior to the deadline noted above.

Proposals must be accompanied by completed copies of Schedule 1 and Schedule 2, included below.

### **6.2 Confirmation of receipt**

The NPFC will provide a receipt for a proposal where this is requested from the Contact Officer within three working days of the Closing Date.



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### 6.3 Late proposals

Any proposal not received by the Closing Time is a late proposal and will not be accepted for evaluation.

### 6.4 Extension of the Closing Time

The NPFC reserves the right to extend the Closing Time at any time before the Closing Time.

The Closing Time will be extended only by written notice from the NPFC to the respondents.

## 7 Interpretation of RFP

### 7.1 Definitions and interpretation

In this RFP, unless the contrary intention appears:

**Conflict of Interest** means any matter, circumstance, interest, or activity affecting the respondent (including the officers, employees, agents and subcontractors of the respondent) which may or may appear to impair the ability of the respondent to provide the requirements to the NPFC diligently and independently;

**NPFC Material** means any Material provided by the NPFC to a respondent for the purposes of this RFP or which is copied or derived from that Material, except for Contract Material;

**Geo-fence** is a virtual perimeter for a real-world geographic area.

**Material** includes documents, equipment, software (including source code and object code), goods, information and data stored by any means including all copies and extracts of the same;

**Statement of Requirements** means the statement of requirements set out in section 4;

**RFP** means this Request for Proposal.

## 8. Preparing to Lodge a Tender

### 8.1 Virus Checking

In submitting tenders electronically, tenderers warrant that they have taken reasonable steps to ensure that tender response files are free of viruses, worms or other disabling features which may affect the NPFC computing environment. Tenders found to contain viruses, worms or other disabling features will be excluded from the evaluation process.

### 8.2 Tender File Formats, Naming Conventions and Sizes

Tenderers must lodge their tender in accordance with the requirements set out below for file format/s, naming conventions and file sizes. Failure to comply with any or all of these requirements may result in the tender not uploading successfully and/or may eliminate the bid from consideration.



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The NPFC will accept tenders lodged in MS Word 2003 or later versions, MS Excel 2003 or later versions, RTF and PDF formats.

Schedules 1 and 2, the technical proposal, and the financial proposal must be submitted as separate files. If necessary, each component of the proposal may include multiple files, but a minimum of three files should be submitted.

The tender file name/s:

- should incorporate the tenderer's company name;
- should reflect the various parts of the bid they represent, where the tender comprises multiple files;
- must not contain \ / : \* ? " < > | characters. Check your files and re-name them if necessary; and
- must not exceed 100 characters including the file extension.

Tender files:

- should not exceed a combined file size of 5 megabytes per upload; and
- should be zipped (compressed) together for transmission.

If an email exceeds 5 megabytes, the tenderer should either:

- transmit the tender files as a compressed (zip) file not exceeding 5 megabytes; and/or
- lodge the tender in multiple uploads ensuring that each upload does not exceed 5 megabytes and clearly identify each upload as part of the tender.
- If a tender consists of multiple uploads, due to the number of files or file size, tenderers should ensure that transmission of all files is completed before the Closing Time.

Tenders must be completely self-contained. No hyperlinked or other material may be incorporated by reference. All supporting material that is not directly related to this request for tender should be provided by CD-ROM and must be received by the NPFC within 5 business days following the Closing Time.

### **8.3 Scanned or Imaged Material**

Scanned images of signed and/or initialed pages within the tender, including Statutory Declarations and Deeds of Confidentiality, where they are required, are permitted so long as the total file size does not exceed the 5 megabyte limit. The use of scanned or imaged material, where it expands the tender file size beyond the 5 megabyte limit per upload, is prohibited. Such material may be provided separately via CD-ROM or another means agreed by the NPFC in accordance with clause 8.2.

In the event that clarification is required, tenderers may be required to courier or registered post the originals of the signature and/or initialed pages to the NPFC at the address specified at clause 8.2 within 5 business days of the closing time and date.





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### 8.4 Lodgement Process

Before submitting an electronic tender, tenderers must:

- take all steps to ensure that the tender is free from anything that might reasonably affect usability or the security or operations of the NPFC's computing environment;
- ensure that the tender does not contain macros, script or executable code of any kind unless that specific material has previously been approved in writing by the NPFC; and
- ensure that the tender complies with all file type, format, naming conventions, size limitations or other requirements specified in clause 8.2.

Tenderers must allow sufficient time for tender lodgement, including time that may be required for any problem analysis and resolution prior to the Closing Time.

If tenderers have any problem in transmitting a tender they must contact the NPFC via the nominated Contact Officer prior to Closing Time. Failure to do so will exclude a tender from consideration.

### 8.5 Security

Tenderers acknowledge that although the NPFC has implemented security measures, it does not warrant that unauthorised access to information and data transmitted via the Internet will not occur.

Tenderers acknowledge that lodgment of their tender on time and in accordance with these conditions of tender is entirely their responsibility; and

The NPFC will not be liable for any loss, damage, costs or expenses incurred by tenderers or any other person if, for any reason, a tender or any other material or communication relevant to this request for proposal, is not received on time, is corrupted or altered or otherwise is not received as sent, cannot be read or decrypted, or has its security or integrity compromised.



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**The following schedules will be required to accompany the response to this RFP.**

**Schedule 1 Proposal Response Form**

**IMPORTANT NOTE TO RESPONDENTS**

Personal information on this form is collected in order to assist the NPFC with its evaluation of the proposal and to enable the NPFC to contact the respondent. The information will be used only for the purpose for which it was provided and will not be disclosed except as authorised or required by law.

In Part 7 of this form, respondents should list any information which they will be providing in the proposal or during the process that they consider should be protected as confidential information, if a contract is entered into between the respondent and the NPFC. In addition, the respondent should provide reasons why this information should be protected as confidential information.

**1. Respondent's details**

Company Name: \_\_\_\_\_  
Consultant/Contact Name: Mr/Ms/Mrs/Dr \_\_\_\_\_  
Consultant/Contact Number: \_\_\_\_\_  
Business Number: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: ( \_\_\_\_ ) \_\_\_\_\_  
Facsimile: ( \_\_\_\_ ) \_\_\_\_\_  
E-mail: \_\_\_\_\_

**2. Proposed pricing structure**

Respondents should state below their proposed pricing structure. Please note that respondent's costs associated with the preparation and submission of the proposal (including the provision of supplementary material) must not form part of the proposal pricing.

**3. Proposal Time-frame**

Respondents should state below their proposal time-frame for delivery of the project.

**4. Specified personnel**

Respondents should provide here details of any nominated staff or anticipated sub-contractors with particular experience and/or expertise who will work on the project. Please attach full CVs of each staff member and sub-contractor to this form.



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Name	Experience	Expected level of participation on project

**6. Respondent's experience**

Provide here details of past experience in providing similar services, supported by referees whom the NPFC may contact to assist in its evaluation of proposals.

Referee	When the project was undertaken	Description of project

**7. Respondent's proposed confidential information**

Item of Information	Reasons for protection

.....  
Signature of Respondent



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**Schedule 2 - Respondent's Declaration**

**IMPORTANT NOTE TO RESPONDENTS**

Personal information on this form is collected in order to assist the NPFC with its evaluation of the proposal. The information will be used only for the purpose for which it was provided and will not be disclosed except as authorised or required by law.

Respondent's Declaration

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Name) (Address)

do solemnly and sincerely declare as follows:

PART A: AUTHORITY

I am currently \_\_\_\_\_ of \_\_\_\_\_,  
(Position/Title) (Name of Respondant Company)

and am authorised to make this declaration on its behalf.

PART B: OFFER AND STATEMENT OF COMPLIANCE

On behalf of \_\_\_\_\_, I confirm that:  
(Name of Respondant Company)

- 1) the information provided in this declaration and the proposal is complete and correct;
- 2) my organisation has completed all parts of, and answered all of the questions on, the Proposal Response Form submitted to the NPFC;
- 3) I have read, understood and my organisation agrees to the proposal conditions and the associated material contained in this RFP;
- 4) my organisation understands that the NPFC will have the right (but will not be obliged) to act in reliance upon the contents of the proposal and this statutory declaration;
- 5) my organisation will regard all communication with the NPFC as confidential and will not disclose the contents without the NPFC's written consent; and
- 6) to the best of my knowledge, there is no conflict of interest which would prevent my organisation from proceeding with this process.



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**PART C: NO ILLEGAL ACTIVITIES**

I confirm that:

- 1) the proposal to which this declaration is appended has not been prepared with the benefit of information obtained from a current or former employee of the NPFC in circumstances that constitute a breach of an obligation of confidentiality or fidelity on the part of that person or a breach of any criminal law or information otherwise improperly obtained from the NPFC;
- 2) through its officers, employees and agents, my organisation has not attempted and will not attempt, to influence improperly any officer of the NPFC in connection with the assessment of proposals;
- 3) to the best of my knowledge, my organisation has not engaged in any collusive practices, anti-competitive conduct or any other similar conduct with any other respondent or other person in relation to the preparation or submission of this proposal;
- 4) I am aware that giving false or misleading information is a serious offence.

**PART D: DECLARATION**

I make this solemn declaration conscientiously believing the statements contained in this declaration to be true in every particular.

Signature: \_\_\_\_\_

Declared at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

This declaration was witnessed by:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_, of

Address: \_\_\_\_\_.

Qualifications: \_\_\_\_\_