

# **Tender Request for the Purchase of Quota Shares**

## **Tender Number 2005-02**

The Ministry of Fisheries ("The Ministry") invites tenders for the purchase of quota shares 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 QUOTA SHARES 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 form for transfer of Quota Shares.</i>
<i>"Tender Close Date"</i>	<i>means 3.00pm, Tuesday 23 August 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 that Act unless the context otherwise requires.

### **THE TENDER PROCESS**

1. Commercial Fisheries Services Limited (FishServe) has been appointed as the Crown Quota Broker. All decisions in respect of this tender, however, will be made by the Ministry.
2. All bids for quota shares 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 30 working days after the Tender Close Date.
3. In the event that there is more than one equally priced bid the successful tenderers' bids will be apportioned on a pro rata basis if required.
4. Eligible bids received will be considered in order of bid price per quota share from highest to lowest.
5. A reserve price will be set by the chief executive for each quota stock prior to the Tender Close Date.

6. Bids that are below the reserve price are unlikely to be accepted. Nevertheless the Ministry reserves the right to accept any bid despite it being below the reserve price.
7. Where the total available quota shares is insufficient to fully satisfy any bid, the tenderer may receive a Counter-Offer but any such offer will be for less quota shares than was bid for.
8. Decisions on successful and unsuccessful bids will be made within 21 working days of the Tender Close Date. However, the Ministry reserves the right to extend this timeframe by written notification to tenderers.
9. The Crown Quota Broker will contact all unsuccessful tenderers after completion of this tender round.

## **GENERAL CONDITIONS**

10. 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

11. Bids must be on the Tender Offer and marked with the Ministry's tender number 2005-02.
12. The Ministry reserves the right to accept Bids received after the Tender Close Date.
13. No decision will be made to accept Bids before the Tender Close Date.
14. Multiple Bids for different quantities and different bid prices are permitted, however eligible bids received will be considered in order of bid price per quota share from highest to lowest.
15. The Ministry may accept any or none of the tenders it receives at its discretion. The highest Bid will not necessarily be accepted.
16. 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 10 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; and
  - 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 quota shares being bid for; and
    - ii. The bid price (The total price for the total amount of quota shares) for the quota shares 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).
17. Withdrawal of Bids is permitted, however the Crown Quota Broker must be informed of the withdrawal **before** the tender close date.
18. **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, 28 October 2005.
19. In circumstances where there is insufficient quota shares 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.
20. The successful tenderers will not acquire any rights in respect to quota shares until acceptance of their bid is notified by the Crown Quota Broker in writing, full settlement funds have been received, the Transfer Form has been completed and the transfer has been registered.
21. For stocks that are subject to the 1 October to 30 September fishing year, payment must be received by and funds must be cleared by **28 September 2005** in order for the successful tenderer to be allocated the Annual Catch Entitlement (ACE) generated by those quota shares for the 2005/2006 fishing year.
22. It is the responsibility of the tenderer to be aware of the aggregation limit provisions of the Fisheries Act 1996, (refer section 59) and all other legislative provisions relating to the owning of quota shares.
23. It is also the responsibility of the tenderer to be aware of all regulations pertaining to bivalve shellfish made under the Animal Products Act 1999.

24. The following stocks are the subject of a Right of First Refusal as part of Deeds of Settlement negotiated between the Crown and individual iwi: BYA1, BYA3, BYA5, BYA7, BYA8, BYA9, COC7B, DAN1, DAN3, DAN5, DAN7, DAN8, DAN9, DSU1, DSU3, DSU5, DSU8, DSU9, MDI1, MDI3, MDI5, MDI7, MDI8, MDI9, MMI1, MMI5, MMI7, MMI8, MMI9, PAD1, PAD9, PDO1, PDO3, PDO5, PDO7, PDO8, PDO9, SAE1, SAE5, SAE7, SAE8, SAE9, SUR8.
25. For the stocks identified in clause 24 all or a portion of the available quota may first be offered to iwi if a Bid is received that is above the reserve price. A tenderer may not be informed of the acceptance of their Bid by the Ministry until the Right of First Refusal is accepted or declined. The period referred to clause 2 may not be applicable to certain Bids received for these stocks.
26. After all payments have been received and all quota share transfers have occurred the Ministry will release details of certain aspects of the tender. Information such as successful bid prices will be publicly available.
27. Except as may be otherwise required by law, 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 quota shares. 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.
28. Payment of full settlement funds must be made to the FishServe Crown Quota Broker Account by the successful tenderers.
29. The Ministry may negotiate with any tenderer on any matter relating to the Bid once the tender has closed.
30. 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 quota shares.
31. 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

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
ANC1	ANCHOVY	79,592,000	200,000
ANC2	ANCHOVY	80,000,000	100,000
ANC3	ANCHOVY	78,824,000	50,000
ANC7	ANCHOVY	78,839,000	100,000
ANC8	ANCHOVY	80,000,000	100,000
BAR7	BARRACOUTA	44,751	11,172,853
BCO1	BLUE COD	648,733	46,244
BCO5	BLUE COD	323	1,548,471
BUT1	BUTTERFISH	68,366,667	3,000
BUT5	BUTTERFISH	1,366,103	45,000
BUT6	BUTTERFISH	80,000,000	0
BYA1	FRILLED VENUS SHELL	80,000,000	1,000
BYA2	FRILLED VENUS SHELL	80,000,000	1,000
BYA3	FRILLED VENUS SHELL	80,000,000	1,000
BYA5	FRILLED VENUS SHELL	80,000,000	1,000
BYA7	FRILLED VENUS SHELL	4,444,444	9,000
BYA8	FRILLED VENUS SHELL	80,000,000	1,000
BYA9	FRILLED VENUS SHELL	80,000,000	1,000
BYX8	ALFONSINO & LONG-FINNED BERYX	2,500,000	20,000
CHC1	RED CRAB	80,000,000	10,000
CHC2	RED CRAB	80,000,000	10,000
CHC3	RED CRAB	80,000,000	4,000
CHC5	RED CRAB	80,000,000	4,000
CHC6	RED CRAB	80,000,000	4,000
CHC7	RED CRAB	80,000,000	4,000

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
MDI3	TROUGH SHELL	80,000,000	1,000
MDI5	TROUGH SHELL	80,000,000	14,000
MDI7	TROUGH SHELL	23,076,923	26,000
MDI8	TROUGH SHELL	80,000,000	27,000
MDI9	TROUGH SHELL	80,000,000	27,000
MMI1	LARGE TROUGH SHELL	80,000,000	2,000
MMI2	LARGE TROUGH SHELL	80,000,000	3,000
MMI5	LARGE TROUGH SHELL	80,000,000	1,000
MMI7	LARGE TROUGH SHELL	11,475,410	61,000
MMI8	LARGE TROUGH SHELL	80,000,000	25,000
MMI9	LARGE TROUGH SHELL	80,000,000	25,000
MOK1	MOKI	2,366,091	402,605
ORH2A	ORANGE ROUGHY	455	1,100,000
PAD1	PADDLE CRAB	31,912,273	220,000
PAD2	PADDLE CRAB	30,734,546	110,000
PAD3	PADDLE CRAB	30,778,000	100,000
PAD5	PADDLE CRAB	33,468,000	50,000
PAD6	PADDLE CRAB	80,000,000	0
PAD8	PADDLE CRAB	38,785,001	60,000
PAD9	PADDLE CRAB	79,415,000	100,000
PAR2	PARORE	62,050,000	2,000
PAU1	BLACK PAUA & YELLOWFOOT PAUA	33,160,622	1,930
PAU5A	BLACK PAUA & YELLOWFOOT PAUA	151,695	148,983
PAU5B	BLACK PAUA & YELLOWFOOT PAUA	152,424	90,000
PAU5D	BLACK PAUA & YELLOWFOOT PAUA	1	89,000

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
CHC8	RED CRAB	80,000,000	4,000
CHC9	RED CRAB	80,000,000	4,000
COC7B	COCKLE	80,000,000	0
CRA4	ROCK LOBSTER	520	577,000
CRA8	ROCK LOBSTER	43	603,370
DAN1	RINGED DOSINIA	80,000,000	7,000
DAN2	RINGED DOSINIA	80,000,000	18,000
DAN3	RINGED DOSINIA	5,000,000	4,000
DAN5	RINGED DOSINIA	80,000,000	1,000
DAN7	RINGED DOSINIA	52,666,667	15,000
DAN8	RINGED DOSINIA	80,000,000	33,000
DAN9	RINGED DOSINIA	80,000,000	33,000
DSU1	SILKY DOSINIA	80,000,000	1,000
DSU2	SILKY DOSINIA	80,000,000	1,000
DSU3	SILKY DOSINIA	80,000,000	1,000
DSU5	SILKY DOSINIA	80,000,000	1,000
DSU8	SILKY DOSINIA	80,000,000	1,000
DSU9	SILKY DOSINIA	80,000,000	1,000
ELE1	ELEPHANT FISH	198,020	10,100
FLA3	FLATS	428,864	2,681,500
FRO1	FROSTFISH	9,933,558	149,000
FRO9	FROSTFISH	64,092,030	138,000
GAR2	GARFISH	80,000,000	5,000
GAR3	GARFISH	26,400,000	5,000
GAR8	GARFISH	79,960,000	5,000
GLM2	GREEN-LIPPED MUSSEL	80,000,000	10,000
GLM3	GREEN-LIPPED MUSSEL	80,000,000	10,000
GLM8	GREEN-LIPPED MUSSEL	80,000,000	0
GLM9	GREEN-LIPPED MUSSEL	9,670,000	180,000
GMU3	GREY MULLET	83,333,333	30,000
GSC1	GIANT SPIDER CRAB	78,200,000	1,000
GSC3	GIANT SPIDER CRAB	80,000,000	14,000

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
PDO1	DEEPWATER TUATUA	80,000,000	1,000
PDO2	DEEPWATER TUATUA	80,000,000	5,000
PDO3	DEEPWATER TUATUA	42,962,963	108,000
PDO5	DEEPWATER TUATUA	80,000,000	1,000
PDO7	DEEPWATER TUATUA	14,000,000	50,000
PDO8	DEEPWATER TUATUA	80,000,000	1,000
PDO9	DEEPWATER TUATUA	80,000,000	1,000
PIL1	PILCHARD	76,167,900	2,000,000
PIL2	PILCHARD	80,000,000	200,000
PIL3	PILCHARD	80,000,000	60,000
PIL7	PILCHARD	69,965,333	150,000
PIL8	PILCHARD	80,000,000	65,000
POR1	PORAE	1,437	62,000
POR3	PORAE	79,850,000	2,000
RBY5	RUBYFISH	80,000,000	0
RBY6	RUBYFISH	80,000,000	0
RCO7	RED COD	159,945	3,126,075
RIB3	RIBALDO	508	394,000
RSK8	ROUGH SKATE	41,690,476	21,000
SAE1	TRIANGLE SHELL	80,000,000	9,000
SAE2	TRIANGLE SHELL	80,000,000	1,000
SAE5	TRIANGLE SHELL	80,000,000	3,000
SAE7	TRIANGLE SHELL	357,143	112,000
SAE8	TRIANGLE SHELL	80,000,000	8,000
SAE9	TRIANGLE SHELL	80,000,000	8,000
SBW1	SOUTHERN BLUE WHITING	67,984,990	8,000
SCC1A	SEA CUCUMBER	80,000,000	2,000
SCC1B	SEA CUCUMBER	80,000,000	2,000
SCC2A	SEA CUCUMBER	80,000,000	2,000
SCC2B	SEA CUCUMBER	80,000,000	5,000
SCC3	SEA CUCUMBER	80,000,000	2,000
SCC5A	SEA CUCUMBER	69,850,000	2,000

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
GSC5	GIANT SPIDER CRAB	80,000,000	19,000
GSC6A	GIANT SPIDER CRAB	80,000,000	148,000
GSC6B	GIANT SPIDER CRAB	80,000,000	237,000
GUR2	GURNARD	68,922	725,462
HOR1	HORSE MUSSEL	80,000,000	4,000
HOR2	HORSE MUSSEL	80,000,000	2,000
HOR3	HORSE MUSSEL	80,000,000	2,000
HOR5	HORSE MUSSEL	80,000,000	1,000
HOR6	HORSE MUSSEL	80,000,000	1,000
HOR7	HORSE MUSSEL	76,531,250	16,000
HOR8	HORSE MUSSEL	80,000,000	1,000
HOR9	HORSE MUSSEL	80,000,000	1,000
HPB2	HAPUKU & BASS	112,697	266,200
JDO2	JOHN DORY	74,211	269,500
JDO3	JOHN DORY	45,141,065	31,900
JMA7	JACK MACKEREL	46,102	32,536,763
KIC1	KING CRAB	80,000,000	10,000
KIC2	KING CRAB	80,000,000	10,000
KIC3	KING CRAB	80,000,000	10,000
KIC5	KING CRAB	80,000,000	10,000
KIC6	KING CRAB	80,000,000	10,000
KIC7	KING CRAB	80,000,000	10,000
KIC8	KING CRAB	80,000,000	10,000
KIC9	KING CRAB	80,000,000	10,000
KIN7	KINGFISH	23,357,143	7,000
KIN8	KINGFISH	12,035	36,000
LDO1	LOOKDOWN DORY	34,723,214	168,000
LDO3	LOOKDOWN DORY	43,503,094	614,000
LEA2	LEATHERJACKET	61,166,373	1,136,000
MDI1	TROUGH SHELL	80,000,000	1,000
MDI2	TROUGH SHELL	80,000,000	1,000

Stock	Common Name	Number of Crown Quota Shares (ITQ)	Current TACC (kg)
SCC5B	SEA CUCUMBER	80,000,000	2,000
SCC6	SEA CUCUMBER	80,000,000	0
SCC7A	SEA CUCUMBER	76,600,000	5,000
SCC7D	SEA CUCUMBER	74,000,000	2,000
SCC8	SEA CUCUMBER	80,000,000	2,000
SCC9	SEA CUCUMBER	80,000,000	2,000
SCH1	SCHOOL SHARK	29,919	668,470
SCI6B	SCAMPI	Withdrawn	Withdrawn
SCI7	SCAMPI	Withdrawn	Withdrawn
SCI8	SCAMPI	Withdrawn	Withdrawn
SCI9	SCAMPI	Withdrawn	Withdrawn
SNA1	SNAPPER	4,956	4,500,000
SPR1	SPRATS	78,005,714	70,000
SPR3	SPRATS	80,000,000	285,000
SPR7	SPRATS	80,000,000	85,000
SSK7	SMOOTH SKATE	3,088,732	213,000
SUR2B	KINA	77,226,667	30,000
SUR7B	KINA	80,000,000	10,000
SUR8	KINA	80,000,000	1,000
SUR9	KINA	71,520,000	10,000
TAR1	TARAKIHI	85,764	1,399,195
TRE1	TREVALLY	145,996	1,506,887
TRU2	TRUMPETER	135,000	20,000
TRU3	TRUMPETER	145,455	33,000
TRU6	TRUMPETER	80,000,000	0
TRU7	TRUMPETER	166,667	6,000
WAR2	COMMON WAREHOU	190,366	577,835
WWA2	WHITE WAREHOU	22,104,110	73,000
YEM5	YELLOW-EYED MULLET	80,000,000	0
YEM6	YELLOW-EYED MULLET	80,000,000	0

# 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 2005-02 Tender Offer for the Purchase of Quota Shares

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

Seafood  
NZ  
Magazine

Other

## Details Of Bid

***Please Note - Acceptance of this bid is binding***

Line	Stock	Number of quota shares	Total Price ( <i>excluding</i> GST)
1			
2			
3			
4			
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20			

I/we the tenderer, hereby offer to purchase quota shares 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 Quota Shares Tender Number 2005-02 document.

Full Legal Name	Position	Signature	Date