



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

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

October 25, 2023

**30004710**

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

**1. Advance Contract Award Notice (ACAN)**

An ACAN is a public notice indicating to the supplier community that a department or agency intends to award a contract for goods, services or construction to a pre-identified supplier, thereby allowing other suppliers to signal their interest in bidding, by submitting a statement of capabilities. If no supplier submits a statement of capabilities that meets the requirements set out in the ACAN, on or before the closing date stated in the ACAN, the contracting officer may then proceed with the award to the pre-identified supplier.

**2. Definition of the requirement**

The Department of Fisheries and Oceans Canada has a requirement 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 public regarding marine animal conservation and providing an opportunity to collect scientific data safely to improve our understanding of these species.

The purpose of the Program to Respond to Dead and Distressed Marine Animals in Pacific waters is to support the coordination to respond to marine animal emergencies; responding, where possible and safe, to marine animal incidents; providing response guidance to other authorized partners; and maintaining marine animal incident data to inform conservation measures and improve understanding of marine animal species.

**3. 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 animal 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 Providing the DFO Marine Mammal Coordinator 24 hours advance notice of any news/media releases or social media posts pertaining to any significant, high profile incidents/responses.

14.4 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.

14.5 When possible, notifying DFO 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](mailto: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.

14.6 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.

14.7 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.

#### **4. 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 times. Personal Protective Equipment worn by the contractor must align with DFO safety standards when operating from a DFO vessel.

#### **5. DFO Responsibilities**

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.

#### **6. Supplier 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.

## **7. Place of Work**

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.

## **8. Travel and living expenses – No allowance for profit overhead**

The Contractor will be reimbursed for the authorized travel and living expenses reasonably and properly incurred in the performance of the Work, at cost, in accordance with Contract Cost Principles 1031-2, with no allowance for profit and/or administrative overhead. All payments are subject to government audit.

## **9. Language of Work**

The language of work shall be English.

## **10. Insurance Requirement**

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 Province of British Columbia 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.

## **11. Criteria for assessment of the Statement of Capabilities (Minimum Essential Requirements)**

Any interested supplier must demonstrate by way of a statement of capabilities that it meets the following 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.

## **12. Applicability of the trade agreement to the procurement**

This procurement is subject to the following trade agreement :

- *Canadian Free Trade Agreement (CFTA)*

### **13. Justification for the Pre-Identified Supplier**

No other reasonable alternative source exists that meets the Department's requirements for marine mammal response in the Pacific region to respond to marine mammal incidents and sea lion disentanglement and provide marine mammal rehabilitation, and provide response guidance to other authorized partners.

### **14. Government Contracts Regulations Exception**

The following exception(s) to the *Government Contracts Regulations* is (are) invoked for this procurement under subsection 6(d) - "only one person or firm is capable of performing the contract".

### **15. Period of the proposed contract or delivery date**

The period of the Contract is from date of Contract to March 31, 2025.

### **Option to Extend the Contract**

The Contractor grants to Canada the irrevocable option to extend the term of the Contract by up to two (2) additional year period under the same conditions. The Contractor agrees that, during the extended period of the Contract, it will be paid in accordance with the applicable provisions as set out in the Basis of Payment.

Canada may exercise this option at any time by sending a written notice to the Contractor at least 10 calendar days before the expiry date of the Contract. The option may only be exercised by the Contracting Authority, and will be evidenced for administrative purposes only, through a contract amendment.

### **16. Cost estimate of the proposed contract**

The estimated value of the contract, including option(s), is \$334,000.00 (GST/HST extra).

### **17. Name and address of the pre-identified supplier**

Vancouver Aquarium Marine Mammal Rescue  
845 Avison Way  
Vancouver, BC  
V6G 3E3

### **18. Suppliers' right to submit a statement of capabilities**

Suppliers who consider themselves fully qualified and available to provide the goods, services or construction services described in the ACAN may submit a statement of capabilities in writing to the contact person identified in this notice on or before the closing date of this notice. The statement of capabilities must clearly demonstrate how the supplier meets the advertised requirements.

### **19. Closing date for a submission of a statement of capabilities**

The closing date and time for accepting statements of capabilities is November 9, 2023 at 14:00 Atlantic Standard Time (ADT).

### **20. Inquiries and submission of statements of capabilities**

Karine Plante  
Senior Contracting Officer, Procurement Hub

Telephone : 506-377-9127

Email : [DFO.Tenders-Soumissions.MPO@dfo-mpo.gc.ca](mailto:DFO.Tenders-Soumissions.MPO@dfo-mpo.gc.ca)

Copy to: [Karine.Plante@dfo-mpo.gc.ca](mailto:Karine.Plante@dfo-mpo.gc.ca)