

Tender Request for the Purchase of Annual Catch Entitlement (ACE) Tender Number 2016-02

The Ministry for Primary Industries (MPI) invites tenders for the purchase of ACE for the 2016/2017 fishing year as listed in Schedule A. All tenders will be subject to the Conditions contained in this Tender Request.

CONDITIONS OF TENDER

Definitions:

<i>"Bid"</i>	means an offer to purchase ACE on the Tender Offer, at a total price (the Bid Price).
<i>"Tender Offer"</i>	means the form in which the tenders are to be submitted, a copy of the form is attached as Schedule B.
<i>"Transfer Form"</i>	means the approved ACE transfer form prescribed pursuant to section 2 of the Fisheries Act 1996.
<i>"Tender Close Date"</i>	means 3.00pm, Tuesday 22 November 2016.
<i>"Counter-Offer"</i>	means an offer made by MPI to a tenderer where the tenderer's original bid is unable to be fully accepted.

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. All decisions in respect of this tender, however, will be made by MPI.
2. All bids for ACE will be opened immediately after the Tender Close Date and are to remain valid and open for acceptance by MPI 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 MPI 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. Tender Offers are to be received no later than the Tender Close Date and must be sent (not emailed) to:

The Crown Quota Broker Tender Box
Level 6
Eagle Technology House
135 Victoria Street
Te Aro
Wellington 6011

OR:

Crown Quota Broker
PO Box 24 346
Manners Street
Wellington 6142

9. Tender Offers must be on the Tender Offer and marked with the MPI tender number 2016-02.
10. MPI reserves the right to accept Bids received after the Tender Close Date.
11. No Tender Offers will be considered 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. MPI 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. The Tender Offer, must be signed in the appropriate place on the Tender Offer form 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 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; and
 - 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 Wednesday, 21 December 2016.
16. In circumstances where there is insufficient ACE to fully satisfy a bid, MPI 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. It is also the responsibility of the tenderer to be aware of all regulations and notices pertaining to bivalve shellfish made under the Animal Products Act 1999, in particular the Animal Products (Regulated Control Scheme – Bivalve Molluscan Shellfish) Regulations 2006 and the Animal Products (Specifications for Bivalve Molluscan Shellfish) Notice 2006.

20. Information supplied in the Tender Offer and any other supporting material will only be used by MPI or its agent (FishServe) for the management of Crown-owned ACE. Tenderers have the right to access and correct the information held by MPI pursuant to the Privacy Act 1993. Any information submitted to MPI is subject to the Official Information Act 1982.
21. After the Tender Close Date MPI will release details of certain aspects of the tender. Information such as successful bid prices will be publicly available.
22. Payment of full settlement funds must be made to the FishServe Crown Quota Broker Account by the successful tenderers.
23. MPI may negotiate with any tenderer on any matter relating to the Bid once the tender has closed.
24. Neither MPI 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 MPI or the Crown Quota Broker, whether oral or in writing, shall be taken into account in the tender process.

Schedule A

Crown-held ACE available for purchase for the 2016/2017 fishing year

<u>Stock Code</u>	<u>Common Name</u>	<u>Regular ACE (kgs)</u>
ANC2	Anchovy	50
BAR1	Barracouta	15
FLA1	Flatfish	1
FLA2	Flatfish	192
FLA7	Flatfish	1
FRO3	Frostfish	1
GMU1	Grey mullet	3
GUR2	Gurnard	285
HPB2	Hapuku & Bass	1
HPB4	Hapuku & Bass	1
JDO2	John dory	8
JDO3	John dory	10,912
JMA1	Jack mackerel	7
KAH2	Kahawai	3
KBB3G	Bladder kelp	1,649
KIN2	Kingfish	4
LIN2	Ling	1
MOO1	Moonfish	700
PAD1	Paddle crab	6,886
PAD2	Paddle crab	1
PAU6	Paua	900
PIL2	Pilchard	100
RBM1	Ray's bream	27
RCO2	Red cod	21
SCH4	School shark	1
SCI3	Scampi	103,621
SCI5	Scampi	34,916
SCI6B	Scampi	44,000
SCI7	Scampi	60,000
SCI8	Scampi	4,400
SCI9	Scampi	27,999
SPO1	Rig	1
SUR4	Kina	28
SUR5	Kina	13
TRE2	Trevally	3
TUA9	Tuatua	137
WAR2	Blue warehou	1
YFN1	Yellowfin tuna	14,129

Schedule B

Invitation to tender issued by:
The Crown Quota Broker
P O Box 24 346
Manners Street
Wellington 6142
Attention: Colleen Hammerich

Tender Offer Number

FishServe use only

Tender Number 2016-02 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

Line	Stock	Amount of ACE (kgs)	Total price (excluding GST)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

I/we the tenderer, hereby offer to purchase Annual Catch Entitlement in the quantities entered in the table above. I/we have read, understand, and accept the conditions of the tender as set out in "Tender Request for the Purchase of Annual Catch Entitlement Tender Number 2016-02".

Full legal name	Position	Signature	Date