

BACKGROUND OVERVIEW

The Alaska Fisheries Science Center (AFSC) is the research branch of the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) responsible for research on living marine resources in the coastal oceans off Alaska. The mission of the AFSC is to plan, develop, and manage scientific research programs which generate the best scientific data available for understanding, managing, and conserving the region's living marine resources.

AFSC scientists compile and analyze broad databases on fishery, oceanography, marine mammal, and environmental research. These data are used to develop policies and strategies for fisheries management within the U.S. Exclusive Economic Zone, monitor and assess the health of the region's marine mammal populations, and develop the scientific understanding and predictive methodologies needed to implement NOAA Fisheries' ecosystem approach to management. Research programs at the AFSC are managed and conducted through the Resource Assessment and Conservation Engineering Division (RACE), Resource Ecology and Fisheries Management Division (REFM), National Marine Mammal Laboratory (NMML), Fisheries Monitoring and Analysis Division (FMA), and Auke Bay Laboratory.

The FMA North Pacific Groundfish and Halibut Observer Program (FMA Observer Program) is responsible for collecting fishery-dependent data used for a wide variety of purposes including: (1) stock assessment; (2) monitoring groundfish quotas; (3) monitoring bycatch of groundfish and non-groundfish species; (4) assessing the effects of the groundfish fishery on other living marine resources and their habitat; and (5) assessing methods intended to improve the conservation and management of groundfish and other living marine resources. Since the FMA Observer Program's inception in 1990, vessels fishing in the Bering Sea and Aleutian Islands and the Gulf of Alaska were required to meet observer coverage levels specified in regulation and to procure the observers from certified observer providers.

In October 2010, the Council took final action to restructure the FMA Observer Program for vessels and processors that are determined to need less than 100% observer coverage in Federal fisheries. The Council recommended restructuring the FMA Observer Program such that NOAA Fisheries would contract directly with observer companies to deploy observers according to a scientifically valid sampling and deployment plan. The contract would be funded through a fee paid by industry equal to 1.25 – 2.0% of the ex-vessel value of the landings included under the program. The changes recommended by the Council were fully implemented in January 2013.

The RACE Division conducts quantitative fishery surveys and related ecological and oceanographic research to measure and describe the distribution and abundance of commercially important fish and crab stocks in the eastern Bering Sea, Aleutian Islands, and Gulf of Alaska and to investigate ways to reduce bycatch, bycatch mortality and the effects of fishing on habitat.

AFSC scientists work aboard NOAA vessels and commercial fishing vessels that are chartered to conduct the survey operations. During any given year, RACE deploys science crew aboard a combination of as many as six NOAA and charter vessels simultaneously during the survey season. All fishing operations conform to established AFSC standard operating protocols to ensure (1) scientific consistency and (2) statistical continuity of the time series used to reliably monitor the status and forecast the trends of fish and crab populations.

C.1 SCOPE AND OUTCOMES

The Contractor shall provide and retain the necessary qualified personnel, services, and facilities (except as otherwise specified) to perform quality environmental, biological, and fisheries operations data collection for the FMA Observer Program and RACE. Data quality is of the utmost importance. Quality data collection and recording are expected to increase the critical information gathered for stock assessments to manage the species.

C.1.1 POLICIES AND REGULATIONS

In addition to the Federal Acquisition Regulations (FAR) clauses referred to and listed in the Request for Proposal (RFP), the Contractor shall comply with the Federal Regulations, Acts, Executive Orders, Special Publications, Guidelines, NOAA Directives and Policies and standards listed below. This listing is not all-inclusive and is not intended to relieve the Contractor of its responsibilities for identification of applicable statutes, regulations and procedures and compliance therewith, when performing work under this PWS.

- Magnuson-Stevens Fishery, Management, and Conservation Act (MSA)
- Marine Mammal Protection Act (MMPA)
- Endangered Species Act (ESA)
- Data Quality Control Act (P.L. 106-514)
- Information Technology Security Policy
- Fisheries Management Plans (FMP)
- Biological Opinions (BO)
- Take Reduction Team (TRT)
- NOAA Safety Standards
- Fair Labor Standards Act (FLSA)
- Service Contract Act (SCA)
- Department of Labor Wage Determinations
- Applicable Federal and State labor laws
- Observer Health and Safety regulations
- Federal, state, and local safety regulations
- Merchant Marine Act (Jones Act) and General Maritime Law
- U.S. Longshore and Harbor Worker's Compensation Act

C.2 PERFORMANCE WORK STATEMENT

The Contractor's performance shall be evaluated against the performance measures cited in this contract.

C.2.1 MANAGEMENT REQUIREMENTS

C.2.1.1 Project Management

The Contractor shall perform all Project Management functions including contract, technical, personnel, administrative, logistic, quality, business, and other management functions that are necessary to execute the total effort required by this PWS. The Contractor shall provide all personnel and other resources, except as otherwise specified in this PWS, necessary to accomplish these functions. The contractor shall develop and submit to the Government a Project Management Plan for approval that details how the contractor will manage the contract and its Observers. The contractor shall submit their final Project Management Plan to the Government within 14 days after contract award. Updates to the Project Management Plan are required annually within 30 days after the contract anniversary date.

C.2.1.2 Project Manager

The Contractor shall assign a Project Manager to be the focal point for communications between the Government and the Contractor. The assigned Project Manager shall be designated as Key Personnel for this contract per Section C – CONTRACT CLAUSES, paragraph titled CONTRACTOR PROJECT MANAGER/LIAISON. The Project Manager shall be responsible for managing personnel resources such that emergencies and other short term ad hoc requirements are responded to without disruption and/or degradation of other services. The Project Manager shall collaborate with all parties (Government and vessel owners and operators) as necessary to resolve issues at the lowest possible level.

The Project Manager shall have the authority to represent the Contractor on all issues related to the contract.

C.2.1.3 Management Reporting and Coordination

The Contractor shall prepare and submit to the Contracting Officer (CO) and the Contracting Officer's Representative (COR) a monthly Status Report, as listed in the contract that provides monthly information on project status to include monthly and year to date information, contract financial expenditures, Observer recruitment and retention monthly status and any problems or issues encountered and other information as requested by the COR.

C.2.1.4 Performance Management

The Contractor shall manage the contract to meet the performance measures specified in Section C – CONTRACT CLAUSES and Paragraph 11 of the PWS. The Contractor shall measure the appropriate metrics, as defined in Section C – CONTRACT CLAUSES and Paragraph 11 of the PWS, and report the results in accordance with Section C.

C.2.1.5 Quality Control Management

The Contractor shall develop and submit to the Government a Contractor Quality Control Plan, as referenced above, which details how the Contractor will ensure effectiveness and efficiency of data collection efforts as well as the quality of data collected by its Observers. The Quality Control Plan should be furnished with the Contractor's proposal and evaluated by Government. The Contractor shall further establish, implement, and maintain a Quality Control Management program to ensure consistent quality of all work products and services performed under this contract. Updates or revisions may be required annually within 30 days after the contract anniversary date.

C.2.2 OPERATIONAL REQUIREMENTS – FMA OBSERVERS

C.2.2.1 Observer Recruitment and Retention Requirements

The recruitment and retention of fully qualified Observers is essential to successful performance under the contract. Observers shall be employees of the Contractor. The Contractor shall provide sufficient qualified Observers to complete the sea day coverage requirement for by selecting the best candidates. At least 95% of new Observer recruits from the Contractor shall pass the required training course (including safety training) and the required physical examination. The Contractor shall manage its Observers to retain both experienced Observers and new Observers. Contractor performance in this will be measured in accordance with the performance measurement listed in the contract.

C.2.2.2 Observer Qualification Requirements

C.2.2.2.1 Education/Experience

Observer candidates must have: 1) a bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences, 2) successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course, 3) successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and 4) computer skills that enable the candidate to work competently with standard database software and computer hardware.

C.2.2.2.2 Training Requirements

Observer candidates must complete a three (3) week training course conducted by the Government. Successful completion of training by an observer candidate consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued at the start of training for assignments, tests, and other evaluation tools, and completing all other training requirements established by the FMA Observer Program. Candidates must also successfully complete the safety training that includes on-land and in-water tests of immersion suit and life raft use.

C.2.2.2.3 Conflict of Interest

Observers:

1) Must not have a direct financial interest, other than the provision of observer services, in a North Pacific fishery including, but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, shoreside processor, or stationary floating processor facility involved in the catching or processing of fish;

(ii) Any business involved with selling supplies or services to any vessel, shoreside processor, or stationary floating processor participating in a North Pacific fishery;

(iii) Any business involved with purchasing raw or processed products from any vessel, shoreside processor, or stationary floating processor participating in a North Pacific fishery.

2) May not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value in accordance with United States Office of Government Ethics, Employee Standards of Conduct, 5 C.F.R. Part 2635 from anyone who either conducts activities that are regulated by the Government or has interests that may be substantially affected by the performance or nonperformance of the observer's official duties.

3) May not serve as an observer on any vessel or at any shoreside processor or stationary floating processing facility owned or operated by a person who previously employed the observer.

4) May not solicit or accept employment as a crew member or an employee of a vessel, shoreside processor, or stationary floating processor in a North Pacific fishery while employed by an observer Contractor.

C.2.2.2.4 Physical/Medical Condition

The Contractor shall provide a signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on the physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize their safety or the safety of others while the observer or observer candidate is deployed, or prevent the observer or observer candidate from satisfactorily performing his or her duties. The statement must declare that, prior to the examination the physician read the NMFS-prepared pamphlet, provided to the candidate by the Contractor and was made aware of the duties of the observer as well as the dangerous, remote, and rigorous nature of the work. The physician's statement must be submitted to the Government prior to the end of the training or briefing class. The physical exam must have occurred during the 12 months prior to the observer's or observer candidates' deployment. The physician's statement will expire 12 months after the physical exam occurred. A new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

The Contractor shall not deploy an Observer who has informed them prior to the time of embarkation that he or she is experiencing a mental illness or physical ailments or injury developed since submission of the physician's statement that would prevent him or her from performing their assigned duties.

C.2.2.2.5 Communication Skills

Observer candidates must be able to clearly and concisely communicate verbally and in writing in English.

C.2.2.2.6 Citizenship

Observers and observer candidates must be a U.S. citizen or hold a Permanent Residence Card (also called a green card). Foreign nationals, as defined by NAO 207-12, must be currently certified observers in the FMA Observer Program.

Foreign nationals, as defined by NAO 207-12, who are observers in the other observer programs in the United States are not eligible to work in the FMA Observer Program.

C.2.2.2.7 CPR and First Aid Certification

Observers must possess current CPR and basic First Aid certifications. Copies of the CPR and First Aid certifications shall be provided to the Government prior to the first day of the partial coverage briefing and annually thereafter.

C.2.2.3 Observer Duties and Data Collection Requirements

Observers:

- (1) Collect scientific, management, compliance, and other data at sea through interviews of vessel captains and crew; observations of fishing operations; sampling catch; measuring selected portions of the catch and fishing gear; and collecting samples. Observer coverage is mandated by a number of statutes and is an integral part of the regulations. These authorities empower the Observer to perform certain functions aboard vessels as well as afford protection to the Observer against interference and intimidation in the course of performing his/her duties.
- (2) Collect biological samples from the catch according to detailed procedures in the Observer Sampling Manual (copies are available online at <http://www.afsc.noaa.gov/FMA/default.htm>). These data include those collected once per deployment; those collected with each change of fishing gear; those collected at the beginning and end of each haul or set; and those collected during the deployment. These data are recorded electronically or on data sheets provided by the Government.
- (3) Collect data on fishing effort, location, and retained catch for each gear deployment that occurs while the Observer is aboard the vessel. The Observer Sampling Manual (see link above) describes data collection protocols for gear deployment that the Observer sees as well as those not observed.
- (4) Collect length measurements, age, and biological samples from segments of the catch. Observer protocols, priorities, and data/sample collection procedures are detailed in the Observer Sampling Manual (see link above).
- (5) Collect information on any marine mammals or other protected species interactions. When protected species are caught, the primary responsibility of the Observer shall be to collect heads or tissue samples of dead marine mammals, specimens of dead seabird species of interest, or to rehabilitate short-tailed albatross and Steller's eiders if possible.
- (6) Send their data to the FMA Observer Program office. Instructions on when and how the Observer sends the data are detailed in the Observer Sampling Manual (see link above.)
- (7) Participate in mid-cruise debriefings as required by the COR. If the Observer does not at any time during their deployment travel through a location where FMA Observer Program personnel are available for an in-person data review, the Observer must send a fax to the FMA Observer Program office. The information and data to be included in the fax will be provided by the FMA Observer Program office. Mid-cruise debriefings provide immediate feedback to the Observer in the field regarding their sampling and data recording methods. In addition, errors can be identified and corrected immediately.

C.2.2.4 Observer Debriefing Requirements

Observers shall participate in all debriefings as required by the COR. Debriefing of the Observer ensures that the data are complete and as accurate as possible before being loaded onto the NORPAC database. Government staff will debrief all observers at the completion of each deployment. The Government will debrief observers in Anchorage and Seattle. The Government will debrief observers in Kodiak and Dutch Harbor as resources permit.

The Contractor must contact the Government within five (5) business days after the completion of an observer's deployment to schedule a date, time, and location for debriefing. Observer debriefing registration information must be provided at the time the debriefing is scheduled and must include the observer's name, cruise number, requested debriefing date, and the names and codes of the vessels, shoreside processors, or stationary floating processor the Observer was assigned to.

The Contractor shall ensure that their observers complete the following fully and in a timely manner:

- (1) Submit to the Government all data, reports required by the Observer Sampling Manual (see link above), and biological samples from the observer's deployment by the completion of the electronic Vessel/Plant Survey(s).
- (2) Complete the Government's electronic Vessel/Plant Survey(s) before performing other jobs or duties that are not part of the FMA Observer Program's requirements.
- (3) Report for his or her debriefing and complete all debriefing responsibilities.
- (4) Return all sampling and safety gear to the FMA Observer Program Office.

Debriefing shall consist of 1) completion of an electronic Vessel/Plant Survey for each assignment; 2) a debriefing interview; 3) gear check-in; 4) data check; 5) correction of errors; 6) submission of corrected data; 7) completing a post-debriefing questionnaire; and 8) a final check-out. Every Observer must complete debriefing at the end of each deployment.

C.2.2.5 Data Entry Requirements

Observers shall enter data outlined in the Observer Duties and Data Collection Requirements section of the PWS into a computer and submit it to the Government after each trip, or as often as practicable. In those cases where it is not practicable (i.e., internet issues or immediately redeploying an observer to the same vessel) the Contractor shall notify the COR of the delay and when data is expected to be submitted. The Contractor shall provide and maintain the necessary hardware and ensure that all the tasks and components of the Government supplied software and the data transmission to the Government can be executed effectively. The Government will provide the software. Submission of Observer data to the Government shall be accomplished in a timely manner in compliance with Section C – CONTRACT CLAUSES, Paragraph titled SCHEDULE OF DELIVERABLES.

C.2.2.6 Data Quality Control Requirements

Data shall be collected and maintained in accordance with Contractor's Quality Control Plan as incorporated in the contract.

The overall goal of quality control is to ensure the effectiveness and efficiency of data collection efforts as well as the quality of data collected. Data quality is of utmost importance. As such the Contractor must ensure the highest quality in data collected by its Observers.

C.2.2.7 Outreach Requirements

Industry cooperation is essential to ensuring Observers are able to fulfill their duties. Without cooperation, coverage goals and data collection efforts may be impaired. The Contractor shall assist the Government in communicating and educating the fishing industry, vessel permit holders, owners, and captains about why the Government places Observers onboard fishing vessels, how Observer Programs operate, how priorities of Observer coverage are determined, how much Observer Programs cost, and why it is in the industry’s best interest to support the FMA Observer Program.

The Contractor shall provide one representative to participate with the Government in at least one meeting with fishermen or their representatives annually. The Contractor shall not convene industry meetings without prior approval of the COR nor shall the Contractor represent the Government at public meetings or in the press.

C.2.2.8 Observer Declare and Deploy System (ODDS) Support Requirements

The Contractor shall serve as a backup to the web-based entry of information into the Observer Declare and Deploy System (ODDS) by the vessel operator. The Contractor is required to receive calls from 0600 through 2200 Alaska local time seven days per week, year-round, including all holidays. Service is not required between the hours of 2200 and 0600 Alaska local time. The Contractor shall establish a toll-free phone number with a call-hold feature that will inform the caller how long their expected wait will be or how many callers are ahead of them. The Contractor shall:

- 1) Receive and process trip registration information. A minimum of 72 hours prior to embarking on each fishing trip, operators of vessels in the trip selection pool must hail in and register the anticipated trip with ODDS. The Contractor shall receive trip registration information by telephone from vessel operators, confirm registration information with the caller, immediately enter the information into ODDS, notify the caller whether the trip is selected for observer coverage, and provide the vessel operator with the receipt number.
- 2) Receive and process trip delays, cancellations, and closings. A registered trip can be delayed or canceled and an unobserved trip may need to be closed. The Contractor shall receive trip delay, cancellation, or closing information by telephone from vessel operators and shall immediately delay, cancel, or close the trip ODDS.
- 3) Receive and process Vessel Selection Survey information. For the vessel selection pool, the Government will randomly choose a subset of vessels to observe for a predetermined time period. If the vessel operator does not intend to fish during the selection period or believes their vessel cannot accommodate an observer, they notify the Government of their concerns by completing the Vessel Selection Survey. The Contractor shall receive Vessel Selection Survey information by telephone from vessel operators and accurately enter the information into ODDS.
- 4) Receive and process customer support calls. Vessel operators who encounter problems using ODDS may call the Contractor for assistance. The majority of these calls involve resetting passwords, setting up captain’s accounts, assisting vessel owners/operators diagnose the problem, and instructing them how use of the online system.

From December 1, 2012 through May 28, 2013, 1,993 calls were received from vessel owners and operators. The majority of calls addressed multiple needs. For instance, the caller closed a trip, amended a second trip, and registered a third. The length of the calls ranged from 1 minute to 38 minutes with 67% of the calls lasting no more than 5 minutes. Although calls were received 7 days a week between the hours of 0600 and 2400 77% of the calls were received between Monday and Friday and 83% were received between 0600 and 1800. The number of calls received per day ranged from 0 to 35 calls. However, fewer than 11 calls were received on 97 days and fewer than 21 calls were received on 62 days. **(Text and tables will be updated with current data when available)**

Calls Received by Length of Call.

	December	January	February	March	April	May	Total
1 – 5 minutes	55	359	300	234	216	177	1,341
6 – 10 minutes	38	173	92	86	45	43	477
11 – 15 minutes	14	32	11	15	8	7	87

16 – 20 minutes	1	11	7	3	4		26
21 – 25 minutes	3	6			2		11
> 25 minutes	1	1	1	1			4
Unknown		10	5	14	9	9	47
Total	112	592	416	353	284	236	1,993

Calls Received by Day of the Week.

	December	January	February	March	April	May	Total
Sunday	9	51	57	34	28	15	194
Monday	25	82	56	61	70	47	341
Tuesday	3	113	66	51	50	30	313
Wednesday	16	101	53	44	45	46	305
Thursday	22	87	50	48	27	32	266
Friday	26	86	70	65	30	38	315
Saturday	11	72	64	50	34	28	259
Total	112	592	416	353	284	236	1,993

Calls Received by Time of Day.

	December	January	February	March	April	May	Total
0000 - 0559	1	1	2		1	6	11
0600 – 1159	59	229	169	149	124	119	849
1200 – 1759	47	243	151	153	123	91	808
1800 – 2359	5	112	94	47	36	18	312
Unknown		7		4		2	13
Total	112	592	416	353	284	236	1,993

C.2.3 OPERATIONAL REQUIREMENTS – RACE OBSERVERS

C.2.3.1 Observer Qualification Requirements

C.2.3.1.1 Education/Experience

Observers deployed to RACE survey vessels must have prior experience as an observer in the FMA Observer Program and must be in good standing with the FMA Observer Program.

C.2.3.1.2 Physical/Medical Condition

Observers deployed to RACE survey vessels must have a current physician’s statement on file with the FMA Observer Program.

C.2.3.1.3 CPR and First Aid Certification

Observers deployed to RACE survey vessels must have CPR and basic First Aid certifications on file with the FMA Observer Program.

C.2.3.2 Observer Duties and Data Collection Requirements

Government personnel will be responsible for the overall scheduling of project activity. In general, Observers:

(1) Process survey catches; identifying fishes and invertebrates, sorting, counting, and weighing the catch by species. Sampling protocols, priorities, and data/sample collection procedures are detailed in the appropriate Trawl Survey Scientific Operation Plan and communicated to the observer by the Field Party Chief.

(2) Make length measurements, determine specimen gender, and collect otolith samples and biological samples from segments of the catch. Sampling protocols, priorities, and data/sample collection procedures are detailed in the appropriate Trawl Survey Scientific Operation Plan and communicated to the observer by the Field Party Chief.

(3) Enter data on shipboard computers.

C.2.3.3 Observer Debriefing Requirements

Observers shall participate in debriefings as required by the COR prior to being deployed on RACE survey vessels. Debriefing will take place in Seattle and will last up to 2 days. The schedule of the debriefing will be coordinated between the COR and the Contractor.

C.2.3.4 Data Entry Requirements

Observers shall enter data as instructed by the Field Party Chief or Chief Scientist. The Government shall provide and maintain the onboard computer system.

C.2.4 OBSERVER SUPPORT SERVICES – FMA OBSERVERS

C.2.4.1 Logistic and Operation Support for Observer Deployment

The Contractor shall provide logistical and operational support to Observers throughout their employment. Such support shall include, but is not limited to: (1) travel to land-based assignments and vessel deployments, (2) safety, and (3) communications.

The Contractor shall make Observers available to NMFS Enforcement staff for the purposes of investigating circumstances of alleged refusals by vessels to take an Observer or other violations of the Magnuson-Stevens Fishery Conservation Act (MSA), Marine Mammal Protection Act (MMPA), or the Endangered Species Act (ESA) recorded by the Observer in the course of his/her duties.

C.2.4.2 Observer Training

Prospective Observer candidates must complete a three (3) week training course conducted by the Government. Prospective Observer candidates must pass written/oral tests with a score of 80% or greater and meet all attendance, participation, performance, physical, and conduct standards provided to the candidates on the first day of training and must demonstrate their potential to collect accurate field data, exercise astuteness, and react to unfamiliar situations at sea in a professional manner. In addition, candidates must successfully complete the safety training that includes on-land and in-water tests of immersion suit and life raft use. Qualification for sea duty is determined by passing the Government-conducted Observer training and the Government's training staff assessments.

The 3-week training course, the partial coverage briefing, and the annual briefing will take place in Seattle. The Deployment briefing may take place in Seattle, Anchorage, Dutch Harbor, or Kodiak.

The Government conducted Observer Training Curriculum includes:

- (a) Observer Priorities and Duties,
- (b) Methods of Independent Catch Estimation
- (c) Proper Recording of Catch Data
- (d) Methods of Sampling and Recording Species Composition Data

- (e) Fish Identification and Use of Dichotomous Keys
- (f) Gender Determination and Measurements of Fish and Crab
- (g) Procedures for Collection of Age Structures
- (h) Applications of Volume, Weight, Density
- (i) Safety and Survival Skills

The Contractor shall submit to the Government COR, at least five (5) business days prior to the beginning date of a scheduled Observer training the following information:

- (a) Completed Training Class Registration Form for each candidate;
- (b) A copy of each proposed candidate's academic transcripts and resume;
- (c) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions.

The Contractor shall submit to the Government COR, before the end of the training or briefing class the following information:

- (a) Proof of medical fitness

The Contractor shall submit to the Government COR, at least five (5) business days prior to the beginning date of a scheduled Observer briefing the following information:

- (a) Completed Briefing Registration Form

The Contractor shall submit to the Government COR, before the end of the partial coverage briefing the following information:

- (a) Proof of CPR and First-Aid Certification

A briefing is required for those individuals who have previously successfully completed a three (3) week Observer training course conducted by the Government. The briefing sessions will be scheduled by the Government each quarter and posted on the website.

Before an observer can be deployed they must complete a:

- a) Partial coverage briefing. Each observer, including those who have completed deployments for the FMA Observer Program, must complete a partial coverage briefing prior to his or her first deployment to the partial coverage fleet.
- b) Annual briefing. Each observer must complete an annual briefing prior to his or her first deployment within any calendar year subsequent to a year in which they completed the partial coverage briefing. This briefing is anticipated to last 4 days and will satisfy the annual briefing requirements for both the full coverage and the partial coverage fleets.
- c) Deployment briefing. Each observer who has completed a deployment in the partial coverage fleet must complete a deployment briefing prior to any subsequent deployments in the partial coverage fleet for the remainder of that year. The type of briefing the observer must attend and successfully complete will be specified in writing by the FMA Observer Program during the observer's most recent debriefing.

The Government COR retains the right to reject any proposed Observer or Observer candidate who does not meet the required qualifications or standards identified herein or who has a previous unsatisfactory performance history (i.e., failure to complete debriefing or submitted data found to be false, inaccurate, or incomplete).

C.2.4.3 Gear Acquisition and Maintenance Requirements

The Government will provide all sampling and safety gear and equipment. The Contractor must replace all gear and equipment issued by the Government to an Observer that was lost or damaged due to negligence. The replaced gear and equipment shall be equivalent to the gear and equipment the Government provided the Observer.

C.2.4.4 Travel and Lodging Requirements

The Contractor is responsible for all travel arrangements and expenses, appropriate lodging, and all expenses associated with deploying Observers to assigned vessels. The Government will reimburse the Contractor for travel costs incurred from the time the observer leaves their briefing location until they arrive at their debriefing location. The Government will not reimburse the Contractor for the cost of lodging, meals, and incidentals incurred during the time an observer or observer candidate is in training, briefing, or debriefing. For example, if an observer briefed in Seattle, deployed out of Kodiak, and debriefed in Anchorage the Government would reimburse the Contractor for travel costs incurred from the time the Observer left Seattle (including the airfare to Kodiak) until the Observer arrived in Anchorage (including the airfare to Anchorage).

All travel costs and expenses incurred shall be reimbursed in accordance with the Federal Travel Regulation. Travel associated with observer deployments will be reimbursed for the actual costs incurred (without profit, G&A, or overhead). In accordance with § 301-11.18 of the Federal Travel Regulation, when an observer is deployed to a vessel for part of a day, per diem will be reduced as follows:

If the vessel lands after

- 1000 the breakfast allocation will be deducted
- 1500 the breakfast and lunch allocations will be deducted
- 2000 the breakfast, lunch, and dinner allocations will be deducted

If the vessel sails before

- 0600 the breakfast, lunch, and dinner allocations will be deducted
- 1100 the lunch and dinner allocations will be deducted
- 1600 the dinner allocation will be deducted

The Contractor can house an Observer on a vessel to which he or she is assigned prior to departure or disembarkation for a period not to exceed twenty-four hours. During all periods an observer is housed on a vessel, the Contractor must ensure that the vessel operator or at least one crew member is aboard.

C.2.4.5 Coverage Selection Pools

The Government specifies the vessel-length and gear-type criteria for each selection pool in the Annual Deployment Plan (ADP). The ADP process ensures the best available information is used to evaluate deployment, including scientific review and Council input to annually determine deployment methods. Currently all vessels 40' length overall (LOA) and longer, including vessels in the EM selection pool, are in the trip selection pool, meaning that they are required to log trips in ODDS to determine whether they have been selected for observer or EM coverage. ODDS is the communication platform among industry participants in the partial coverage category, Government, and the Contractor. To generate a list of expected fishery participants for the upcoming year, the Government auto-enters (a) all partial coverage category vessels that are designated on a Federal Fisheries Permit (FFP) and (b) all catcher vessel that are not designated on an FFP but that land sablefish Individual Fishing Quotas (IFQ) or halibut IFQ or Community Development Quota program (CDQ) in a fishing year into a selection pool for the following fishing year.

Trip Selection Pool

Individual fishing trips are selected for observer coverage in the trip selection pool. Currently, trips taken by fixed gear (hook-and-line and pot gear) vessels 57.5 ft. LOA or greater and all trawl vessels in the partial coverage category would comprise the trip selection pool.

Operators of vessels in the trip selection pool are required to hail-in to the Observer Declare and Deploy System at least 72 hours in advance of embarking on a fishing trip for halibut or directed fishing for groundfish. Upon hailing-in, the vessel operator is prompted to enter information about the departure location and duration of the upcoming fishing trip. A determination as to whether the trip is or is not selected for observer coverage is generated during the web session or call via a randomization protocol that are described in the Annual Deployment Plan. The vessel operator is notified immediately of the result (affirmative or negative for observer coverage). For selected trips, the Observer Declare and Deploy System will provide the user with instructions on how to coordinate with the selected Contractor to obtain the required observer coverage.

When a trip is selected for coverage the Contractor is notified through a separate interface. The Contractor is required to work with the vessel operator to coordinate the logistics for placing an observer on the vessel. The Contractor is required to deploy the observer to the vessel for the entire trip. Vessel operators are prohibited from embarking on a trip selected for observer coverage without an observer, unless the Government released the selected trip from observer coverage due to extenuating circumstances (e.g., the observer provider is unable to deploy an observer to the vessel within a day of the intended fishing trip departure).

The Government recognizes several factors that could result in the failure of a vessel to realize a trip as planned, such as a mechanical breakdown or weather delay. The Contractor is required to make an observer available to a vessel for up to 48 hours past the departure date and time of the fishing trip that was selected by the ODDS. After 48 hours, if an operator has not embarked on a selected trip, the Contractor may cancel the trip and the observer may be deployed to another vessel. If a selected trip is canceled the vessel's next trip would inherit the observer coverage requirement.

The Government recognizes that some operators would not know their exact departure plans 72 hours in advance of some fast-paced fisheries. To address this uncertainty, vessel operators are able to register more than one trip at a time in the Observer Declare and Deploy System. By registering multiple trips the operator is informed if any of their trips are selected for observer coverage. The Contractor is notified of the anticipated trips that are selected for coverage so that logistics to deploy an observer can be arranged in advance.

If the Contractor is unable to deploy an observer for a selected trip they shall notify the Government and request the vessel be released from observer coverage. The Contractor shall fully document the circumstances in the Communication Log (Section C.2.4.7).

EM Selection Pool

NMFS will select vessels that meet the EM selection pool criteria set out in the ADP, and that have requested to participate through ODDS. Any vessels that do not meet the criteria, or are not selected for the EM selection pool, will be notified by NMFS in writing. Vessels that are participating in the 2018 EM selection pool will not be required to carry an observer for the entire 2018 calendar year, however these participants will be required to log all eligible fishing trips into ODDS, and comply with EM deployment requirements.

Once NMFS approves a vessel for the EM selection pool, that vessel will remain in the EM selection pool for the duration of the calendar year. Requests to participate in the EM selection pool must be made each year between September 1 and November 1. Only vessels that request through ODDS to participate in the EM selection pool for the upcoming year will be considered. In future years, vessels currently participating in the EM selection pool will automatically stay in the EM selection pool unless the vessel owner or operator requests to leave the pool.

Processing Plants

Processing plants are not included in the coverage selection pools. The Contractor shall assign dedicated plant observers to plants as specified in the ADP. The ADP will also specify the observer's sampling duties and responsibilities. The Government expects that one observer will be able to collect the required samples from more than one plant in a day. Therefore, it is the Government's intent that a single observer is assigned to multiple plants simultaneously.

C.2.4.6 Communication

The Contractor shall provide a toll free telephone number or some other communication alternative, monitored 24 hours a day, that vessel owners or operators and observers can use to call in vessel departure and arrival information, problems related to Observer logistics, and/or handle Observer emergencies when they are at sea, in transit, or in port awaiting vessel reassignments.

C.2.4.7 Maintain Communications Log

The Contractor shall maintain a communications log for each contact with a fishing vessel representative, whether made at the docks, in person, by telephone, fax, or by E-mail. The log shall be organized by date of vessel contact and include information such as time and date of contact or attempted contact, who initiated communication, contact person's name, vessel name, and topic of discussion. The circumstances surrounding all requests to release a vessel from observer coverage (Section C.2.4.5) must be fully documented.

C.2.4.8 Notification of Potential Infractions

The Contractor must report the following in writing using the Government's reporting format to the COR within 24 hours of being made aware:

- (a) Any information regarding possible Observer harassment;
- (b) Any information regarding any action prohibited under 50 CFR §679.7(g) or §600.725(o), (t), and (u);
- (c) Any concerns about vessel safety or marine casualty under 46 CFR §4.05-1(a)(1) through (7), Rule 5 of the International Regulations for Prevention of Collisions at Sea, or processor safety;
- (d) Any Observer illness or injury that prevents the Observer from completing any of his or her duties described in the observer manual; and
- (e) Any information, allegations, or reports regarding observer conflict of interest or failure to abide by the standards of behavior at PWS paragraphs 2.2.2.3 and C.2.4.15.

C.2.4.9 Vessel Operations and Working Conditions (Text and tables will be updated with current data when available)

The Contractor is responsible for ensuring Observers are provided living quarters comparable to crew members. The Contractor shall ensure that Observers are provided sleeping quarters, drinking water, meals, snacks, and amenities as are normally provided to other crew members. Because of the size and responsiveness of these vessels to sea conditions, motion sickness can be debilitating for some individuals and should be seriously considered in all prospective Observer candidates. Most vessels carry no trained medical personnel aboard and rely upon first aid knowledge of the boat's operator in consultation with land-based physicians via radio.

Observed vessels operate primarily out of Kodiak, Sand Point, Dutch Harbor, King Cove, and Akutan. Observers travel by public transportation to meet their assigned vessels, and are expected to remain with their vessels until the offload has begun, or until they finish sampling the offload if required to do so. Depending on the specific fishery, the majority of trips are from 1 to 15 days in duration. Vessels are usually operated by the captain and one to five deckhands.

The data provided in the following tables is based on the current vessel-length and gear-type criteria for each selection pool. As noted above these criteria may be changed during the ADP process.

Catcher vessels (CVs) using trawl gear. This group of vessels includes vessels that fish in the Gulf of Alaska (GOA) for all groundfish species and those that fish in the Bering Sea and Aleutian Islands (BSAI) for species other than pollock. In 2010, this fleet made 1,965 deliveries to shoreside and floating processors. Fishing activity occurred throughout the year although over half of the deliveries were made in the first quarter. Processing plants in Kodiak received 1,003 deliveries (51%) while processing plants in Sand Point and King Cove received 323 (16.4%) and 240 (12.2%) respectively. These vessels are included in the trip selection pool. The following table provides data on the number of deliveries received by location and month. The number of individual vessels which made the deliveries is indicated on the second line in **bold**.

Port	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Adak			2 2									
Akutan	23 10	96 20	34 12	7 5				1 1	6 4	3 2		
Dutch Harbor	7 5	68 20	26 16			6 1	6 1		2 1	3 1		
King Cove	6 5	65 13	15 6	25 7				29 8	45 7	55 8		
Kodiak	91 37	144 58	203 47	112 22	22 9	14 8	17 7	28 13	194 65	157 50	17 11	4 3
Seward				1 1			2 1					
Sand Point	16 10	81 21	33 10	20 10				39 11	62 11	72 11		
Floating Processors	18 13	39 13	49 16									

Catcher vessels (CVs) using fixed gear $\geq 57.5'$. This group is made up of pot and hook-and-line CVs. Pot CVs use pot gear to fish for Pacific cod, halibut, and sablefish. The majority of hook-and-line CVs fish for halibut and high-value groundfish such as sablefish and rockfish. In 2010, this fleet made 3,169 deliveries to shoreside and floating processors. Fishing activity occurred January through November. These vessels delivered catch to plants throughout Alaska with no one port receiving the majority of the deliveries. Processing plants in Kodiak received 731 deliveries (23.1%) while processing plants in Dutch Harbor and Sand Point received 478 (15.1%) and 362 (11.4%) respectively. All of these vessels are included in the trip selection pool. The following table provides data on the number of deliveries received by location and month. The number of individual vessels which made the deliveries is indicated on the second line in **bold**.

Port	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Adak		1 1								1 1		
Akutan	28 7	28 6	35 8	7 2	15 8	11 7	14 7	12 7	23 12	14 9	16 8	
Alitak					10 7	6 3	10 3	3 2	1			
Atka					3 3	5 2	6 3	6 4	11 5	5 4		
Cordova			10 6	12 9	7 6	1 1		8 3	1 1		1 1	
Craig						2 2			2 1			
Dutch Harbor	116	30	26	18	25	18	17	31	68	78	51	

	25	9	8	9	12	11	12	20	27	28	18	
False Pass							1 1					
Homer	26 4	3 3	10 5	34 22	41 27	30 20	41 14	34 23	29 18	21 14	1 1	
Hoonah				2 2	9 6	1 1			6 4	2 2		
Juneau			14 9	4 3	7 5	6 4	1 1	4 2	8 4	11 5	6 3	
Ketchikan			2 1	4 3	4 3	6 4	2 1		1 1	2 1		
King Cove	25 11	68 16		1 1	22 7	33 10	27 12	12 2	49 11	16 5		
Kodiak	273 41	13 13	33 17	55 31	87 51	38 20	26 18	15 12	119 46	48 25	24 15	
Nunivak							1 1					
Petersburg			2 2	18 11	16 11	13 11	2 2	2 1	22 16	16 10	4 4	
Sand Point	26 10	68 16		3 2	37 16	23 10	28 17	40 16	79 27	52 14	6 4	
Seward			24 18	45 27	57 29	35 18	18 9	18 10	13 9	11 7	3 3	
Sitka			22 9	27 18	39 19	18 9	4 3	6 3	22 13	21 11	5 4	
St Paul						11 7	4 2	14 9	13 8	8 6		
Valdez				2 2	10 5	2 1	2 1	1 1	1 1			
Wrangell				5 2	2 2	2 2		1 1	1 1	1 1		
Yakutat			10 9	26 19	17 9	4 4	5 2	6 2	10 6	1 1		
Floating Processors	10 7	1 1										
Floating bait seller at sea										3 2		

Catcher vessels (CVs) using fixed gear >40' - ≤ 57.5'. This group is made up of pot and hook-and-line CVs that fish for Pacific cod, halibut and sablefish. In 2010, this fleet made 2,841 deliveries to shoreside and floating processors. Although fishing activity occurred throughout the year the majority of the deliveries were made between January and October. These vessels delivered catch to plants throughout Alaska with no one port receiving the majority of the deliveries. Processing plants in Kodiak received 527 deliveries (18.5%) while processing plants in Sitka and Homer received 418 (14.7%) and 353 (12.4%) respectively. All of these vessels are included in the vessel selection pool. The following table provides data on the number of deliveries received by location and month. The number of individual vessels which made the deliveries is indicated on the second line in **bold**.

Port	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Adak					2 1	13 3	7 2	7 2	5 2	6 2	5 2	
Akutan				3 1	1 1	2 1	4 3	15 10	8 4	6 3	2 2	

Alitak				2 1	10 5	14 8	11 7	4 2	3 1			
Atka						1 1	3 2					
Cordova		12 11	52 21	37 22	39 21	5 4		9 5	9 6			
Craig			1 1	3 3	7 5	6 5	3 2	6 4	8 4	1 1		
Dutch Harbor	5 1	16 2	10 2	2 2	10 5	8 5	6 4	18 11	19 11	10 5	5 3	
False Pass								5 2				
Homer	8 2	3 3	30 21	29 19	46 27	73 39	28 18	40 25	45 28	49 29	2 2	
Hoonah			6 4	2 1	7 5	8 7	9 6	11 8	6 3	3 2		
Juneau			13 8	44 18	47 25	16 13	15 13	23 16	15 8	21 13	9 6	
Kenai								2 2				
Ketchikan			2 2	4 4	6 5	13 8	6 5	3 3	2 2	2 2	1 1	
King Cove	4 3	64 10			9 4	4 1	16 3	14 6	69 13	23 5	2 1	
Kodiak	234 46	7 7	6 4	19 12	32 20	34 17	35 15	20 12	85 39	41 16	14 9	
Nome								6 4	11 4	4 2		
Petersburg			25 15	21 10	17 13	22 18	6 4	18 13	6 6	15 9	7 7	
Pt Alexander								3 1	3 2			
Pt Protection								1 1				
Sand Point	8 3	25 6		3 2	16 8	12 6	7 3	16 10	27 12	24 13	3 1	
Seward		4 4	25 19	15 11	23 13	12 9	10 6	9 4	18 11	8 5	1 1	
Sitka			51 27	74 37	103 44	58 37	33 22	46 21	30 16	17 9	6 5	
St Paul						2 1	7 3	6 3	6 4			
Valdez					5 2	1 1						
Whittier			2 1	2 1	1 1	1 1		3 2		2 2	4 2	2 2
Wrangell			10 8	8 6	5 4	8 6	6 5	18 10	6 4	4 3		
Yakutat			2 1	4 2	12 6	12 6	10 5	4 2	1 1			
Other Alaska Port									1 1			
Floating	9											

Processors	5											
Floating bait seller at sea										1		
										1		

C.3.3.10 Vessel Assignment Information

The Contractor is responsible for updating vessel assignment information within two (2) hours of embarkation or disembarkation. The Government will provide access and training on the data entry system(s) the Contractors will use to update this information. The Contractor is also responsible for notifying the Government when observers deploy to vessel targeting pollock within two (2) hours of embarkation.

C.3.3.11 Observer Sea Day

When at sea, Observers work an average of twelve (12) hours per day as the sole Contractor employee aboard privately owned commercial fishing vessels. One-half (1/2) the fixed price daily rate will be paid for each partial observed sea day completed by the contractor. A partial observed sea day is one in which the vessel leaves port after 12:00 PM or returns to port before 12:00 AM. An “observed sea day” is any day in one of the following periods:

- a) For a catcher vessel delivering to a shoreside processor or stationary floating processor, the period of time that begins when a catcher vessel departs port until the offload or transfer of fish from that vessel begins or until the Observer finishes sampling the offload if required to do so.
- b) For a catcher vessel delivering to a tender vessel, the period of time that begins when a catcher vessel departs a port until the vessel returns to a port in which a shoreside processor or stationary floating processor with a valid Federal Processing Permit is located.

An “observed plant day” is any day an observer is assigned to one or more shoreside plants for the purpose of fulfilling the duties specified in this PWS. Observers deployed to shoreside plants work an average of eight (8) hours per day.

When on land, Observers work an average of eight (8) hours per day in training, briefing, traveling to and from ports, waiting for vessels, and completing mid-cruise debriefings and debriefing. Observer candidates attending the three (3) week training class will have 2-4 hours of homework each night and 4-8 hours of homework on the weekends.

The Contractor shall adhere to the requirements of the Service Contract Act (SCA) and applicable Department of Labor (DOL) Wage Rate Determination when calculating and paying salaries and benefits to Observers. Overtime shall be paid in accordance with the Fair Labor Standards Act (FLSA) and other applicable labor laws, whether work is performed inside or outside U.S. territorial waters or seaward of the U.S. Exclusive Economic Zone.

C.2.4.12 Vessel Living Conditions

The Contractor is responsible for ensuring Observers are provided living quarters comparable to crew members. The Contractor shall ensure that Observers are provided sleeping quarters, drinking water, meals, snacks, and amenities as are normally provided to other crew members.

C.2.4.13 Safety

The Contractor must verify that a vessel has a valid U.S. Coast Guard Commercial Fishing Vessel Safety decal (USCG Safety decal) before an observer may get underway aboard the vessel. Verification may be done by Contractor personnel who visually inspects the decal aboard the vessel and confirms that the decal is valid; or the Contractor can receive a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator. Observers may not be deployed aboard a vessel that does not display a valid USCG Safety decal. The

Contractor must also verify that a vessel intends to maintain a proper lookout at all times while on the open water. Fishing vessels that do not meet the USCG minimum safety requirements are still obligated to carry an observer and failure to carry an observer for this reason must be reported to NMFS within 24 hours of the attempted deployment. Observers must complete the Vessel Safety Checklist prior to boarding a vessel for the first time. All items in bold blue text on the Vessel Safety Checklist are considered “No-go” items. If the observer feels they should not board the vessel because it is unsafe or inadequate to carry out their duties they must contact the Contractor immediately. The Contractor must notify the government within 24 hours (PWS Paragraph 2.4.8)

C.2.4.14 Observer Placement

The Contractor must assign observers without regard to any preference by representatives of vessels, shoreside processors, or stationary floating processors.

The Contractor must not:

- (a) Deploy an observer on the same vessel or at the same shore-side or stationary floating processor for more than 90 days in a 12-month period;
- (b) Move an observer from a vessel or stationary floating or shore-side processor before that observer has completed his or her sampling duties.
- (c) Assign an observer to vessels in the partial-coverage and full-coverage sectors within the same deployment.

The Contractor can assign an Observer to up to four vessels during a single deployment. If the Contractor wishes to assign an Observer to additional vessels, they can request a waiver from the Government. The Government will review the Observer’s performance and determine whether to approve the waiver request. There is no limit to the number of waivers a Contractor can request for a single Observer during a deployment.

C.2.4.15 Observer Conduct / Behavior

Observers must maintain a professional and objective demeanor at all times. The Observer must avoid any behavior which could adversely affect the confidence of the public in the integrity of the FMA Observer Program or of the Government. Observers are thus expected to conduct themselves in a manner which will reflect favorably upon the FMA Observer Program by maintaining high standards of honesty, integrity, impartiality, and conduct in all situations. The Contractor shall develop and enforce standards of conduct for Observer employees that are comparable to the following guidelines. Observers:

- (a) Must diligently perform their assigned duties;
- (b) Must accurately record their sampling data, write complete reports, and report honestly any observed or suspected violations of fisheries, natural resources conservation, or environmental laws or regulations;
- (c) Must not falsify their data;
- (d) Must protect the confidentiality of all collected data and observations made onboard vessels. Observers shall not use any data collected under this contract for purposes other than the performance of this contract nor shall Observers retain, release, reproduce, distribute, or publish any of the data without prior approval from the Government;
- (e) May not have a current direct financial interest, other than the provision of Observer services, in a commercial fishery, including, but not limited to: vessels or shore-side facilities involved in the catching or processing of the products of the fishery, related interests in selling supplies or services to these vessels or shore-side facilities, or related interests in processing raw or processed products from these vessel or shore-side facilities;

(f) May not serve as an Observer on any vessel or at any shore-side facility owned or operated by a person who previously employed the Observer;

(g) Must not engage in any illegal actions or any other activities that would reflect negatively on their image as professional Observers or on the FMA Observer program as a whole. This would include, but is not limited to:

- 1) Engaging in drinking of alcoholic beverages during the period an Observer is assigned to a vessel;
- 2) Engaging in the use or distribution of illegal drugs;
- 3) Engaging in physical or emotional involvement with individuals directly related to or hired by the vessel owners, captains, or crew in the observed fishery; and
- 4) Engaging in criminal, dishonest, disrespectful, or disgraceful conduct that may be perceived as prejudicial to the Government.

(h) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts activities that are regulated by the Government, or who has interests that may be substantially affected by the performance or nonperformance of the Observer's official duties.

If a vessel maintains a stricter policy for its employees, then the Observer must comply with said policy. Behavior that is contrary to these standards or to the intent of these standards would be considered grounds for the Government's disqualifying the offending Observer from further participation in the program and/or refusal to accept the candidate in future program participation.

C.2.5 OBSERVER SUPPORT SERVICES – RACE OBSERVERS

C.2.5.1 Logistic and Operation Support for Observer Deployment

The Contractor shall provide logistical and operational support to Observers throughout their employment. Such support shall include, but is not limited to: travel to vessel assignments and communications.

C.2.5.2 Observer Orientation

Observers without previous RACE survey experience that are deployed to RACE survey vessels must complete a pre-cruise orientation prior to deployment. Pre-cruise orientations will take place in Seattle and will last up to 5 days. The schedule of the orientation will be coordinated between the COR and the Contractor, but will typically take place just prior to deployment. The Contractor shall request the COR to waive the orientation requirement for observers with previous RACE survey experience or when training in Seattle is not possible. If training in Seattle is not possible, the Field Party Chief, Chief Scientist or Deck Lead will provide training at the vessel.

The Government COR retains the right to reject any proposed Observer who has a previous unsatisfactory performance history (i.e., failure to complete debriefing or submitted data found to be false, inaccurate, or incomplete) in the FMA Observer Program or RACE vessel surveys.

C.2.5.3 Safety Training

Observers deployed to RACE survey vessels must meet the safety training requirements of the FMA Observer Program.

C.2.5.4 Gear Acquisition and Maintenance Requirements

The Government will provide, at no cost to the contractor, all sampling and safety gear and equipment.

C.2.5.5 Travel and Lodging Requirements

The Contractor is responsible for all travel arrangements and expenses, appropriate lodging, and all expenses associated with deploying Observers to assigned vessels. The Government will reimburse the Contractor for travel costs incurred from the time the observer leaves Seattle until they return to Seattle. The Government will not reimburse the Contractor for the cost of lodging, meals, and incidentals incurred during the time an observer is attending the pre-cruise orientation, or debriefing. If the Observer is already in Alaska serving as an FMA or RACE observer on another vessel, the Government will reimburse the Contractor for travel costs incurred from the time the observer leaves the port of disembarkation until they arrive at their vessel. Similarly, if the observer is deploying on another RACE survey vessel the Government will reimburse the Contractor for travel costs incurred from the time the observer leaves the port of disembarkation until they arrive at their next vessel. When the observer is serving on a multiple leg cruise and the vessel is in port between legs, the observer is expected to lodge on the boat and take advantage of meals provided by the vessel.

Typically, the observer will leave Seattle, arrive at their port of embarkation, and board their vessel on the same day. However, delays can occur and the Contractor may have to arrange lodging for the observer.

To control travel costs the Government requests the Contractor either deploy one (1) observer to a vessel for the entire survey (all legs) or deploy observers who are already in the field serving as FMA Observers. If the latter, an Observer with previous RACE survey experience is preferred as this would preclude the need for the pre-cruise orientation (Paragraph 2.5.2).

All travel costs and expenses incurred shall be reimbursed in accordance with the Government's Travel Regulations. Travel associated with observer deployments will be reimbursed for the actual costs incurred (without profit, G&A, or overhead) in accordance with the contract. In accordance with § 301-11.18 of the Government's Travel Regulations when an observer is deployed to a vessel for part of a day, per diem will be reduced as follows:

If the vessel lands after

- 1000 the breakfast allocation will be deducted
- 1500 the breakfast and lunch allocations will be deducted
- 2000 the breakfast, lunch, and dinner allocations will be deducted

If the vessel sails before

- 0600 the breakfast, lunch, and dinner allocations will be deducted
- 1100 the lunch and dinner allocations will be deducted
- 1600 the dinner allocation will be deducted

C.2.5.6 Communication

The Contractor shall provide a toll free telephone number or some other communication alternative, monitored 24 hours a day, seven days a week, that observers can use to call in vessel departure and arrival information, problems related to Observer logistics, and/or handle Observer emergencies when they are at sea, in transit, or in port awaiting vessel reassignments. A phone number should also be made available to the Government for situations that arise outside of normal working hours.

C.2.5.7 Vessel Operations and Working Conditions

Accommodations and meals are provided for the Observer by the vessel. Bedding is supplied by RACE. Because of the size and responsiveness of these vessels to sea conditions, motion sickness can be debilitating for some individuals and should be seriously considered by all Observers. Most vessels carry no trained medical personnel aboard and rely upon first aid knowledge of the boat's operator in consultation with land-based physicians via radio.

Vessels chartered by RACE operate primarily out of Dutch Harbor, Kodiak, Adak, Sand Point, Seward, Nome, and Ketchikan. Observers travel by public transportation to meet their assigned vessels, and are expected to remain with their vessels until they are released by the Contractor.

The research surveys conducted from both NOAA and chartered vessels utilize a range of traditional (e.g. bottom trawls) and advanced technology sampling techniques (e.g. acoustics), mensuration equipment, and other sampling systems. Although RACE observers could deploy to any of the RACE research surveys the majority of RACE observers will be deployed to one of the bottom trawl surveys. RACE conducts four distinct bottom trawl surveys within the continental slope and shelf areas of the 200-mile territorial EEZ water off Alaska; 1) an annual eastern Bering Sea (EBS) Continental Shelf survey, 2) a biennial EBS Continental Slope survey; 3) a biennial Gulf of Alaska Continental slope and Shelf survey, and 4) a biennial Aleutian Islands survey. Each survey is conducted between May and August and typically spans 60->75 consecutive days at sea, depending on the specific survey and the involvement of any related research activities. The survey periods are divided into legs of approximately 20 to 25 days with port calls to allow crew exchange and vessel provisioning. Each survey uses multiple vessels with up to 3 RACE observers per vessel (U.S. Coast Guard regulations typically limit the science staff to 6 members on most fishing vessels). The established survey design is to alternate the biennial surveys as follows:

	EBS Shelf Survey - Two Vessels for Approximately 65 Days	EBS Slope Survey - One Vessel for Approximately 70 Days	Gulf of Alaska Survey – Three Vessels for Approximately 75 Days	Aleutian Islands Survey – Two Vessels for Approximately 70 Days
Odd Years	X (1-2 Observers)		X (1-3 Observers)	
Even Years	X (1-2 Observers)	X (1-3 Observers)		X (1-2 Observers)

C.2.5.8 Observer Sea Day - RACE

At sea Observers work an average of twelve (12) hours per day aboard commercial fishing vessels. A “sea day” commences once the vessel has left port and concludes when the vessel returns to port. Observers shall be compensated for each day onboard the vessel. One-half (1/2) the fixed price daily rate will be paid for a vessel that leaves port after 12:00 PM or returns to port before 12:00 AM. When on land, Observers work an average of eight (8) hours per day attending the pre-cruise orientation, traveling to and from ports, waiting for vessels, and debriefing.

The Contractor shall adhere to the requirements of the Service Contract Act (SCA) and applicable Department of Labor (DOL) Wage Rate Determination when calculating and paying salaries and benefits to Observers. Overtime shall be paid in accordance with the Fair Labor Standards Act (FLSA) and other applicable labor laws, whether work is performed inside or outside U.S. territorial waters or seaward of the U.S. Exclusive Economic Zone.

C.2.5.9 Observer Placement

RACE research survey periods vary from 65 to more than 75 days. However, survey periods are divided into legs of approximately 20 to 25 days duration. The Contractor may deploy the same observer for all legs of a survey, or may deploy a different observer to each leg of a survey. When changing observers deployed to RACE survey vessels, the Contractor shall control travel costs to the maximum extent practicable (PWS Paragraph 2.5.5).

The Contractor may assign observers to vessels in the partial coverage category and vessels contracted to RACE within the same deployment. Before the Contractor can send an observer from a vessel in the partial coverage category to a RACE survey vessel the Observer must complete Vessel/Plant Surveys for all assignments and turn in their data and specimens to an FMA Observer Program Field Office. The Contractor must not exceed the 90-day deployment limit (PWS Paragraph 2.4.14) when assigning observers to both vessels in the partial coverage category and vessels contracted to RACE.

C.3 PERFORMANCE MONITORING

C.3.1 Performance Measures

This is a performance-based service contract and the Contractor performance measurements are detailed and listed in the contract.

C.3.2 Quality Assurance Surveillance Plan (QASP)

The Government intends to monitor Contractor performance against the measures outlined in and in accordance with the monitoring methods listed in the contract.

C.4 OBSERVER RELEASE OF PERSONAL INFORMATION

In accordance with CAR 1352.237-70, Security Processing Requirements – High or Moderate Risk Contracts, and due to the critical and sensitive nature of the collected data, the Contractor shall have all employees, independent Contractors, and subcontractor employees complete an Authorization for Release of Information, authorizing the National Marine Fisheries Service to conduct a background investigation and a Security Worksheet for Non-employees, and submit to the COR no later than five (5) business days prior to a scheduled training or briefing session.

C.5 OBSERVER CANDIDATE SCREENING REQUIREMENTS

(a) Medical examinations are required for each new hire and shall be redone and resubmitted each year thereafter. Supporting documentation to verify the Observer candidate meets medical and psychological fitness requirements shall be provided in accordance with the Section C.2.2.2.4 by Contractor to the Government prior to the completion of the required training.

(b) The Government retains the right to reject any Observer proposed by the Contractor that does not meet the required qualifications or standards as identified herein, or if their behavior in other NOAA Fisheries observer programs has been disruptive. The Government further retains the right to prohibit an Observer from participating in a project if the Observer violated the Observer Standards of Conduct listed in Section C.2.4.15 or if the Observer failed to satisfactorily perform the required duties.

C.6 OBSERVER PERFORMANCE

The Government retains the right to prohibit an Observer from serving as an FMA or RACE Observer if the following occur:

- (a) Violation of the Observer Standards of Conduct in Section C.2.4.15.
- (b) Failure to satisfactorily perform the duties specified in the PWS.

If the Government determines the Observer's data does not meet the data quality requirements of the FMA Observer Program or RACE, the Contractor must follow the improvement steps outlined in its Contractor Quality Assurance Management Plan to ensure correction and enable Observer performance improvement.

- (c) Unsatisfactory performance as an observer in a different observer program

The Government retains the right to reject any returning observer proposed by the contractor if their performance was at an unsatisfactory level in other observer programs or if their behavior in other observer programs was disruptive or jeopardized the credibility of the observer program.

C.7 DISCLOSURE OF INFORMATION

Any information made available to the Contractor by the Government shall be used only for the purpose of carrying out the provisions of this contract and shall not be divulged or made known in any manner to any persons except as may be necessary in the performance of the contract. In performance of this contract, the Contractor assumes responsibility of protection of the confidentiality of Government records. Each officer or employee of the Contractor to whom any Government record may be made available or disclosed shall be notified in writing by the Contractor that information disclosed to such officer or employee can be used only for a purpose and to the extent authorized herein. Further disclosure of any such information, by any means, for a purpose or to an extent unauthorized herein, may subject the offender to criminal sanctions imposed by 18 U.S.C. 641. The section provides, in pertinent part, that whoever knowingly converts to their use or the use of another, or without authority, sells, conveys, or disposes of any records of the United States or whoever receives the same with intent to convert it to their uses or gain, knowing it to have been converted, shall be guilty of a crime punishable by a fine of up to \$10,000, or imprisoned up to ten years, or both.

C.8 NOTICE OF GOVERNMENT OF DELAYS

In the event the Contractor encounters difficulty in meeting performance requirements, or when the Contractor anticipates difficulty in complying with the Contract delivery schedule or date, or whenever the Contractor has knowledge that any actual or potential situation is delaying or threatens to delay timely performance of the contract, the Contractor shall immediately notify the Contracting Officer, in writing, giving pertinent details provided, however, that this data shall be informational only in nature and that this provision shall not be construed as a waiver by the Government of any delivery schedule or date or of any rights or remedies provided by law or under this contract.

C.9 OTHER CONTRACTOR RESPONSIBILITIES

The Contractor's personnel shall perform their duties in a cooperative, professional manner. They shall be required to project the same professionalism as the Government employees with whom they work. The Government reserves the right to require the Contractor's personnel to perform their duties and tasks without disruption of the work in the surrounding area. Contractor's personnel shall immediately be removed from the premises by the Contractor if Contractor personnel performance endangers the safety or welfare of other personnel (either Government or Contractor), Government property, or on-going projects.

C.10 SAFETY PROGRAM

The Contractor shall abide by all established Safety Policies at NOAA offices and those on NOAA-owned vessels and aircraft; and all other federal, state, and all other industry relevant safety policies. Those Government Safety Policies will be provided upon written request by the COR.

11. PERFORMANCE MEASUREMENTS

The performance standards are identified below. The Contractor’s performance of the items will be evaluated continuously throughout the contract’s stated performance period, and in accordance with the Performance-based Quality Control Plan. The contractor shall meet the acceptable performance standards as noted below. Payment will be based upon the successful and timely delivery of data collected during a specific vessel trip. Failure to deliver data from observed work-days includes: (1) no data delivery; (2) observer failure to participate in a timely debriefing; and (3) delivery of data where the data is determined to be fraudulent or does not meet the Groundfish Observer Program data quality requirements. If the Contractor fails to deliver data as described above, the observed work-day is not considered “successful” and therefore, payment will not be received. The COR will be responsible for monitoring contract performance to assess progress. The Contracting Officer shall be notified by the COR when it appears that contractor performance will not successfully meet the established measures.

	Measure	Standard	Monitoring Method	Frequency	Incentives/ Disincentives
1	Initial Hiring of Experienced Observers	Phase-in period (up to six months)- 25% for Experienced Observers as defined by successful completion of 30 days sampling at sea After Phase-in period - 80% for Experienced Observers as defined by successful completion of 30 days sampling at sea	COR review of Contractor staffing and retention (as reported in the Monthly Status Report)	Monthly	Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating. Failure to comply with the performance standards may lead to contract termination for cause.
2	Observer candidates pass the required training sessions	95% of Observer Candidates successfully pass training and/or briefing	COR review of Contractor Training Approval (as reported in the Monthly Status Report)	Monthly	Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating. Failure to comply with the performance standards may lead to contract termination for cause.
3	Data Management and the Contractor’s conformance to approved Quality Control Management Plan	100% audit score	COR review of Deviation Audit and feedback from Project Managers	Semi-annual	Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating. Failure to comply with the

					performance standards may lead to contract termination for cause.
4	Observer receiving an acceptable score upon completion of debriefing	100% of Observers attaining an acceptable debriefing score each month. Not applicable if no Observers are debriefed	COR review of Contractor Staffing and Retention (as reported in the Monthly Status Report)	Monthly	<p>Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating.</p> <p>Failure to comply with the performance standards may lead to contract termination for cause.</p>
5	Timeliness and acceptance of deliverables	100% of deliverable due during the quarter are delivered on time and are of acceptable quality	COR tracks delivery times and adherence to acceptance criteria and Contract Data Requirements List (CDRL)	Quarterly	<p>Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating.</p> <p>Failure to comply with the performance standards may lead to contract termination for cause.</p>
6	Observer deployments	Observers are deployed to every trip that is selected for observer coverage	COR review of data reported in the Monthly Status Report	Quarterly	<p>Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating.</p> <p>Failure to comply with the performance standards may lead to contract termination for cause.</p>
7	Contractor participation in NMFS Observer Program Outreach to the fishing industry or community	Fully supportive in all industry outreach requests from the Governments	COR tracking report	Annually	<p>Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating.</p> <p>Failure to comply with the performance standards may lead to contract termination for cause.</p>

8	Observers enter their data into NMFS-provided ATLAS software program and submit to the Government after each trip	100% of all observers enter and submit their data to the Government	COR review of in season data reports	Weekly	Positive or negative past performance rating in the Contracting Performance Assessment Reporting System (CPARS) – Option period will not be exercised if the contractor receives a negative past performance rating. Failure to comply with the performance standards may lead to contract termination for cause.
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12. SCHEDULE OF DELIVERABLES

Following is a schedule of all deliverables, including administrative deliverables, required during the period of performance of this contract:

Item	Description	Quantity	Due Date	Deliver to:	Reference
1	Monthly Status Report	1	Monthly	CO/COR	PWS PARAGRAPH H 2.1.3
2	Project Management Plan	1	Draft Due: At proposal submission; approved plan to be incorporated into contract award. Final plan is due within 14 days after award. Updates required annually within 30 days after the contract anniversary date.	CO/COR	PWS PARAGRAPH H 2.1.3
3	Contractor Quality Control Plan	1	Draft Due: At proposal submission; approved plan to be incorporated into contract award. Updates or revisions required annually within 30 days after the contract anniversary date.	CO/COR	PWS PARAGRAPH H 2.1.5
4	Physician's Statement	As Required	Prior to certification of an observer. A new statement must be submitted prior to any deployment occurring after the expiration of the current physician's statement which expires 12 months after the physical exam occurred.	COR	PWS PARAGRAPH H 2.2.2.4, & 7
5	CPR & First Aid Certifications	As Required	Prior to the first day of the partial coverage briefing. New certifications are due annually.	COR	PWS PARAGRAPH H 2.2.2.7
6	Debriefing Registration	As Required	Within 5 business days after the completion of an observer's deployment.	COR	PWS PARAGRAPH H 2.3
7	Data, reports required in the Observer Sampling Manual, biological samples, and the electronic vessel and/or	As Required	Prior to the debriefing interview.	COR	PWS PARAGRAPH H 2.3.

	processor surveys				
8	Sampling and safety gear	As Required	Prior to the end of the debriefing.	COR	PWS PARAGRAPH H 2.3
9	Observers' electronic data files shall be transferred to the Government as specified by the Government	As Required	At the completion of each trip.	COR	PWS PARAGRAPH H 2.3.1
10	Documentation and Notification: <ul style="list-style-type: none"> • Notification of potential infractions • Safety, inadequacy of vessel's facilities for Observers • Observer illness or injury that prevents the Observer from completing their duties • Any information, allegations, or reports regarding observer conflict of interest or failure to abide by the standards of behavior Renewals or updates conflict of interest	As Required	Day of the event.	COR	PWS PARAGRAPH H 2.2.2.3 And 2.4.8
11	Annually update disclosure of Conflicts of Interest	Annually	Annually	COR	SECTION C – CONTRACT CLAUSES: CONTRACT OR CONFLICT OF INTEREST
12	Observer Candidate Information	As Required	5 working days prior to training or briefing session.	COR	PWS PARAGRAPH H 3.3.2
13	Communications Logs	As Required	Monthly.	COR	PWS PARAGRAPH H 3.3.7
14	Vessel Assignment Information	As Required	Within 2 hours of embarkation or disembarkation.	COR	PWS PARAGRAPH H 3.3.10
15	Observer Placement Additional Vessel Waiver	As Required	Assignment of an Observer to more than 4 vessels.	COR	PWS PARAGRAPH H 3.3.14
16	Observer Release of Information	As Required	Authorization for Release of Information, to conduct a background investigation and a Security Worksheet for Non-employees, and submit to the	COR	PWS PARAGRAPH H 5

			COR no later than five (5) business days prior to a scheduled training or briefing session.		
17	SF 85P for all employees	Each Occasion	Upon hiring employee.	COR	CAR 1352.237-70
18	Form 258, Fingerprint Chart	Each Occasion	Upon hiring employee.	COR	CAR 1352.237-70
19	Invoice	Each Occasion	Monthly.	COR/CO	INVOICING INSTRUCTIONS paragraph, SECTION C – CONTRACT CLAUSES
20	Proof of Insurance	As Required	Within 10 days after contract award; within 24 hours of any change thereafter.	CO	1352.228-70, 1352.228-72, and INSURANCE paragraph, SECTION C – CONTRACT CLAUSES
21	Request for changes to key personnel	As Required	At least 15 days prior to substitution.	COR/CO	CAR 1352.237-75
22	Personnel Security Screening Forms	As Required	Within 14 days after contract award.	COR	CAR 1352.237-70
23	Notice of Delays	As Required	Immediately upon knowledge.	COR	PWS PARAGRAPH 10
24	System for Award Management (SAM) Updates	As Required	Annually.	Online	FAR 52.204-7
25	Employment Reports Veterans	As Required	Annually.	CO	FAR 52.212-5
26	Restrictions Against Disclosure	As Required	Immediately upon knowledge.	CO	CAR 1352.209-72
29	Conflicts of Interest	As Required	Immediately upon Knowledge.	CO	CONFLICTS OF INTEREST paragraph, SECTION C – CONTRACT CLAUSES
30	Employment Eligibility Verification	1	Within 30 days of contract award; within 3 days of new hires; and verify within 90 days.	COR	FAR 52.212-5
21	Updates of Publicly Available Information	As Required	Semi-annually throughout the contract's life.	CO	FAR 52.212-5

	Regarding Responsibility				
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