

REQUEST FOR PROPOSALS

Pacific Coast Whale-Watching Study

for the project

**Marine Protected Areas: Strengthening Management Effectiveness
and Supporting Coastal Community Resilience**



Commission for Environmental Cooperation

2016

I. Overview

The Commission for Environmental Cooperation (CEC) is requesting proposals from prospective consultants related to a study on climate change-related and other threats on whale-watching in and around selected North American Pacific Coast marine protected areas (MPAs). Specifically, the consultant would be expected to: conduct a literature review and other background research, develop a questionnaire and interview whale-watching operators, analyze the results and prepare a summary report to be presented at a stakeholder workshop in February 2017 (date TBC).

The CEC is an intergovernmental organization created by Canada, the United States and Mexico under the North American Agreement on Environmental Cooperation (NAAEC). The CEC was established to address regional environmental concerns, help prevent potential trade and environmental conflicts, and promote the effective enforcement of environmental law. The Agreement complements the environmental provisions of the North American Free Trade Agreement (NAFTA).

The CEC's Council, its governing body, approved the project entitled *Marine Protected Areas: Strengthening Management Effectiveness and Supporting Coastal Community Resilience* as part of the 2015–2016 Operational Plan, to develop a North American approach to marine protected area (MPA) management effectiveness and coastal community resilience in light of the impacts of climate change and other related pressures on species, ecosystems and people. For a complete description of the project, including tasks and related budget, please visit the CEC website at: <www.cec.org/our-work/projects/marine-protected-areas-strengthening-management-effectiveness-and-supporting-coastal-community-resilience>.

II. Terms of Reference

A. Overview and Scope

Through the development of Marine Park Partnerships along North America's Pacific Coast, MPA managers and coastal communities participating in this project are working together to tackle climate change-related and other threats affecting shared resources and ecosystems.

Under Task 3 of the project, it was agreed to enhance the management of important nature-based activities linked to MPA resources, working with communities and the private sector to address persisting and emerging threats. Boat-based whale-watching is an economically important activity in and around MPAs along North America's Pacific Coast. Climate change can impact the industry by shifting both whale migration patterns and calving, feeding and resting locations. This can translate into changes in the distance traveled to see whales and in the number and species of whales seen. Changes in species' abundance and distribution can result in changes in the number of competitors vying for market share. In addition, weather patterns and events altered by climate change can directly affect tourist numbers and suitable outing conditions (e.g., rain, winds, longer/shorter seasons, shifting whale season dates). Lastly, non-climate threats such as increased marine traffic can also affect whale-watching operations.

A study of climate change-related and non-climate threats to whale-watching in and around selected Pacific Coast MPAs will help improve understanding of industry sustainability and

potential adaptive actions to support MPA-based livelihoods. The results from this study will be presented at a February 2017 (date TBC) stakeholder workshop, allowing MPA managers, industry and community representatives to collectively share best practices and lessons learned, and develop adaptive actions that promote sustainable development and marine conservation.

B. Description of Services

The Consultant shall coordinate with the CEC's Ecosystems and Sustainable Communities Program Manager (or designated contacts) to accomplish the following:

1. Conduct a literature review on boat-based whale-watching (with a focus on economic benefits, tourist preferences and impact on conservation) and on temporal and spatial shifts in whale migration patterns, and calving, feeding and resting locations. The review should include all recent (from 2006-on) studies of the North American Pacific Coast, as well as other major relevant whale-watching research from other geographic areas, particularly to fill in gaps in North American Pacific Coast-based research.
2. For North American Pacific Coast areas where there are literature gaps on the above topics, conduct supplementary background research through telephone and/or in-person interviews with NGOs, government agencies, tourist bureaus, and others.
3. Through the CEC, consult with NOAA experts involved in surveys of whale-watching operators in US Marine Sanctuaries, to get a complete portrait of work completed, underway and planned, to avoid duplication and build on existing surveys, results and list of contacts.
4. Based on the literature review and other background research, develop a short questionnaire for whale-watching operators to gather information about environmental and trip parameters that may be affected by climate change and non-climate stressors in order to identify observed changes, their effects on whale-watching operations, and operators' responses to those changes. Questions should be designed to get a snapshot of the current status of the industry, as well as trends over past years, based on the operators' observations of:
 - a. whale abundance and diversity, required effort (distance/time traveled to see whales), weather-induced changes to trip frequency, length, location, or seasonal timing
 - b. non-climate stressors (e.g., marine debris, marine traffic)
 - c. the number of boat-based tourism operators in and around MPAs, and compliance and enforcement of regulations
5. In each of the three North American countries, compile a list of whale-watching operators based in or around a Pacific Coast MPA selected in agreement with the CEC and conduct interviews with approximately five (5) operators listed for each MPA (i.e., approximately 15 in total). The interviews should be conducted onsite, where possible, or remotely if agreeable to the CEC.
6. Prepare a summary report that includes the literature review and other background research, the list of whale-watching operators in and around the three selected Pacific Coast MPAs, and the questionnaire results and analyses.
7. Present the results at, and participate in, the February 2017 Pacific Coast stakeholder workshop (precise date and location to be determined by the CEC) to share best practices

and lessons learned and to develop adaptive actions that promote sustainable development and marine conservation in and around MPAs along North America's Pacific Coast.

Expenses for Consultant participation in the February 2017 workshop (date TBC) will be covered by the CEC, and are not included in this contract. Consultant participation on the date selected by the CEC is mandatory.

Deliverables

1. Progress report, including results from the literature review and other background research
2. Questionnaire for whale-watching operators, incorporating CEC feedback
3. Draft report including literature review and other background research (from progress report), list of whale watching operators for selected MPAs, questionnaire results and analyses
4. Presentation of the work and participation in the February 2017 workshop (date TBC), including any material prepared for the workshop
5. Final report, including all elements under point 3 above, and incorporating CEC feedback, a workshop summary that includes results and recommendations from the workshop and material prepared for it

C. Periodic Reporting Requirements

10 November 2016	Progress report and final questionnaire incorporating CEC feedback
16 January 2017	Draft report
31 March 2017	Final report

Throughout the project, the consultant will work in close collaboration with the CEC, the project's Steering Committee, and experts to gather information to support delivery of the work. The consultant may consult directly with government officials and other experts, as needed. However, the consultant shall report only to, and receive direction only from, CEC's Ecosystems and Sustainable Communities Program Manager (or designate).

The CEC Secretariat will forward draft deliverables to the project's Steering Committee and other experts, for their review and comment. The CEC Secretariat will arrange teleconferences with the Consultant, the Program Manager, and other experts on an as-needed basis. The goal of these teleconferences will be to present the products and assess progress on the project.

The consultant will work in his or her own offices and onsite at whale-watching operator locations.

D. Quality of Deliverables

The consultant is responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) in English and Spanish and, when applicable, for the technical editing of the materials. The consultant will submit to the CEC Secretariat all written material (including

complete drafts and final reports) in Microsoft Word, following the format of the CEC's [Report Template](#) and adhering to the precepts of the [Guidelines for CEC Documents and Information Products](#), as supplemented by the CEC's English and Spanish [Style Guides](#). Supporting documents for tables, figures and maps will be submitted with the report in their original file format (e.g., Excel or ArcGIS). Note that all amounts shall be presented in metric units. The CEC Secretariat will be responsible, when applicable, for translation, printing, publication and distribution of products from this activity.

Upon delivery by the consultant of a final version of the report or other written materials under the project, the CEC reserves the right to a 15-business day period to review the document(s), notify the consultant of any potential issues or errors, and return the document(s) to the consultant for appropriate corrections, at no extra cost. In all cases, contract payments will be withheld if products submitted to the CEC fail to fulfill the quality and formatting requirements specified above. In the event that the consultant neglects to make the required corrections or if, following corrections, a deliverable remains unsatisfactory, the document shall be edited or revised by a third party designated by the Secretariat, the cost of which shall be deducted from the consultant's fees at a rate of C\$60 per hour.

E. Plagiarism

Plagiarism is the act of conveying someone else's original expression or creative ideas as one's own and can be a violation of copyright law. Neither intentional nor unintentional plagiarism is acceptable to the CEC. The consultant must follow good scholarly methodology in preparing reports and deliverables under the contract, including systematic referencing in footnotes or in-sentence references, for any secondary sources, quotations, data, etc., that do not originate with the author. Sources for tables and figures reproduced from other literature must be given in a "Source" attribution immediately below the table or figure. Failure to properly reference the source of such borrowed material constitutes plagiarism and will be considered a breach of contract. For further information, see [Guidelines for CEC Documents and Information Products](#). In addition, for every written deliverable submitted, the Consultant must use iThenticate software, or an equivalent software approved by the Commission, to validate the written product in question and must forward the plagiarism review results to the CEC at the time of document submission. Contract payments will be retained if products do not fulfil these requirements.

III. Requirements and Proposal Evaluation

A. Mandatory Requirements

To be eligible for further consideration, all consultants must fulfill the following basic requirements.

1. In-country Ability

The consultant, as well as all their personnel and subconsultants, must reside and be authorized to work legally in Canada, Mexico or the United States of America . If travel is required, the consultant must possess valid documentation to travel within these countries.

2. Key Personnel

For the purposes of this RFP, the term "consultant" may refer to either a group or company or a single individual.

If a proposal is submitted by a consortium of individuals or institutions, a “lead” consultant should be designated to take responsibility for ensuring overall coordination, the coherence of activity outputs, and the integration of information and ideas.

3. Qualifications Required

The consultant must possess competence and experience in:

- An advanced degree in geography, biology, environmental sciences or closely related discipline
- Experience working with coastal communities and agencies
- Experience in conducting interviews and analyzing qualitative data
- Ability to communicate effectively in written and spoken English and Spanish
- Demonstrated ability to produce reports and make presentations

4. Proposal Submission

It is the intention of the CEC Secretariat to include the **Terms of Reference (Section II)** of this document) in the contract negotiated with the successful applicant. Therefore, prospective consultants should refer to these for more detailed information on the project and the services to be provided. Prospective consultants are requested not to reiterate the Terms of Reference in their submissions, but are invited to suggest modifications to enhance the proposal.

Proposals must include the following:

- A brief statement of interest and intent. This statement should be based upon and serve to demonstrate the consultant’s experience and subject knowledge. The statement should address desired results; guidelines (parameters within which results are to be accomplished); resources (human, financial, technical, or organizational support available to help accomplish the results); and other aspects deemed applicable by the consultant. The purpose of this statement is to demonstrate not only the consultant’s general and specific familiarity with the subject area, but also to highlight writing skills;
- A general work plan for carrying out this project;
- Proposed methodology;
- Suggested modifications to the Terms of Reference, and the reasons for such modifications;
- Resumes of the key personnel involved in the project;
- Detailed cost breakdown, including number of person/days of key and other personnel, direct and indirect costs, travel costs and applicable taxes;
- Description of relevant experience and any other relevant information;
- Two samples of previous work;
- Two letters of recommendation from previous assignments; and
- List of no less than three references

B. Other Information to be Provided

Potential consultants are encouraged to submit any additional information that they believe will assist the CEC Secretariat in the evaluation of their proposal. However, the proposal should not exceed six (6) pages, exclusive of applicant resumes, samples of previous work or corporate brochures.

C. Type of Contract to be Used for These Services

The CEC Secretariat intends to use its standard milestone-based contract for these services. A sample is available upon request. If the contract is negotiated with a consortium, the CEC will offer the consultants the option to have separate contracts between each consultant and the CEC.

All work within the contract must be completed by 31 March 2017.

D. Selection Procedure

The consultant deemed best qualified will be selected on the basis of a competitive process, in accordance with sections 2.5-2.7 of the [CEC Consultant Services Procurement Manual](#).

Proposals that the CEC Secretariat determines to be complete will be evaluated according to the procedure described below. Prospective consultants who submit proposals determined by the CEC Secretariat to be incomplete will be so notified in writing.

Each complete proposal that is submitted will be evaluated by the CEC Secretariat according to the following criteria, with a point rating assigned for each:

Evaluation Criteria	Maximum Point Rating
Understanding of project requirements, adequacy of work plan	20
Suitability of the proposed approach	20
Consultant's experience and qualifications and competency of key personnel	40
Consultant's ability to analytically approach the subject, and writing ability	10
Adequacy of budget	10
<i>Total</i>	100

A minimum score of 80 will be required for the prospective consultant's proposal to be eligible for further consideration. Cost efficiency will be taken into account in the evaluation.

Proposals in response to this request will be evaluated by the CEC Program Manager and designated technical reviewers, who will form an Evaluation Committee. Each member of the Evaluation Committee will receive a copy of the proposals and will be asked to rate each proposal using the evaluation criteria and its maximum point ratings given above.

The CEC Program Manager will arrange for a conference call/meeting among the members of the Evaluation Committee to discuss the ratings, arrive at final scores, and, subsequently, a ranking of all proposals. The strengths and weaknesses of each proposal, in terms of the evaluation criteria, will be noted and summarized. Once the selection has been made, each prospective consultant will be provided with their score—if requested—along with their comparative ranking. However, neither the evaluations nor the scores of other bidders will be provided.

E. Estimated Level of Resources Required

The budget for this activity is expected to range between C\$40,000 to C\$45,000 (Canadian dollars), including professional fees, expenses and travel to sites. Reimbursable expenses are

detailed in the CEC standard contract, available upon request; in addition, the cost of using iThenticate software to detect plagiarism (US\$50) should also be considered. Expenses for Consultant participation in the February 2017 workshop (date TBC) will be covered by the CEC, and are not included in this contract.

For universities and nongovernmental organizations, note that the CEC accepts that overhead be charged for administration and other indirect costs up to 15% of the total value of the contract.

If the proposal were presented by a consultant established in Mexico, the applicable value-added tax will be 0%, in accordance with Article 29, section IV, paragraph a) of Mexico's VAT Act, as these are technical services that were engaged from abroad.

If a currency other than Canadian dollars is used, the consultant should indicate the total cost of the professional services in Canadian dollars as well as the currency of choice, for comparison purposes.

F. Basis of Payment Required

The consultant will be paid in the following manner:

- Upon signature of the contract and invoice
- Upon receipt of progress report and invoice
- Upon receipt of draft report and invoice
- Upon receipt of final report and invoice

Payment shall be made only for *bona fide* consultant fees and legitimate expenses incurred in accordance with the contract for professional services, and only upon receipt and documented acceptance by the Secretariat of statement(s) of account/invoice(s) from the consultant. Settlement of invoices that are acceptable for payment will normally be made 30 days from the date of receipt by the Commission.

G. Financial and Other Confidential Information

For this proposal, the CEC Secretariat will not require the submission of any confidential information nor will the CEC Secretariat require information regarding insurance, bonding financial status, or company ownership.

H. Conflict of Interest

"Conflict of interest" means, but is not limited to, a situation where a consultant's personal interest is sufficiently connected with professional duties under the contract, such that it results in a reasonable apprehension that said personal interest may influence the exercise of professional responsibilities under the contract. For example, a direct conflict of interest exists when the consultant is also a CEC government official, or is related to or closely affiliated with a CEC government official, CEC staff member or third party involved with the performance of the services.

The consultant will inform the CEC Secretariat of any circumstance that existed prior to the execution of this contract, or that could manifest during the performance of this contract, which could constitute a conflict of interest. The consultant will complete and sign, on behalf of all his or her personnel, the attached *Declaration of Acceptance and Impartiality and Independence* (see

Annex). The Consultant will also take note of the [CEC Consultant Services Procurement Manual](#).

I. Deadlines for Proposal Submission and Decision

The proposal, including all relevant attachments, must be received by the CEC Secretariat offices by **17:00 EST on 6 October 2016**. Proposals submitted after this deadline will not be considered.

Proposals must be submitted via e-mail to lrobidoux@cec.org. Proposal format may be in Microsoft Word or Adobe PDF format. Once the proposal has been submitted electronically, the CEC will confirm receipt within three business days. If receipt is not confirmed by e-mail within this time, **applicants must contact the CEC**. The contact person is:

Lucie Robidoux
Program Manager, Ecosystems and Sustainable Communities
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, bureau 200
Montreal, QC, Canada H2Y 1N9
Tel: 514-350-4300; Fax: 514-350-4314

The CEC Secretariat intends to select the consultant and notify the applicants within a reasonable period of time following the proposal submission deadline.

ANNEX (see also Schedule D in CEC standard contract)

CONSULTANT'S DECLARATION OF ACCEPTANCE AND IMPARTIALITY AND INDEPENDENCE FOR CONTRACT

I, the undersigned,

Last Name: _____ First Name: _____

ACCEPTANCE

☐

hereby declare that I accept to serve as consultant in the subject contract.

IMPARTIALITY AND INDEPENDENCE

(If you accept to serve as a consultant, please check one of the two following boxes. The choice of which box to check will be determined after you have taken into account, inter alia, whether there exists any past or present relationship, direct or indirect, with any of the Parties to the North American Agreement on Environmental Cooperation ("NAAEC") or their Commission for Environmental Cooperation ("CEC") representatives, Secretariat staff, and/or third parties involved in the performance of this contract, whether financial, professional, familial, or of another kind and whether the nature of any such relationship is such that disclosure is called for pursuant to the criteria set out below. Any doubt should be resolved in favor of disclosure.)

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, CEC Secretariat staff, and third parties involved in the performance of this contract, and intend to remain so; to the best of my knowledge, there are no facts or circumstances, past or present that need be disclosed because they are likely to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest.

OR

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, Secretariat staff, and/or third parties involved in the performance of this contract, and intend to remain so; **however**, I wish to call your attention to the following facts or circumstances which I hereafter disclose because they might be of such a nature as to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest. Where facts or circumstances exist that might give rise to the latter such doubts, I may set out measures I intend to take to mitigate or eliminate any doubts regarding my impartiality and independence, and/or a possible conflict of interest. (Use separate sheet and attach.)

Date: _____

Signature: _____