



## Expressions of Interest:

### **Consultancy to undertake a legal analysis of the ‘*Convention Between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea*’**

**Issued: 27 June 2017**

**EOIs due: 12 July 2017**

#### **Basic administrative details**

##### Timeline for EOI process and project delivery

27 June 2017	Request for Expressions of Interest (EOI) issued.
12 July 2017	Deadline for receipt of EOIs. <ul style="list-style-type: none"><li>• Please notify IPHC if you intend to respond to this EOI call.</li></ul>
19 July 2017	Completion of proposal review and notification of successful EOI.
28 July 2017	Contract finalized.
25 August 2017	Draft report submitted to the IPHC Secretariat for comment.
01 September 2017	Comments from the IPHC Secretariat forwarded to contractor for consideration.
11 September 2017	Contract work completed and final report submitted.

##### IPHC point of contact

The IPHC point of contact for this RFP is Dr. David Wilson at [doi@iphc.int](mailto:doi@iphc.int). All communications with IPHC, including inquiries and submission of EOIs, will use this email address.

#### **Project background**

The International Pacific Halibut Commission (IPHC) is an intergovernmental organization established by a Convention between Canada and the United States of America. The IPHC Convention was concluded in 1923 and entered into force that same year. The Convention has been revised several times since, to extend the Commission's authority and meet new conditions in the fishery (Bell 1969). The most recent change occurred in 1979 and involved an amendment to the 1953 Halibut Convention. The amendment, termed a "protocol", was precipitated in 1976 by Canada and the United States of America extending their jurisdiction over fisheries resources to 200 miles. The 1979 Protocol along with the U.S. legislation that gave effect to the Protocol (Northern Pacific Halibut Act of 1982) has affected the way the fishery is

conducted, and redefined the role of IPHC in the management of the fishery during the 1980s. (Note: Canada did not require specific enabling legislation to implement the protocol.)

The IPHC is mandated to undertake research on, and management of, the stocks of Pacific halibut (*Hippoglossus stenolepis*) within the Convention waters. The IPHC consists of three government-appointed Commissioners for each Contracting Party, who serve their terms at the pleasure of the President of the United States of America and the Canadian government respectively. The Commission employs a Secretariat staff to assist in carrying out its duties.

In the United States of America, the IPHC is considered a “public international organization” and is entitled to particular privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (22 U.S.C. Sec. 288), by virtue of U.S. Presidential Executive Order 11059. In 1987, the IPHC was granted 503(c) status as a not-for-profit organization, and it is considered part of the U.S. Federal government for purchasing and travel.

### **Aims and Objectives**

The legal review will evaluate the *IPHC Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea*, from an international fisheries legal framework point of view. Specifically, the desktop legal analysis shall document deficiencies in the IPHC Convention in terms of international best practice and principles, as well as the protocols the IPHC follows in implementing its Convention. This legal review will be incorporated into the 2<sup>nd</sup> Performance Review process being undertaken for the IPHC.

### **Deliverables**

This project includes two (2) deliverables:

1. **Draft report. Deadline:** 25 August 2017.
2. **Final report.** The final report will present detailed findings that meet the project objectives. Supporting rationale must accompany the recommendations for modernizing the IPHC Convention and associated protocols. **Deadline:** 11 September 2017.

### **Expression of Interest (EOI) details**

The EOI must include the following elements:

1. Cover letter detailing relevant experience for the project;
2. Confirmation that the proposed budget and delivery schedule is agreeable;
3. Listing of relevant international standards which the contractor will base the review upon;
4. Supporting documentation such as a full resume/CV for the nominated analyst(s).

### **Submission of EOI**

Submit an electronic copy of the EOI by email to the IPHC at [eo@iphc.int](mailto:eo@iphc.int) by 12 July 2017. Only emailed submissions will be accepted. EOIs received after the scheduled date will not be accepted.

### **Budget**

The IPHC is offering a consultancy rate of up to US\$900 per day to undertake the desktop analysis and reporting. EOIs should include a proposed duration and daily rate.

**Evaluation of proposals**

The IPHC will evaluate EOIs received in response to this request and reserves the right to accept or reject any and all, in whole or in part. The IPHC may request more information from contractors as it evaluates their EOIs. The IPHC may amend this EOI after its release, with due notice given to all identified participants to modify their EOIs to reflect changes to the project.

**Additional considerations**

The IPHC reserves the right to award contract(s) for any or all parts of an EOI; and to award contract(s) to one or more responsive and responsible contractors.

By submitting an EOI, the contractor agrees to not make any claim for or have any right to damages because of any lack of information or misinterpretation of the information provided in this EOI.

Nothing in this EOI, the act of issuing it, or in any resulting contracts or agreements, is to be construed as a waiver of any rights or immunities granted the IPHC pursuant to the International Organizations Immunities Act, 22 U.S. Code Section 288 et seq.