

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

Tender Number 2024-02

The Ministry for Primary Industries (MPI) invites tenders for the purchase of **Scampi ACE** for the **2024-2025** fishing year, as set out in the table below:

Fish stock	Amount
SCI 3	124,345 kg
SCI 5	31,742 kg
SCI 6B	40,000 kg
SCI 7	60,000 kg
SCI 8	4,000 kg
SCI 9	27,999 kg

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>“Counter-Offer”</i>	means an offer made by MPI to a tenderer where the tenderer’s original bid is unable to be fully accepted
<i>“Crown Quota Broker”</i>	means Commercial Fisheries Services Limited (Fishserve)
<i>“Eligible Bid”</i>	means a bid that complies with the conditions at clause 13 of this Tender Request
<i>“Tender Close Date”</i>	means 3 pm on Wednesday, 30 th October 2024
<i>“Tender Offer”</i>	means the form in which the tenders are to be submitted, a copy of the form is attached as Schedule A
<i>“Transfer Form”</i>	means the approved ACE transfer form prescribed pursuant to section 2 of the <i>Fisheries Act 1996</i>

All terms that are used but not defined in this Tender Request, and that are defined in the *Fisheries Act 1996*, have the meaning given to them in that Act.

THE TENDER PROCESS

1. All decisions in respect of this tender 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. Eligible bids will be considered in order of bid prices from highest to lowest.
4. In the event that there is more than one equally priced bid then those successful tenderers will be allocated ACE on a pro rata basis.
5. Where the total available ACE is insufficient to fully satisfy any bid, the tenderer may receive a Counter-Offer 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 notify all 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 delivered or posted (not emailed) to:

The Crown Quota Broker Tender Box
Level 12
7 Waterloo Quay
Pipitea
Wellington 6011;

OR:

The Crown Quota Broker
PO Box 297
Wellington 6140
9. Tender Offers must be on the Tender Offer form and marked with the MPI tender number **2024-02**.
10. No Tender Offers will be considered before the Tender Close Date.
11. Multiple Bids for different quantities and different bid prices are permitted. However, eligible bids will be considered in order of bid price from highest to lowest.
12. MPI may accept any or none of the tenders it receives. The highest Bid will not necessarily be accepted.
13. To be eligible to be considered, a Bid must comply with the following conditions:
 - a) The Bid must be submitted on the Tender Offer form; and

- b) The Bid must 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 to acknowledge 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) The Bid must clearly show:
 - i. the quantity in kilograms of ACE being bid for, and
 - ii. the Bid price for the ACE being bid for **exclusive** of Goods and Services Tax; and
 - f) The Tender Offer must be an original document (i.e. no facsimiles or emails will be accepted).
14. MPI reserves the right to accept Bids received after the Tender Close Date.
15. MPI may negotiate with any tenderer on any matter relating to a Bid after the Tender Close Date.
16. Successful tenderers will receive written notification of acceptance from the Crown Quota Broker within 15 working days of the Tender Close Date. Successful tenderers must settle their ACE purchase in full (including Goods and Services Tax) **by 5 pm on Wednesday, 4 December 2024**. Failure to settle the ACE purchase in full by that date may result in MPI revoking the acceptance of the bid and offering the ACE to another tenderer or other tenderers.
17. Payment must be made to the MPI Cost Recovery account, details of which will be advised to the successful tenderers by the Crown Quota Broker.
18. In circumstances where there is insufficient ACE to fully satisfy a bid, MPI may make a Counter-Offer to one or more tenderers. Acceptance of any Counter-Offer by the tenderer is binding.
19. The successful tenderers will not acquire any rights to the 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.
20. It is the responsibility of the tenderer to be aware of the minimum holdings of ACE under section 74 of the *Fisheries Act 1996*, and all other legislative provisions relating to the holding of ACE, including those relating to foreign ownership.
21. Information supplied in the Tender Offer and any other supporting material will only be used by MPI or the Crown Quota Broker 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 2020*. Any information submitted to MPI is subject to the *Official Information Act 1982*.
22. After all payments and ACE transfers are completed, MPI will publish on its website the number of successful bids for each stock and the Bid prices.

23. Neither MPI nor the Crown 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 ACE.
24. **Disclaimer** – No previous assurance by either MPI or the Crown Quota Broker, whether oral or in writing, will be taken into account in the tender process.



Schedule A

Invitation to tender issued by:
The Crown Quota Broker
PO Box 297
Wellington 6140

Tender Offer Number

Fishserve use only

Tender Number 2024-02 Tender Offer for the Purchase of Scampi 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 (kg)	Total price (excluding GST)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

I/we the tenderer, hereby offer to purchase ACE 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 Scampi Annual Catch Entitlement (ACE) Tender Number 2024–02”.

Full legal name	Position	Signature	Date