

# **Tender Request for the Purchase of Annual Catch Entitlement (ACE)**

## **Tender Number 2005-01**

The Ministry of Fisheries ("The Ministry") invites tenders for the purchase of ACE for the 2005/2006 April fishing year as listed in the attached Schedule A. All tenders will be subject to the conditions contained in this Tender Request.

### **CONDITIONS OF TENDER**

#### *Definitions:*

<i>"Bid"</i>	<i>means an offer to purchase ACE on the Tender Offer, at a total price (the Bid Price).</i>
<i>"Tender Offer "</i>	<i>means the form on which the tenders are to be submitted, a copy of which is attached as Schedule B.</i>
<i>"Transfer Form"</i>	<i>means the approved ACE transfer form prescribed pursuant to section 2 of the Fisheries Act 1996.</i>
<i>"Tender Close Date"</i>	<i>means 3.00pm, Tuesday 31 May 2005.</i>
<i>"Counter-Offer"</i>	<i>An offer made by the Ministry to a tenderer where the tenderer's original bid is unable to be fully accepted.</i>

Apart from those definitions provided above, other words, terms and phrases used in this Tender Request and which are also defined in the Fisheries Act 1996 are to be interpreted using the definitions in the Act unless the context otherwise requires.

### **THE TENDER PROCESS**

1. Commercial Fisheries Services Limited (FishServe) has been appointed as the Crown Quota Broker. However all decisions in respect of this tender will be made by the Ministry.
2. All bids for ACE will be opened immediately after the Tender Close Date and are to remain valid and open for acceptance by the Ministry for a period of 15 working days after the Tender Close Date.
3. In the event that there is more than one equally priced bid then these successful tenderers will be allocated ACE on a pro rata basis.
4. Eligible bids received will be considered in order of bid prices from highest to lowest.

5. Where the total available ACE is insufficient to fully satisfy any bid, the tenderer may receive a Counter-Offer but any such offer will be for less ACE than was bid for.
6. Decisions on successful and unsuccessful bids will be made within 15 working days of the Tender Close Date however the Ministry reserves the right to extend this timeframe by written notification to tenderers.
7. The Crown Quota Broker will contact all unsuccessful tenderers after completion of this tender round.

## **GENERAL CONDITIONS**

8. Bids are to be received no later than the Tender Close Date and must be sent to:

The Crown Quota Broker Tender Box  
4<sup>th</sup> Floor Feltex House  
156-158 Victoria Street  
P O Box 24 346  
Manners Street  
Wellington

9. Bids must be on the Tender Offer and marked with the Ministry's tender number 2005-01.
10. The Ministry reserves the right to accept Bids received after the Tender Close Date.
11. No tender will be accepted before the Tender Close Date.
12. Multiple Bids for different quantities and different bid prices are permitted, however eligible bids received will be considered in order of bid price from highest to lowest.
13. The Ministry may accept any or none of the tenders it receives. The highest Bid will not necessarily be accepted.
14. Bids will only be eligible if the following conditions are complied with. They must:
  - a. Be submitted on the Tender Offer form; and
  - b. Be received by The Crown Quota Broker at the address in clause 8 above by the Tender Close Date; and

- c. Be signed in the appropriate place on the Tender Offer to the effect that the terms and conditions of the tender are accepted in full by the tenderer;
  - d. Be signed by the tenderer or a person duly authorised to sign on behalf of the tenderer in which case a copy of the power of attorney or authorisation to sign on behalf of the tenderer is required; and
  - e. Clearly show with each Bid:
    - i. The quantity of ACE in kgs being bid for; and
    - ii. The bid price (The total price for the total amount of ACE) for the ACE being bid for. Bid prices are to be exclusive of Goods and Services Tax.
  - f. Be received in original form (i.e. no facsimiles or emails will be accepted).
15. **Acceptance of a Bid will be binding.** Successful tenderers will receive written notification of acceptance and must pay full settlement funds (including Goods and Services Tax) no later than 5.00pm on Friday, 15 July 2005.
16. In circumstances where there is insufficient ACE to fully satisfy a bid, the Ministry may make a Counter-Offer to the tenderer or tenderers. Acceptance of any Counter-Offer by the tenderer will be binding.
17. The successful tenderers will not acquire any rights in respect to ACE until acceptance of their bid is notified by the Crown Quota Broker in writing, full settlement funds have been received, and the transfer has been registered.
18. It is the responsibility of the tenderer to be aware of the minimum holdings sections of the Fisheries Act 1996, (refer section 74) and all other legislative provisions relating to the holding of ACE.
19. Information supplied in the Tender Offer and any other supporting material will only be used by the Ministry or its agent for the management of Crown owned ACE. Tenderers have the right to access and correct the information held by the Ministry pursuant to the Privacy Act 1993. Any information submitted to the Ministry is subject to the Official Information Act 1982.
20. Payment of full settlement funds must be made to the FishServe Crown Quota Broker Account by the successful tenderers.
21. The Ministry may negotiate with any tenderer on any matter relating to the Bid once the tender has closed.
22. Neither the Ministry nor the Crown Quota Broker shall be liable for any decisions, bids, costs associated with making a bid, completion and

registration of any transfer document or any other matter associated with the tender of ACE.

23. Disclaimer - No previous assurance by either the Ministry or the Crown Quota Broker whether oral or in writing shall be taken into account in the tender process.

## Schedule A

<b>Stock</b>	<b>ACE (kg)</b>	<b>Stock</b>	<b>ACE (kg)</b>	<b>Stock</b>	<b>ACE (kg)</b>
BYA1	880	GSC3	11,200	MMI7	7,000
BYA2	880	GSC5	15,200	MMI8	22,000
BYA3	880	GSC6A	118,400	MMI9	22,000
BYA5	880	GSC6B	189,600	PDO1	880
BYA7	440	HOR1	3,200	PDO2	4,400
BYA8	880	HOR2	1,760	PDO3	51,040
BYA9	880	HOR3	1,760	PDO5	880
CHC1	8,000	HOR5	880	PDO7	7,700
CHC2	8,800	HOR6	880	PDO8	880
CHC3	3,520	HOR7	13,389	PDO9	880
CHC5	3,520	HOR8	880	SAE1	7,920
CHC6	3,520	HOR9	800	SAE2	880
CHC7	3,520	KIC1	8,000	SAE5	2,640
CHC8	3,520	KIC2	8,800	SAE7	440
CHC9	3,520	KIC3	8,490	SAE8	7,040
CRA4	3	KIC5	8,400	SAE9	7,040
DAN1	6,160	KIC6	8,590	SBW1	5,439
DAN2	15,840	KIC7	8,800	SCC1A	1,600
DAN3	220	KIC8	8,800	SCC1B	1,600
DAN5	880	KIC9	8,800	SCC2A	1,600
DAN7	8,690	MDI1	880	SCC2B	4,000
DAN8	29,040	MDI2	880	SCC3	1,600
DAN9	29,040	MDI3	880	SCC5A	1,397
DSU1	880	MDI5	12,320	SCC5B	1,600
DSU2	880	MDI7	6,100	SCC7A	3,830
DSU3	880	MDI8	23,760	SCC7D	1,480
DSU5	880	MDI9	23,760	SCC8	1,600
DSU8	880	MMI1	1,760	SCC9	1,600
DSU9	880	MMI2	2,640		
GSC1	782	MMI5	880		

# Schedule B



Invitation to tender issued by:  
The Crown Quota Broker  
P O Box 24 346  
Manners Street  
Wellington  
Attention: Karen McDonald

Tender Offer Number

FishServe use only

## Tender Number 2005-01 Tender Offer for the Purchase of Annual Catch Entitlement (ACE)

Client Number

Full Legal Name of  
person or company  
submitting tender

  
  

Business postal  
address of person or  
company submitting  
tender

  
  

Contact Name

Contact telephone  
number

Contact email address

Advertising – specify  
where you first saw  
the advert for this  
tender

FishServe  
website

Received  
copy of ad  
in post

Other

## Details Of Bid

*Please Note - Acceptance of this bid is binding*

Line	Stock	Amount of ACE (kgs)	Total Price (excluding GST)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

I/we the tenderer, hereby offer to purchase Annual Catch Entitlement (ACE) for the 2005/2006 April fishing year in the quantities entered in the table above and I/we accept the conditions of the tender as specified in the Tender Request for the Purchase of Annual Catch Entitlement (ACE) Tender Number 2005-01 document.

Full Legal Name	Position	Signature	Date