

2023 2nd Oyster Shell Transport and Planting Request for Bid (RFB)

Deadline for Bid Submission: May 5, 2023

Background- The Oyster Recovery Partnership (ORP) is seeking bidders to provide qualified vessels, captains, and crew to support the transport and planting of Oyster Shell onto selected public commercial harvest areas. This work is funded by the Maryland Department of Transportation Port Authority, revenue from oyster surcharges purchased from licensed commercial oystermen, and revenue from the bushel tax, and will be implemented by ORP in accordance with its memorandum of understanding (MOU) with DNR.

This request for bid is being conducted to transport approximately 12,000 bushels of oyster shells provided to Maryland from a private stockpile located in Virginia. Shell plantings will occur throughout the Maryland portion of the Chesapeake Bay on oyster bars designated by the Maryland Department of Natural Resources (MDNR).

This bid is open to all qualified bidders.

- **Bidders that have already been approved to transport and plant shell from the first request for bid that closed on March 20, 2023 are eligible to submit a bid under this request and will only need to complete and submit the bid form presented in Section 6.**
- **New bidders must provide current documentation and provide all details showing they meet the required qualifications outlined in the request at the time of the bid submission.**

Failure to satisfy all qualifications requested in the RFB at the time of your bid will result in your bid being disqualified.

1.0 Scope of Work:

Vessel Operations

- A. Vessel operations include loading vessels with fresh (shucked) oyster shell from Cowart Seafood located on the Coan River, VA, transporting shell to designated Maryland tributaries and bays, and planting on oyster bars designated by the MDNR.
- B. Vessels should be prepared to transport and plant shell to pre-determined oyster bars located within the following broad regions listed in Table 1. The estimated distance (nautical miles) from the Coan River, VA is listed for each region.

Region	Estimated Distance from Coan River Virginia (NM)
Potomac, Patuxent & St. Mary's River	10 – 40
Tangier Sound to Honga River	20 - 35
Choptank River Complex	50 - 60
Eastern Bay	60 - 70
Upper Bay	>70

- C. Vessel captains will be given planting locations in advance, but it is the responsibility of the vessel captain to confirm receipt of planting GPS coordinates and load amounts prior to departure to the destination site. Prior to leaving the dock, captains must confirm that the destination area has been marked by buoys and arrangements have been made with a county representative to be onsite to sign

for the delivery.

- D. Captains are responsible for confirming the accuracy of shell load totals and counts with shell suppliers prior to departure. All shell tally sheets provided by the supplier must be signed by vessel captains, affirming accuracy, and submitted to ORP to be paid. Failure to do so may result in loss of compensation. DNR and ORP staff may conduct verification of shell amounts.
- E. The vessel captain shall notify the local contact (to be provided by ORP) prior to arrival and ensure they are on-site to accept the shell delivery, confirm the volume delivered, and sign a receipt for the load. Vessel Captains are to plant shell only within the DNR approved coordinates provided to them by ORP. It is the captain's responsibility once on site to confirm the correct planting area has been marked by buoys. If there is a discrepancy upon arrival, or any doubt about the accuracy of the marked planting location, **then the Vessel Captain must contact ORP immediately. Should a dispute occur, and no receipt is available or if the planting occurs in a location that was not approved by DNR, then the contractor may not be compensated for the delivery.**

Shell Planting Schedule

- F. Shell Planting: Shell planting will occur in May or as requested by the individual County Oyster Committee. We anticipate planting approximately 22,000 bushels of shell.
- G. Vessels will be notified of the upcoming week's planting schedule during the prior week. Bidders will NOT be able to dictate available days or weeks. Best efforts will be made to accommodate contracted vessels availability.
- H. A bidder may offer more than one vessel. One or more contracts may be awarded to complete plantings in each region and a vessel may be contracted to support more than one region. receive more than one contract. Best efforts will be made to assign trips equally; however, there are no guarantee vessels will receive an equal number of trips per vessel (work days). Contracted vessels may also be selected for work only in a specific region; vessels will be chosen based upon readiness and load volumes, as indicated by the minimum carrying capacity stated on the application. Maximum load volume is not guaranteed. ORP makes no commitment to procure any specific minimum quantity of work from the contracted vessels.

2.0 Vessel Operation and Configuration Requirements

A. Loading and Planting Operations.

- a. Vessels must have the ability to operate in shoal water - no less than eight (6) feet.
- b. Vessels will be loaded by conveyor or crane; vessels must have ability to maneuver fore and aft while loading.
- c. Vessels must be able to safely operate in a confined/restricted area.
- d. Vessels must be able to load a minimum of 1,000 bushels.
- e. Vessels must have a minimum of a sturdy three (3) sided box. All sides must be of equal height. The height, length and width of this cargo space will be entirely up to the discretion of the vessel captain.
- f. Vessels must have a hose and water to float shell from the vessel deck onto oyster bar planting locations. Shells must be planted as evenly as possible to avoid planting in piles.
- g. All vessels participating in the programs will be required to have a GPS tracking device to track the transportation of shell and record where plantings occur. GPS units must always be turned on. A GPS tracking device will be issued by ORP for the duration of the

shell plantings and will be returned when requested at any point during the program. Vessels (captains) must have the ability to receive and communicate GPS coordinates in degrees/decimal minutes format. If GPS tracks are not provided for each trip, the contractor may not be compensated for the delivery.

B. Vessel Restrictions.

- a. For loading purposes vessels not able to carry at least 1,000 bushels will not be considered.
- b. Vessel and crew safety is paramount. Supplier may limit load quantity for safety purposes.

C. Seaworthiness and Safety Compliance. Vessel Owners and Operators must:

- a. Allow DNR, NRP or ORP to board the vessel at any time to verify conditions of the contract requirements, including but not limited to, measuring the size of the holding area.
- b. Agree to a third-party inspection if deemed necessary by bid reviewers or by outcome of site visit. Inspections will be conducted to assess vessel compliance under these four categories: Vessel Seaworthiness and Function, Vessel Navigation, Vessel Safety, Environmental Compliance, and effluent discharge requirements. Vessel must meet the inspection standards to be eligible for a shell planting contract. **Review Section 7.0 for inspection checklist.**

3.0 Participation Qualifications and Requirements

- A. **Vessel captains and owners will NOT be eligible to participate** if starting in January 1, 2013 to present they have any of the following violations. (Note: Pending violations need to be satisfied with a not guilty verdict or PBJ before you will be considered for participation.)
 - a. One (1) violation pertaining to working over an oyster line by more than 150 feet, a time violation for taking oysters more than 2 hours after sunset, and any time before sunrise, or a cull violation of more than 15% while harvesting oysters.
 - b. Two (2) violations pertaining to: working over an oyster line by less than 150 feet, or a cull violation of 10% to 15% while harvesting oysters.
 - c. Have 10 or more points on their commercial license through the DNR commercial penalty point system.
 - d. Received four (4) or more PBJs pertaining to any seafood harvesting violations.
- B. **Bidders must provide a contingency plan in their bid** - Given the challenges and timing needs of planting shell, the bidder shall provide a contingency plan should the vessel break down in transit to the planting location or at the shell loading location. If the bidder's vessel is unavailable for a shell planting, ORP reserves the right to select another vessel to conduct the planting.
- C. **Vessels must have a valid Condition and Valuation Marine Survey**- Bidders must provide documentation of valid survey performed by a marine surveyor within 36 months of the bid. Vessel owner/Captains are responsible for setting up the Condition and Valuation Marine Survey and supplying ORP with all documentation that the survey has occurred, as well as proof that all issues found by the surveyor have been resolved.
- D. **Vessels must provide a valid U.S. Coast Guard safety certification for the current year.** USCG Inspections shall be conducted by a Coast Guard agent. Vessel owner/Captain's information will be provided to the Coast Guard to set up a time for inspection, and it is the Vessel owner/Captain's responsibility to see that the inspection occurs and receives a satisfactory outcome before they will be permitted to work.

- E. **All contracted captains should have at least 2-years' documented experience** loading shell or aggregate material from a pier or bulkhead setting using similar approaches outlined in the RFB. Experience should also include deploying this material onto bottom habitats using planting approaches outlined in this RFB. A standardized Experience Form is provided in the bid form in Section 6 where bidders should provide the required information. Resumes for all captains, reflecting this experience are also required as supporting documentation with all submitted bids.
- D. **Vessel Captains must agree to undergo a drug test** to participate- Once you receive the contract, you may be directed to go and have a drug test completed at an approved laboratory at no charge to you. You must pass the test prior to commencing work. If you have an active Coast Guard Captain's license and are enrolled in a random drug program, then you may submit your Coast Guard license and results from recent drug tests.
- F. **Vessels are required to maintain protection and indemnity (P&I) insurance with minimum limits of at least \$500,000 and are also required to carry crew insurance.** A Certificate of Liability Insurance (ACORD) should also be obtained and provided upon award. ORP should be listed as the certificate holder for the liability insurance and also listed as **additional insured under the policy.** The contracted vessel shall furnish all certificates of insurance and other appropriate documentation (including renewal certificates) evidencing all coverage upon award. If bidder is selected to plant shell, the bidder shall secure an additional insurance policy equal to the total value of oyster shell associated with one trips worth of shell to cover the shell value in the event that a vessel is unable to deliver and plant the shell and the shell is nonrecoverable.
- G. DNR reserves the right to limit the total number of vessels to be employed in any planting operation. Planting operations will commence during daylight hours only, however, it may be necessary for transport to occur between sunset and sunrise. In that instance, it is the responsibility of the vessel captain to take the necessary steps to find overnight accommodations for the vessel, at their own expense, until planting operations can commence.
- H. The bidder shall, to the fullest extent permitted by law, indemnify and save harmless and defend ORP and the DNR and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damage sustained by any person or property in consequence of any work performed under any resultant contract, either by the contractor or any subcontractor, or their employees, agents, or representatives. This responsibility is not to be deemed as a waiver of any immunity which may exist in any action against DNR.
- I. For safety considerations, all vessels participating in the program shall have a vessel captain and a crew member onboard during operations.

5.0 Application Process:

- A. **TO BE ELIGIBLE TO SUPPORT SHELL PLANTINGS, ALL VESSELS AND CAPTAINS MUST PROVIDE:**
 - (1) Assurance that vessels comply with all requirements outlined in Sections 2, 3, and 4; and
 - (2) A flat per-bushel fee to load, transport and plant the shell for each project must be provided in the application form Section 6. Total fees (loading, transport and planting) will be capped at \$2.50 per bushel.
- B. **The bid form and required experience form are in Section 6.** Read the directions and criteria carefully. **All vessel requirements must be met by the time of bid submission.**
- C. ORP will review the bids and perform an initial assessment. However, DNR will have the final

decision-making authority over which bidders are awarded contracts. DNR will select awardees based on bid amount, amount of work to be performed, capabilities (draft, speed, etc.) and/or crew experience and qualifications. References may be required. If all requirements are met, vessels submitting the lowest cost and most technically acceptable bids will be prioritized. The decision of the DNR, with respect to the awards made in response to bids submitted under this RFB shall be final and conclusive for all purposes and not subject to further legal or administrative challenge or appeal. The awards made hereunder are pursuant to ORP's MOU with DNR, and adheres to the requirements outlined in State Finance and Procurement Article Section 11-203(a)(1)(xviii) of the Annotated Code of Maryland, including the protest process outlined therein.

- D. DNR works within Maryland State procurement law and policy, and therefore reserves the right to disqualify bids based on whether the business is not in "good standing" with the State, meaning there may be some outstanding legal or State compliance issue including taxes or other debts to the state.
- E. DNR reserves the right to limit the total number of vessels to be employed in any planting operation. Planting operations will commence during daylight hours only; however, it may be necessary for transport to occur between sunset and sunrise. In that instance, it is the responsibility of the vessel captain to take the necessary steps to find overnight accommodations for the vessel, at their own expense, until planting operations can commence.
- F. Failure to comply with these requirements may result in termination from the program, forfeiture of future plantings and/or loss in compensation.
- G. By submitting a bid application, the bidder, on behalf of themselves, heirs, personal representatives and subcontractors, hereby voluntarily and fully releases the State of Maryland and the Oyster Recovery Partnership, its directors, officers and employees from any and all claims, suits or liability for bodily injury, death or property damage resulting from participating in this RFB and any resultant contract, and voluntarily assumes all risk and full responsibility for any such bodily injury, death or property damage that occurs during the course of participating in this RFB and any resultant contract.
- H. This opportunity is open to all bidders that meet the participation requirements. Should more vessels apply than are needed, preference will be given to those who hold a Maryland commercial fishing authorization. Submission of a bid does not guarantee applicant will be selected for work.
- I. Include all documentation needed to meet the bid requirements and also copies of: Your commercial fishing and USCG licenses (if applicable), and documents certifying a valid Condition and Valuation Marine Survey and U.S. Coast Guard safety examination.
- J. Your bid application can be submitted by faxing, mailing or emailing it to the Oyster Recovery Partnership office. Bids will be accepted until 11:59 p.m. on **May 5, 2023**.
- K. Each Bid submitted in response to this RFB shall list any deviation(s), exception(s), or variation(s) to or from: the terms and conditions of this RFB, the terms and conditions of any attachment(s) to this RFB, the terms and conditions of any addendum to this RFB, and, the terms and conditions of any documents or agreements incorporated into this RFB by reference. The section of a Bid containing any such deviation(s), exception(s), or variation(s) shall be clearly labeled "Exceptions to RFB". The failure of a Bidder to note a deviation, make an exception, or list a variation to the terms and conditions of this RFB, any attachment(s) or addenda to this RFB, or the terms and conditions of any documents or agreements incorporated into this RFB by reference shall be deemed an express waiver by that Bidder of such deviation, exception, or variation.
- L. Each awardee shall be bound by all terms of the MOU, including the DNR's General Conditions for Memoranda of Understanding.

- M. If awarded a contract, you will receive a 1099 tax document no later than January 2024.
- N. Jennifer Walters of ORP is the project manager and will be handling any communication related to project procurement, day to day scheduling of all associated pickups from vendors and county plantings of shell, and other day to day scheduling logistics and equipment transfers.

Please send, fax or email all completed bidder forms to:

Oyster Recovery Partnership
(ATTN: Jennifer Walters)
1805 A Virginia Street
Annapolis, MD, 21401
Tel: 410-990-4971 // Fax: 443-782-2275
jwalters@oysterrecovery.org

6.0 Bid Form

2023 2nd Oyster Shell Transport Request Bid Form

Read the form carefully and fill it out completely before faxing, emailing, or mailing it to the Oyster Recovery Partnership office. **Submit one form for each vessel that is participating. All fields are required to be completed.**

Vessel Owner: _____

Captain Name: _____ Date of Birth: _____

Social Security or Company Employer ID #: _____

Vessel Name: _____ / _____ bushels able to carry

Vessel Length: _____ Propulsion (Engines): 1 2

Vessel Draft (Loaded): _____ Vessel Draft (Unloaded): _____

Vessel Speed (loaded): _____

Mailing Address

Street: _____ City: _____

State: Maryland Zip Code: _____

Telephone # cell: _____

Telephone # home: _____

Email: _____

Home Port: _____ Resident County: _____

I hereby am submitting a bid for the transport and planting of shell. All rates that are submitted would include all expenses associated with loading and planting the shell, including vessel usage, fuel, insurance, and crew.

I am hereby submitting bids of: **(BOTH BIDS ARE REQUIRED)**

- 1) Please provide a per bushel flat fee for transporting fresh shucked shell to the following different regions of the bay. All transport fees will be capped at \$2.50 per bushel.

Region	Estimated Distance from Coan River, VA (NM)	Rate per bushel – flat fee (\$)
Potomac, Patuxent & St. Mary’s River	10 – 40	
Tangier Sound to Honga River	20 - 35	
Choptank River Complex	50 - 60	
Eastern Bay	60 - 70	
Upper Bay	>70	

- 2) Indicate the **minimum** bushel load you are willing to carry for:

Fresh Shell _____ bu.

Experience Detail Form

- A. Document your experience using separate table for each project. Project details will be used to determine qualifying experience. Resumes should also be provided to show full vessel operations experience. If additional clarification is needed to describe experience, then bidders should provide a separate cover letter.

Project 1:

Project or Activity	
Captain Name	
Date Period of Project	
Client Name and Contact Information	
Material and Volume Loaded <i>(e.g. total of 20k bushels of shell deployed at X location or X tons of stone transported to X)</i>	
Deployment Method Used	
Approximate Number of Trips/Loads Transported	

Project 2:

Project or Activity	
Captain Name	
Date Period of Project	
Client Name and Contact Information	
Material and Volume Loaded <i>(e.g. total of 20k bushels of shell deployed at X location or X tons of stone transported to X)</i>	
Deployment Method Used	
Approximate Number of Trips/Loads Transported	

Project 3:

Project or Activity	
Captain Name	
Date Period of Project	
Client Name and Contact Information	
Material and Volume Loaded <i>(e.g. total of 20k bushels of shell deployed at X location or X tons of stone transported to X)</i>	
Deployment Method Used	
Approximate Number of Trips/Loads Transported	

Project 4:

Project or Activity	
Captain Name	
Date Period of Project	
Client Name and Contact Information	
Material and Volume Loaded <i>(e.g. total of 20k bushels of shell deployed at X location or X tons of stone transported to X)</i>	
Deployment Method Used	
Approximate Number of Trips/Loads Transported	

7.0 Third party inspection items (to assess the status of vessel safety and passenger requirements)

Vessel Seaworthiness and Function

HULL

- Topside: General soundness.
- Transom: General soundness.
- Bottom: General soundness.
- Transverse structural/Bulkhead/Floors: General soundness.

RUNNING GEAR

- Rudders: Construction, general soundness.

DECKS

- General soundness, absence of hazards to crew.
- Deck Openings: Condition
 - Deck Hardware: Adequately sized and securely mounted.

CABINS AND SUPERSTRUCTURES

- Construction: General soundness, absence of hazard to crew.
- Hatches: Condition.

PILOTHOUSE

- General soundness, absence of hazard to crew, seating capacity
- Condition and general soundness of hatches

COCKPIT

- General soundness
- Seating Capacity
- Sole & sole hatches: General Soundness and condition

MACHINERY SPACE

- Location
- Type of fuel
- Oil pollution placard posted.
- Engine: Type
 - Engine mounting condition.
 - Drip pan and sea cocks
- Required for gasoline engines: There is a backfire arrester; an oil pressure alarm; and a coolant
 - Over-temperature alarm.
 - Condition of wiring and plumbing
 - Exhaust system type, condition, compliance.

ELECTRICAL SYSTEM

DC Systems

- Main Battery Switch, condition, compliance.
- Batteries: Condition and compliance.
- Main circuit protection
- DC panel: Condition.
- Electrical wiring: Condition and compliance.
- Navigation lights
 - Steaming light
 - Stern lights
 - Anchor light
 - Deck lights
 - Search light

AC System – if present

- G.F.C.I. outlets in wet locations:
- Auxiliary Generator:
 - Seacock:
 - Fuel system:
 - Fuel lines: Condition and compliance.
 - Exhaust system Condition and compliance.
 - Clearances from hazards.
 - Electrical connections are enclosed:

HEAD – if present

- Condition and compliance of MSD system.

Vessel Navigation

HELM

- Main location and layout (check that operational):
 - Controls
 - Engine Instruments
 - Other equipment
- Secondary location and layout, if present (check that operational).
 - Controls
 - Engine Instruments
 - Other equipment

STEERING and TRIM CONTROL

- Steering Type and condition

Vessel Safety

FIRE FIGHTING EQUIPMENT

- Portable extinguishers
 - There is access through a port to the engine by an upright handheld fire extinguisher, unless there is a built-in system.

GENERAL SAFETY/EMERGENCY GEAR

- Availability of gear, within expiration, and easily accessible:
 - Audible signal device:

- Whistle and bell
- Personal Floatation Devices:
 - Ring buoys:
 - Horse shoe buoys:
 - Man overboard gear:
 - Safety harnesses:
 - Survival suits:
 - Life raft:
- Emergency visual signaling:
 - Lifelines:
 - Stanchions:
 - Bow pulpit/Handrails:
- Injury placard posted in highly visible location

Environmental Compliance

FUEL TANKS and SYSTEM

- Type fuel:
- Tankage/fuel lines: Condition and compliance.
- Filtration and water separation: Arranged to prevent spillage of fuel into the bilges.

DE-WATERING SYSTEMS

- Bilges: Access, condition.
- Manual bilge pumps:
- Electric Bilge Pumps: Location, condition, ability to turn off power to pumps
- Assessment of bilge capability to not discharge while at HPL

VENTILATION and CLIMATE CONTROL

- Engine compartment ventilation for gasoline fuel: Condition and compliance
- Air quality monitoring
- CO detection:
- Propane and gasoline fume detection:
 - Smoke detector
- Assessment of ventilation intakes and proximity to fuel fill or fuel vent. Entry by exhaust fumes is minimized.