

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

## **Tender Number CFS2024-02**

A client invites tenders for the purchase of STN1 Quota as detailed in Schedule A. All tenders will be subject to the Conditions contained in this Tender Request.

The tender process will be undertaken independently by Fishserve.

### **CONDITIONS OF TENDER**

Definitions:

<i>"Bid"</i>	means an offer to purchase Quota, at a total price (the Bid Price).
<i>"Counter-Offer"</i>	means an offer made by the Client to a tenderer where the tenderer's original bid is unable to be fully accepted.
<i>"Tender Quota Broker"</i>	means Commercial Fisheries Services Limited (Fishserve).
<i>"Tender Close Date"</i>	means 3.00pm, 17 <sup>th</sup> of December
<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 form prescribed pursuant to section 2 of the <i>Fisheries Act 1996</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. All decisions in respect of this tender will be made by the Client.
2. All bids for Quota will be opened immediately after the Tender Close Date and are to remain valid and open for acceptance by the Client for a period of 10 working days after the Tender Close Date.
3. Decisions on successful and unsuccessful bids will be made within 10 working days of the Tender Close Date, however, the Client reserves the right to extend this timeframe by written notification to tenderers.
4. The Tender Quota Broker will contact all unsuccessful tenderers after completion of this tender round.

## GENERAL CONDITIONS

5. Tender Offers are to be received no later than the Tender Close Date. They can be emailed to:

tender@fishserve.co.nz

OR sent to:

Client Tender  
c/o FishServe  
PO Box 297,  
Wellington 6140  
Attn: Deepna Dahya

6. Tender Offers must be on the Tender Offer form and marked with the Client tender number **CFS2024-02**.
7. No Tender Offers will be considered before the Tender Close Date.
8. Multiple Bids for different quantities and different bid prices are permitted.
9. The Client may accept any or none of the tenders it receives. The highest Bid will not necessarily be accepted.
10. Bids will only be eligible if the following conditions are complied with:
- a) They must be submitted on the Tender Offer form; and
  - b) They must be received by the Tender 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) The Tender Offer must 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) Each Bid must clearly show the bid price, which is the price for the total amount of Quota shares for the selected fishstock (STN1). Bid prices must be exclusive of Goods and Services Tax; and
  - f) Be received by the manner set out in Section 8.
11. The Client may negotiate with any tenderer on any matter relating to the Bid once the tender has closed.
12. **Acceptance of a Bid will be binding.** Successful tenderers will receive written notification of acceptance and, unless otherwise negotiated, must pay full

settlement funds (including Goods and Services Tax) no later than 5.00pm on Thursday 9 January 2025.

13. Payment of full settlement funds must be paid into the Tenderer bank account, details of which will be advised to the successful tenderer(s) by the Tender Quota Broker.
14. In circumstances where there is insufficient Quota to fully satisfy a bid, the Client may make a Counter-Offer to the tenderer or tenderers. Acceptance of any Counter-Offer by the tenderer will be binding.
15. The successful tenderers will not acquire any rights in respect to Quota until acceptance of their bid is notified by the Tender Quota Broker in writing, full settlement funds have been received, and the transfer has been registered.
16. 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 Quota, including those relating to foreign ownership.
17. 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 Notice: Regulated Control Scheme–Bivalve Molluscan Shellfish for Human Consumption.
18. Neither the Client nor the Tender Quota Broker will 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.
19. Disclaimer – No previous assurance by either the Client or the Tender Quota Broker, whether oral or in writing, will be taken into account in the tender process.

# Schedule A

## Quota available for purchase for this Quota Tender

Stock Code	Common Name	Quota Shares
STN1	Southern Bluefin Tuna	5,012,531

Note: This is the equivalent 60 tonnes of ACE based on the current TACC.



Invitation to tender issued by:  
The Tender Quota Broker  
PO Box 297  
Wellington 6140  
Attention: Deepna Dahya

## Schedule B

Tender Offer Number

Fishserve use only

### Tender Number CFS2024-02 Tender Offer for the Purchase of QUOTA

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	Number of Quota Shares	Total price (excluding GST)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

I/we the tenderer, hereby offer to purchase Quota Shares 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 Quota Shares Tender Number CFS2024-02”.

Full legal name	Position	Signature	Date