

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

## **Tender Number 2006-03**

The Ministry of Fisheries ("The Ministry") invites tenders for the purchase of ACE for the 2006/2007 October 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 21 November 2006.</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 2006-03.
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, 26 January 2007.
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, including those relating to foreign ownership.
19. Tenderers should note that the Minister of Fisheries has recently decided to lower the minimum holding for PAU6 from 1,000 kg to 100 kg of ACE. This decision will not take effect however until 1 April 2007 at the earliest, meaning that successful tenderer(s) will be unable to fish in PAU6 until that date.
20. 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, in particular the Animal Products (Regulated Control Scheme - Bivalve Molluscan Shellfish) Regulations 2006.

21. Information supplied in the Tender Offer and any other supporting material will only be used by the Ministry or its agent (FishServe) 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.
22. Payment of full settlement funds must be made to the FishServe Crown Quota Broker Account by the successful tenderers.
23. The Ministry may negotiate with any tenderer on any matter relating to the Bid once the tender has closed.
24. 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.
25. 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>Quantity (kg)</b>	<b>Stock</b>	<b>Quantity (kg)</b>	<b>Stock</b>	<b>Quantity (kg)</b>
ANC1	63,769	KWH3	2,400	PZL5	960
ANC2	8,888	KWH5	800	PZL8	960
ANC3	13,791	KWH6	1,600	PZL9	960
ANC7	85,386	KWH7A	15,800	RBM1	3,305
ANC8	88,688	KWH8	800	RCO2	2,707
BWS1	26,032	KWH9	800	RCO7	1
BYX8	56	LDO1	22,671	RIB1	4
COC3	3,000	LDO3	141,941	RIB3	2
COC3B	80	LEA1	8	RSK1	6,397
COC5	160	LEA2	385,206	RSK7	1
EMA3	1	MAK1	18,249	SCH7	1
FLA3	11,500	MOK3	30	SCI3	103,621
FLA7	236	MOO1	34,048	SCI5	35,233
FRO1	67	ORH2A	6	SCI6B	44,399
FRO3	1	OYS1	830	SCI7	66,596
GAR3	1,467	OYS2A	80	SCI8	4,439
GAR8	24	OYS5A	640	SCI9	31,078
GLM2	80	OYS7A	180	SKI7	54
GLM3	40	OYS7B	80	SPD1	91,274
GLM7A	1,294,060	OYS8A	80	SPD3	85
GLM7B	880	OYS9	80	SPD5	288,314
GLM9	10,106	PAD1	69	SPD7	39,612
GMU2	222	PAD2	30,808	SPE1	37
GMU3	4,278	PAD3	29,399	SPE3	134
GSH7	643,653	PAD5	8,093	SPO1	9
GSP1	2	PAD8	23,841	SPR1	2,606
GSP7	1	PAR1	1	SPR3	77,316
GUR1	29	PAR2	12	SPR7	72,255
HPB7	2	PAU6	900	SQU1J	5,400
JDO3	14,400	PIL1	1,121,358	SSK1	7
JDO7	5	PIL2	17,776	STA7	2
JMA1	1,860	PIL3	17,333	SUR7B	6,000
JMA7	10,000	PIL7	72,860	SUR8	8
KAH1	17	POR3	1,773	TAR7	2
KAH3	50	POS1	421	TOR1	2,451
KAH8	88,756	PPI7	80	TRE1	3
KIN3	3	PZL1	960	WWA2	14,750
KWH1	800	PZL2	960	YFN1	12,363
KWH2	800	PZL3	244		

# Schedule B



Commercial Fisheries Services Ltd

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

Tender Offer Number

FishServe use only

## Tender Number 2006-03 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 2006/2007 October 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 2006-03 document.

Full Legal Name	Position	Signature	Date