**STATE OF MAINE**

**Department of Marine Resources**

*Division of Marine Mammal Research*



**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

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| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Sarah Leiter **Title:** Survey Program Lead  **Contact Information:** [sarah.leiter@maine.gov](mailto:sarah.leiter@maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** 29 March, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** 19 April, 2024, no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to:* [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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PUBLIC NOTICE

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**State of Maine**

**Department of Marine Resources**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

The State of Maine is seeking proposals for aerial surveys for North Atlantic right whales and other marine species and experienced Marine Mammal Observers for vessel surveys in the Gulf of Maine.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on 19 April, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **DMR** | Department of Marine Resources |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **MEDMR/Department** | Maine Department of Marine Resources |
| **GOM** | Gulf of Maine |
| **PAM** | Passive Acoustic Monitoring |
| **FOAA** | Freedom of Fitness Act |
| **LMA** | Lobster Management Area |
| **GPS** | Global Positioning System |
| **DIGITS** | Digital Image Gathering and Information Tracking System |
| **NEFSC** | Northeast Fisheries Science Center |
| **NOAA** | National Oceanographic and Atmospheric Administration |
| **NARWC** | North Atlantic Right Whale Consortium |
| **SAS** | Sighting Advisory System |
| **QA/QC** | Quality Assessment / Quality Check |

**State of Maine - Department of Marine Resources**

*Division of Marine Mammal Research*

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Maine Department of Marine Resources (MEDMR/Department) is seeking proposals for aerial surveys for North Atlantic right whales and other marine species who will also provide Marine Mammal Observers for vessel surveys in the Gulf of Maine as defined in this Request for Proposal (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

The Maine Department of Marine Resources (MEDMR) Division of Marine Mammal Research intends to expand existing survey coverage and effort to research North Atlantic right whale distribution and habitat use in the Gulf of Maine (GOM) in the year 2024, and into 2025 as required to ensure consistent survey coverage. Consistent monthly survey effort utilizing methodology congruent with those used in density estimations is essential for creating a comprehensive estimate of right whale distribution. The additional data provided by this extension of survey effort will inform population density estimates used in risk reduction assessments. The results of this work will inform impending regulatory decisions and species conservation efforts, as well as the impacts of offshore development activities. Ensuring that aerial surveys are conducted throughout the region during all months of the year is of paramount importance when assessing monthly and seasonal distribution patterns and detecting species distribution shifts. In addition to aerial survey efforts, MEDMR seeks to conduct vessel-based visual marine mammal surveys in conjunction with the servicing of an existing Passive Acoustic Monitoring (PAM) array. Furthermore, these surveys will inform future survey efforts by MEDMR.

1. **General Provisions**
   1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
   2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
   3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
   4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
   5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
   6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
   7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
   8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
   9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Eligibility to Submit Bids**

Bidders must hold a valid NMFS Research Permit for Endangered Species, allowing for the approach and photography of North Atlantic right whales from aerial and vessel platforms.

1. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

The term of the anticipated contract, resulting from the RFP, is defined as follows:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | May 15, 2024 | May 31, 2025 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

1. **Statement of Work**

The Contractor (awarded Bidder) shall provide all equipment, material, trained labor, supervision, transportation, permits, insurance, and quality control necessary to conduct line-transect aerial surveys to quantify the distribution and abundance of North Atlantic right whales in the Gulf of Maine (GOM).

MEDMR requires monthly aerial surveys between May 15th, 2024 and December 31, 2024, with the potential to extend coverage into 2025 as needed. Broad-scale survey coverage of the Gulf of Maine along pre-determined track lines (**Appendix F**, Figure 1) will be provided as requested to ensure monthly survey coverage in the GOM. An additional extension to existing survey efforts in LMA 1 within Maine’s Lobster Management Zone A will be surveyed, monthly (**Appendix F**, Figure 2).

Aerial surveys will be conducted in a manner that is congruent with ongoing research efforts in the Gulf of Maine. The Contractor will provide all necessary equipment, trained labor, supervision, transportation, permits, insurance and quality control to conduct vessel-based visual surveys for marine species aboard MEDMR Passive Acoustic Monitoring (PAM) servicing cruises in the GOM.

The Contractor will provide trained and qualified observers for each cruise. The number of required Marine Mammal Observers will vary from three (3) for multi-day inshore surveys and six (6) for multi-day overnight offshore surveys. Equipment for data collection, including digital photography equipment, will be provided by MEDMR. These surveys will take place along pre-determined survey track lines, aboard a vessel(s) contracted by MEDMR to service PAM buoy locations distributed throughout the GOM. MEDMR will conduct surveys in concert with the PAM array servicing during July and November of 2024. Each of these two (2) surveys are scheduled to be completed as separate cruises: a near shore cruise consisting of several day trips and a longer multi-day offshore cruise. Aerial and vessel surveys will consist of the following tasks:

* 1. **Task 1: Survey Planning and Coordination**
     1. The Contractor must meet with representatives from the MEDMR Bureau of Marine Science Division of Marine Mammal Research, at least once, prior to commencement of aerial surveys to review survey coverage plans, data collection protocols, and the schedule for data submission and formatting.
     2. The Contractor must meet with MEDMR representatives prior to the commencement of each research cruise for operations planning and data collection protocol review.
     3. The Contractor must meet, periodically, with MEDMR to allow for scheduling of MEDMR personnel utilized for surveys and to ensure coordination with other survey efforts. All final determinations for aerial and vessel-based visual sighting survey protocols will be made by the MEDMR survey lead.
  2. **Task 2: Broad-Scale Line Transect Aerial Surveys**
     1. Broad-Scale Line-Transect Aerial Surveys
        1. The Contractor must conduct monthly line-transect aerial surveys for marine species, with a focus on North Atlantic right whales, along track lines pre-determined by MEDMR. Surveys of specified track lines will be conducted on an as-needed basis, based on other ongoing survey efforts, to ensure total monthly coverage of the broad scale survey area (**Appendix F**, Figure 1). Beginning in April 2024, one (1) survey per month (9) shall be conducted within the area depicted in **Appendix F**, Figure 2. *LMA 1 Zone A Extension.*
        2. Surveys shall be conducted from a fixed-wing, twin-engine aircraft appropriate for marine mammal surveys preferably equipped with bubble windows at an altitude of 1000 feet, and at a groundspeed of 100 knots. Surveys shall be conducted in a Beaufort sea state <5 and <15 knots of wind.
     2. Aerial Survey Effort
        1. Observational survey effort by at least two (2) observers positioned on either side of the aircraft shall occur during all over-water flight paths and recorded as “on-watch” during these portions of the flight. Observers shall adopt a scanning pattern from beneath the aircraft via a bubble window or the nearest visible point to the track line out to 2 nautical miles for the duration of “on-watch” effort and equipped with binoculars for sighting and species identification confirmation. Should survey effort become unfeasible due to unsuitable conditions, an explanation for ceasing survey effort shall be provided.
     3. Data Collection
        1. All data collection protocols will be designed by MEDMR and implemented under the Department’s advisement. Details regarding the collection of data are provided below.
        2. Aerial Survey Environmental and Sightings Data
           1. All survey data collection methods shall conform to protocols followed by the North Atlantic Right Whale Consortium ([www.narwc.org](http://www.narwc.org)). Survey effort data collected shall include time and GPS location at no more than 8-second intervals, survey leg type (transit, cross-leg, track line, or circling), speed, altitude.
           2. Environmental variables shall be recorded for all survey effort, and shall include general weather conditions, visibility in nautical miles, cloud cover, glare, and Beaufort sea state. Environmental variables shall be reassessed and updated at the start of each survey track line, or at any point that a change in one or more variables occurs.
           3. Marine species sighting data shall include time and position of the sighting, track line distance, species identification (to the highest possible taxonomic precision), identification reliability, number of animals, number of calves, behaviors exhibited, and direction of travel (when applicable). Perpendicular distance from track line to sightings shall be calculated using clinometer-derived sighting angle measurements. Sightings of all marine species shall be recorded, and when number of animals is difficult to determine a “best estimate” with a +/- confidence interval will be provided. In cases of large multi-species aggregations, when identifying species or counting numbers of animals becomes difficult, preference will be given to recording endangered large whale sighting data with precision as the primary objective.
        3. North Atlantic Right Whale Sightings
           1. In the case of North Atlantic right whale detections, the survey aircraft will deviate from pre-determined track lines and attempt to circle and photograph whales for the purpose individual identification. At least one (1) observer shall be equipped with a camera and telephoto lens with rapid sequence capabilities sufficient for obtaining high-quality and clear resolution photographs of right whale callosity patterns and scars. MEDMR-provided photography equipment and camera settings used for collecting North Atlantic right whale images will comply with the specifications needed in order to perform photo analysis for individual identification within the Digital Image Gathering and Information Tracking System (DIGITS) database ([www.rwcatalog.neaq.org](http://www.rwcatalog.neaq.org)) curated by the New England Aquarium. An attempt shall be made to obtain photographs sufficient for the identification of all individual right whales within a given group.
           2. For each right whale sighting, date, time, position (latitude/longitude), number of animals, number of calves, behaviors, direction of travel (if applicable), and frame numbers associated with photographed individuals shall be recorded.
  3. **Task 3: Marine Mammal Observers for Line-Transect Vessel Surveys**
     1. The Contractor shall provide at least three (3) observers for inshore surveys and six (6) observers to collect line-transect sightings from a systematic, broad-scale survey of the GOM from aboard PAM array servicing vessel(s) contracted by MEDMR. MEDMR will be planning and completing vessel-based surveys and The Contractor will provide observers for those cruises. Survey track lines will be pre-determined and mapped by MEDMR and are provided in Figure 3. Waypoints of survey track line start and end positions (latitude/longitude) will be provided by MEDMR. Two multi-day surveys, during the year 2024, will be completed during the first two weeks of each of the months of July and November. Each survey will consist of two separate cruises, one inshore cruise consisting of several day-trips, and one multi-day offshore cruise. Survey dates will be determined and communicated by the MEDMR Passive Acoustic Monitoring Lead and MEDMR Survey Program Lead. During survey track lines, the vessel shall transit at a speed of no more than 10 knots, and the vessel shall be restricted to a speed of <10 knots within NOAA Fisheries issued Slow Zones and/or Dynamic Management Areas, or in areas of known right whale presence. Survey protocols will align with those followed by the North Atlantic Right Whale Consortium (NARWC) and the NOAA Northeast Fisheries and Science Center (NEFSC) (Palka, 2023).
     2. Survey Effort & Data Collection Protocols
        1. All visual survey efforts and data collection protocols will be designed my MEDMR.
        2. During all survey lines, cross-legs, and transits (including transits to and from PAM servicing sites), observers will be kept on watch, and recorded as “on watch” effort, with the exception of any transit time outside daylight hours.
        3. A minimum of two (2) observers will be employed on either side of the vessel during pre-determined track-lines and cross legs, and a minimum of one (1) observer will be stationed on watch during transits to/from survey track lines or during PAM array servicing activities. Survey leg-type will be recorded for all portions of the survey, and shall be defined as “track line”, “transit”, “cross-leg”, “servicing” (for PAM site servicing operations), or “approach”.
        4. Observers will rotate at a maximum of every four (4) hours. If weather or safety conditions require cessation of survey effort, an explanation for going “off watch” shall be provided.
        5. GPS position of the vessel shall be recorded at no more than 8-second intervals, and shall include date, time, position (latitude/longitude), vessel speed in knots and course. Effort during photographic approaches and photography of North Atlantic right whales shall be maintained and recorded as “approach” under the survey leg type indication.
        6. Environmental Variables and Sightings Data
           1. Environmental variables will be recorded at the start of each watch period, including transits, and updated at the start of each track, at observer shift change, and at any time that one or more of these variables changes. These shall include sea state (Beaufort scale), cloud cover, glare, general weather, fog or precipitation, and visibility in nautical miles.
           2. Sightings of all marine mammal, sea turtle and large fish species will be recorded following distance sampling methods sufficient for density and abundance estimation (Palka, 2023). Sightings data shall include date, time, position (latitude/longitude), sighting distance (measured using reticle binoculars), bearing from the track line to the sighting location, species (or an identification to the highest possible taxonomic precision), confidence in species identification, number of animals, number of calves, species direction of travel (when applicable), and behaviors exhibited. For large groups of animals, a best estimate of number of animals will be recorded with a plus/minus confidence interval for clarification. Whether or not photographs were obtained, and corresponding frame numbers will also be indicated.
        7. North Atlantic Right Whale Sightings and Photography from Vessel Surveys
           1. For sightings of North Atlantic right whales, following the recording of initial sighting data (including angle and distance), the survey will cease track-line effort to obtain photographic data. All approaches to North Atlantic right whales shall be executed in a manner that mitigates disturbance to the animal(s). The vessel may only approach the animals slowly from behind or in a track that parallels the natural swimming course of the animal(s). All approaches will be discontinued if any animal exhibits avoidance behavior upon more than two (2) breathing sequence surfacing events. If a mother-calf pair is present, approaches will not interfere with vital behaviors (i.e. feeding, nursing, mating) and will never enter the area of water between a mother and calf pair. Observers will not request that the vessel approach the animal(s) closer than necessary to obtain clear photographs for individual identification and will instruct the vessel operator to exit the area of animals as soon as sufficient photographs of animals are obtained, or when the maximum photography time allotment of 60 minutes is reached. The vessel will not approach an individual right whale more than five times in a 24-hour period.
           2. Observers will endeavor to obtain photographs of North Atlantic right whales for individual identification. Photographers shall obtain high resolution photographs of the entire rostral callosity pattern of each individual right whale and any visible scars or markings. An attempt should be made to photograph each individual whale from both sides of the animal. The time and location (latitude/longitude) of each individual right whale photographed will be recorded. Frame numbers depicting individual animals shall be recorded and described in a manner that allows for the separation of photographs by individual.
           3. Photographs shall be taken with handheld digital cameras equipped with telephoto lenses and rapid sequence photographic capabilities. Any Contractor-provided photography equipment should include a fixed 300-millimeter lens with image stabilization and a f-stop value of 4.0 or lower. ISO shall be kept as low as possible, generally 800, and shall not exceed 1000 except in dark conditions. Shutter speed shall not be lower than 1250. Exposure shall be one (1) stop underexposed to enhance clarity of callosities.

1. **Deliverables**
   1. Aerial Surveys
      1. Prior to aerial survey commencement and prior to each vessel survey, the Contractor shall attend a meeting with MEDMR personnel for survey coordination, data collection protocol review, and scheduling purposes. These coordination meetings shall also occur at mutually agreed upon times periodically throughout the survey period.
      2. Line-transect aerial surveys will be conducted following the protocols defined here in, to extend coverage of existing survey efforts within the Broad Scale Gulf of Maine Survey Area (**Appendix F**, Figure 1) on an as-requested basis each month of the year to enhance and ensure monthly survey coverage of the Gulf of Maine between May 15th, 2024 and December 31st, 2024, with the potential to extend coverage into 2025 as needed. Additional survey coverage for the Lobster Management Area (LMA) 1 Zone A Extension Coverage (**Appendix F**, Figure 2) shall be performed during each month of the contract during the year 2024.
      3. At least 4 hours prior to each survey, the Contractor shall provide written notification to MEDMR detailing survey plans, personnel, aircraft specifications, contact information, and planned survey area coverage.
      4. Within 24 hours following the completion of each survey, the Contractor shall provide a Survey Report detailing survey effort and sightings. This report shall include a summary of survey conditions, and a map of track lines flown that depicts sightings by species. A table shall be provided totaling number of sightings and number of individuals for each species sighted. For any North Atlantic right whales sighted, additional details will be provided, including the time and location of each sighting, number of animals, number of calves, behaviors observed, and any other notable associated sighting information.

* 1. Vessel Surveys
     1. The Contractor shall provide up to three (3) inshore survey Marine Mammal Observers and up to six (6) offshore survey Marine Mammal Observers for visual survey operations and data collection aboard two PAM array servicing cruises conducted by MEDMR aboard contracted vessels for two surveys in the GOM. Each survey will consist of an inshore and offshore cruise, the first survey occurring in July and the second survey in November of 2024. The Contractor shall also provide Marine Mammal Observers for research surveys in 2025 as required.
     2. Contractor-provided observers shall collect data using equipment provided by MEDMR and data collection protocols shall adhere to those implemented by MEDMR. Upon survey completion at the end of each survey day, Observers provided by the Contractor shall perform a quality assessment and quality check (QA/QC) of data collected during the survey. MEDMR data collection equipment and survey data back-up devices shall be provided to MEDMR within 48 hours following the completion of the survey. The Contractor shall be available for consultation of data collected during the week following each completed survey.
     3. The Contractor shall work with MEDMR staff to report all North Atlantic right whale sightings to MEDMR in real time through an established data-sharing system, for submission to the NOAA Fisheries North Atlantic Sighting Advisory System (SAS). These sighting reports should include time, location (latitude/longitude), number of right whales, behavior, and number of calves. Dead, Injured or Entangled animals shall be reported in real time to MEDMR personnel, NOAA Fisheries, The Disentanglement Network and any research teams working in the area. The Contractor shall upload all survey images onto a Google drive to be shared with MEDMR within one week of survey completion. The Contractor will work with MEDMR to process all photographs for submission to the New England Aquarium for processing in the Digital Image Gathering and Information Tracking System (DIGITS) program and submission to the North Atlantic Right Whale Consortium (NARWC) Identification Database.
  2. Deliverables Schedule

|  |  |
| --- | --- |
| Aerial Surveys | Complete aerial surveys along all broad-scale survey track lines (**Appendix F**, Figure 1) as requested, monthly, to complement existing aerial survey coverage in 2024. Complete the Zone A extension plan track lines (Appendix F, Figure 2), at least once, monthly in 2024. Provide aerial survey coverage into 2025 as needed. |
| Vessel Surveys | Contractor shall provide 3-6 Observers for PAM servicing cruises, during two surveys in July 2024 and two surveys in November 2024, and as needed for vessel survey efforts in 2025. Observers will participate in daily QA/QC of data as needed. |
| Survey Coordination | Prior to each survey (aerial or vessel), coordinate survey plans with MEDMR during the week prior to survey commencement. Provide MEDMR with an aerial survey flight plan at least 12 hours prior to survey commencement. |
| North Atlantic Right Whale Sightings | Reported in real time to MEDMR and NOAA Fisheries, with entangled whales also reported to the Disentanglement Network |
| Preliminary Aerial Survey Data | Submitted to MEDMR within 48 hours of survey completion |
| Photographic Data from Aerial or Vessel-Based Surveys | Submitted to MEDMR within 1 week of survey completion |
| Aerial Survey Summary Report | Will contain a list of survey personnel, description of survey conditions, and effort and sighting summaries, within 1 day of aerial survey completion |
| Aerial Survey Data Submission | Quality assessment / quality checked survey effort and sightings data, submitted within 1 week of each aerial survey completion. |
| Final Aerial Survey Report | No later than one month following the completion of surveys, provide a detailed summary of effort and sightings data from aerial surveys to MEDMR. |

**PART III KEY RFP EVENTS**

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
      1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
         1. Proposal submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202401015 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I.

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP. This documentation includes:

* Valid NMFS Research Permit for Endangered Species

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability**

Bidders must provide the following information for each of the past three tax years:

* + 1. Balance Sheets
    2. Income (Profit/Loss) Statements
  1. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* 1. **Certificate of Insurance**

Bidders must provide a certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the period starting May 15, 2024 and ending on May 31, 2025.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

**Section I. Preliminary Information (No Points – Eligibility Requirements)**

Includes all elements addressed above in Part IV, Section I.

**Section II. Organization Qualifications and Experience (50 points)**

Includes all elements addressed above in Part IV, Section II.

**Section III. Proposed Services (25 points)**

Includes all elements addressed above in Part IV, Section III.

**Section IV. Cost Proposal (25 points)**

Includes all elements addressed above in Part IV, Section IV.

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x 25 = pro-rated score

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
   1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
  2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.

1. **Standard State Contract Provisions**
   1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

**PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**Appendix F** – Aerial Survey Track Lines

**APPENDIX A**

**State of Maine**

**Department of Marine Resources**

**PROPOSAL COVER PAGE**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | |
| **Chief Executive - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |
| ***(Provide information requested below if different from above)*** | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | |  | | |
| **Tel:** |  | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | |
| **Headquarters City/State/Zip:** | |  | | |

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Department of Marine Resources**

**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Department of Marine Resources**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.** |

|  |  |
| --- | --- |
| **Project One** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Three** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX D**

**State of Maine**

**Department of Marine Resources**

**COST PROPOSAL FORM**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |

|  |  |  |
| --- | --- | --- |
| **Line Item** | **Hourly Rate (If Applicable)** | **Cost Per Survey Day / Cost** |
| **Aerial Survey Personnel** |  |  |
| **Aviation Services** |  |  |
| **Insurance(s)** |  |  |
| **Other (Specify)** |  |  |
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| --- | --- | --- | --- |
| **Line Item** | **Hourly Rate  On-Vessel** | **Hourly Rate**  **Off-Vessel** | **Cost Per Survey Day** |
| **Marine Mammal Observers** |  |  |  |

|  |  |
| --- | --- |
| **Total Proposed Cost:** | **$** |

Proposed costs for personnel costs and aviation costs should be provided as a cost per survey day. Insurances and other subcategories may be provided as separate line items as appropriate. Line items should also be provided for vessel-based marine mammal observer costs per survey day and should specify hourly rates for both on-vessel and off-vessel operations. All additional costs should be itemized in a manner that provides clarity regarding proposed costs and add into the fixed Total Proposed Cost. **APPENDIX E**

**State of Maine**

**Department of Marine Resources**

**SUBMITTED QUESTIONS FORM**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

|  |  |
| --- | --- |
| **Organization Name:** |  |

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
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**APPENDIX F**

**State of Maine**

**Department of Marine Resources**

**AERIAL SURVEY TRACK LINES**

**RFP# 202401015**

**Gulf of Maine Aerial Surveys and Marine Mammal Observers**

**Figure 1.** Map of Broad-Scale Line Transect Aerial Survey Track Lines

**Map

Description automatically generated**

**Figure 2.** Aerial Survey Extension Coverage in LMA 1, Zone A Track Lines

**Diagram

Description automatically generated with medium confidence**