

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

SPECIAL EXECUTIVE MEETING – VESSEL REPLACEMENT

Virtual Meeting/MS Teams

11:00am Monday 23 January 2023

AGENDA

1. Apologies for absence
2. Declaration of Personal or Prejudicial Interests – Members to declare any interests in items on the Agenda and the nature of such interests

Items for Information

3. NEIFCA Vessel Replacement Update – Replacement of Main Vessel (*pages 1-46*)
4. NEIFCA Byelaw Update (*pages 47-57*)

Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
23 January 2023

NEIFCA Vessel Replacement Programme Update – Main Vessel

Report by the Clerk, Chief & Deputy Chief Officer's

A. Purpose of Report

1. To update members on progress with the replacement of the Authority's main offshore vessel.

B. Recommendations

1. That members consider the update report and review the supporting documentation.

1. Background

- 1.1 At a meeting of the Authority held on 8 June 2022 members received a detailed report from the Clerk, Treasurer and Chief Officer setting out a proposed process to support the replacement of the Authority's main patrol vessel '*North Eastern Guardian III*' (NEG III). Following consideration of the report members supported the proposal in principle and delegated authority to the Executive Committee to finalise the preparatory work (Minute Item 14 refers).

- 1.2 Following the meeting held on 8 June 2022 a technical support group was established comprising of the Chief, Deputy Chief, NEIFCA Operational Support Manager, legal, finance and procurement leads and chaired by the Treasurer to support the delivery of the preparatory work including agreeing project leads, setting a provisional timetable and finalising the procurement and contractual documentation. To date three meetings of the group have been held, most recently on 19 January 2023. Through the technical group, an updated business case, procurement framework and outline vessel specification have been developed to support the first phase of the preparatory work to establish a cost. Copies of the updated business case, outline specification and technical specification are attached to this report for members information as Appendix 1, 2 and 3 respectively. The Deputy Chief Officer, Ian Davies, has taken on the role of overarching project manager given the extent of his technical knowledge and expertise.

1.3 Vessel Type and Class

The updated business case (Appendix 1) provides a detailed summary of the key drivers and considerations that have informed decision making on the recommended type and class of replacement vessel required. It is now considered that a 24 m aluminium multi hulled vessel with a forward wheelhouse and superstructure will provide the optimum solution to meet both the Authority's current and future operational needs. Such a vessel will provide a much safer, more effective and efficient platform to undertake offshore stock and habitat survey work whilst still effectively supporting the Authority's fisheries enforcement and compliance needs. Identified

deficiencies in the current vessel including limited carrying capacity, time lost to re-configure to support survey work and operational endurance will all be addressed by moving to this type and class of vessel. Appendix 2 carries a detailed supporting outline specification.

1.4 **Invitation to Tender**

Going out to tender represents the first phase of the preparatory work to ascertain an accurate build cost. Current estimates of cost are wide and varied ranging from £4.5 million upwards depending on shipyard location, design, component specification and quality. The provisional framework supporting the tender process is detailed within Appendix 3 and mirrors the framework used to support the build and commission of the new 9.5 m cabin RIB delivered during May 2020. It is proposed that the Authority goes out to tender at the beginning of February 2023 and an open one stage process is utilised, terminating on 31 March 2023. Officers anticipate that a relatively small number of yards will bid for the project.

2.0 **Next Steps**

Following receipt of the tenders a technical panel will be convened to assess and identify a preferred bidder and a further meeting of the Executive Committee will be set to provisionally review the outcome, agree the next steps and provide a formal recommendation to the Authority for final decision sometime during May 2023.

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North Eastern Inshore Fisheries and Conservation Authority



New Vessel Replacement Project

‘North Eastern Guardian IV’

Supporting Business Case

January 2023 v9

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1. Introduction & Background

North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) and its predecessor organisation, North Eastern Sea Fisheries Committee (NESFC) have, since 1890, worked very successfully in formal partnership with the eleven coastal Local Authorities, from North East Lincolnshire to South Tyneside, to deliver the effective management of inshore fisheries and place the region at the forefront of UK inshore marine conservation.

The region encompasses over 295 coastal miles, supports, the most prolific lobster and crab fishing grounds in Europe and some of the most significant and sensitive maritime habitats in the world, supported by a multitude of Marine Protected Areas (MPAs) and formal environmental designations including the Humber, the second largest coastal plain estuary in the UK, the Tees Estuary and the sea cliff structures of both East and North Yorkshire.

The commercial and recreational fishing industries play a crucial role in supporting the economic sustainability of the regions fragile coastal economy from the major fish processing centre surrounding Grimsby and the Humber to the live shellfish ports of Bridlington, Scarborough and Whitby and the prawn fisheries of Hartlepool. Annually over 13,500 tonnes of fish and shellfish are landed in the region for a total first sale value of over £33 million which directly supports a wide range of other sectors from tourism and hospitality to engineering and ancillary supplies.

The need to maintain a capable vessel asset to support the continuing protection, management and conservation of the regions marine resources has never been greater. Suitable safe port facilities providing 24 hr access to the sea are limited, the coastline is very exposed and the offshore conditions, throughout the North Sea, are a challenging environment to operate in, necessitating a large and capable vessel asset.

Since the United Kingdom's formal exit from the European Union in 2020 Parliament has enacted two key pieces of legislation, the Fisheries Act 2020 and the Environment Act 2021 which underpin the future management of the marine environment as an independent coastal state. Alongside the rapidly changing legislative landscape, the duties, responsibilities and expectations of IFCA's are also changing and developing, necessitating a much greater focus on evidence gathering to inform decision making, from exploited fish and shellfish

stocks to condition assessments in marine protected areas (MPAs). IFCA's are also playing an increasingly more active and involved role in supporting national marine policy delivery. This in turn has significantly driven considerations surrounding the type of vessel and associated functionality that will best meet the future requirements of NEIFCA. In the North Sea region, fisheries patrol and research asset capability is particularly limited and the procurement of a medium size vessel asset would add significant value to wider partnership working and marine service delivery in the North East of England.

The first fisheries vessel operated by NESFC, the 'St Quintin', was built and commissioned in 1899 primarily to protect inshore fishing grounds from the 'new' generation of large steam trawler. The 'St Quintin' remained in service until 1915. Through the 1980's until the present, the Authority has purchased and operated three successive main vessel assets each evolving to meet the organisation's developing statutory duties and responsibilities.

Fig1. North Eastern Guardian



Fig2. North Eastern Guardian III



NEIFCA's current vessel, the North Eastern Guardian III (NEG III), is an aluminium hulled semi-displacement vessel with an overall length of 26.3m. The vessel was commissioned in 2006 and entered service in 2007, with a maximum projected operational lifespan of 15 years. The vessel is now in its sixteenth year of service and during 2015 the Authority agreed to support the procurement of a suitable replacement vessel package subject to financing. The challenges of trying to maintain such a large ageing asset were highlighted during August 2022 when the vessel suffered a major engine failure necessitating a full repair and re-conditioning of both main engines.

NEG III was primarily designed and built for speed and short fisheries patrol work policing restricted fishing areas. This suited statutory requirements at the time but since then the

complexity of NEIFCA's statutory duties and responsibilities have increased significantly and the current capabilities of NEG III have become extremely limiting in terms of supporting effective service delivery. With the exception of the age of the vessel up to three operational days can be lost reconfiguring for marine survey tasking and it is significantly restricted in its carrying capacity. The vessel's sea keeping qualities are also limited to moderate weather and its fresh and waste water carrying capacities restrict at sea operations to a maximum of 1 or 2 days.

2. Options Appraisal

In preparation for replacing the vessel a significant amount of supporting work has been completed including a detailed options appraisal ranging from 'do nothing' through to refitting, purchasing and chartering support craft and the commission and build of a new vessel.

'Do nothing' was ruled out because it would not solve the current operational shortcomings associated with the vessel, replacement reserves would have to be utilised to support the scale of necessary future repairs and due to its age, the re-sale value of the asset will significantly depreciate within a very limited time frame.

'Like for like' replacement was also considered but this would not address any of the existing shortcomings, replacement reserves would be fully utilised to support the purchase and given the likely scale of investment this option would not deliver any further operational or performance benefits.

A major refit was considered but this would not address the operational shortcomings, vessel replacement reserves would have to be extensively utilised (the manufacturer of the present vessel estimated that this option could cost up to £2.6 million, some three to four years ago), the existing aluminium structure of the vessel would significantly limit the extent of any refit, the hull would be over 15 years old and the re-sale value of the asset would be minimal at the end of its operational life.

Maintaining the existing vessel and procuring an additional support vessel was considered and although this would address some of the current operational shortcomings and could be utilised as a short term interim plan, maintenance costs would continue to spiral in terms of the existing vessel and the resale value would also continue to depreciate.

Maintaining the existing vessel and chartering a suitable vessel was considered and although this would address some of the current operational short comings NEIFCA would have to fund spiralling maintenance costs alongside significant charter costs with the addition of managing the day to day logistical issues associated with the charter, if indeed, a suitable vessel could be found. Issues surrounding depreciating re-sale value would also continue in terms of maintain the existing vessel

The purchase and refitting of a second hand vessel was considered and whilst this option may address some operational short comings it is extremely unlikely that a suitable vessel with a workable specification and layout could be found. As a minimum, vessel reserve funding would have to be fully utilised to purchase and refit but more likely would not cover the actual costs and any resale capital would likely be minimal at the end of its operational life.

This work concluded that the only economically viable option was the build and commission of a new be-spoke vessel. This would address all the current operational short comings and whilst it will exhaust reserve funding and require further additional investment, NEIFCA would take delivery of new asset with a projected lifespan of twenty years which would retain a sound level of resale capital to support its future replacement.

3. Specification

Following further review and consideration during the last two years it is now considered that the new vessel should be constructed from marine grade aluminium with a multi hull design rather than mono. If the project is realised this would represent a notable departure from both the current and any previous vessels owned and operated by NEIFCA or NESFC in terms of type and functionality. Previously a single, steel hulled displacement vessel had been recommended. At that time there was an expectation that the project would be jointly funded by NEIFCA and the University of Hull and such a design was felt to provide the optimum solution to meet the needs of both organisations. Moving to a multi hull design is considered much more suited to meeting NEIFCA's developing, inshore operational requirements and service delivery needs. The anticipated overall length of the new vessel is 24m with maximum beam constraint of 8.5m. This type of design will support the identified carrying, storage, accommodation, water and fuel needs, significantly enhance offshore survey capabilities

including marine protected area (MPA), habitat and fisheries stock assessment work and provide a resource with a minimum projected lifespan of twenty years.

Figure 3 provides a representation of the type and class of vessel under consideration.

Figure 3. Aluminium multi-hull design



The new vessel will be coded to MCA Category 2 (up to 60 nautical miles from a safe haven) but capable of safety coding to MCA Category 1 which means that it could operate at all times of the night and day up to 150 nautical miles from a safe haven. It will carry sufficient fuel, water and stores to support a minimum of 120 hours at sea at an average running speed of 18 knots, with a sprint speed of 24 knots and accommodation for up to 12 personnel. The vessel will also be capable of maintaining speeds down to 3 knots to support survey activities.

A separate more detailed outline vessel specification has also been produced by the Deputy Chief Officer and project manager.

3.1 Hull Design

A multi-hull design will provide a larger working deck area and a more stable platform to safely carry and deploy marine survey gear including cameras, sondes and gauges, nets, trawls, dredges and pots. This represents a significant departure from the present vessel which is a mono hull semi-displacement design, commissioned primarily to support fast offshore patrol and intercept work. The multi-hull design will also support the carriage and deployment of smaller 6.5m rigid inflatable boat (RIB) to support fisheries enforcement and compliance work. The move to a multi hulled vessel reflects the continuing shift in operational

priorities from enforcement and compliance driven to marine survey and research focused. When the current vessel was commissioned in 2007 an 80% split in operational priority in favour of enforcement and compliance was considered an accurate assessment. Today that is more like 60% with expectations that it will move in a similarly consistent direction of travel into the future.

A shift to a multi-hull design will also reduce the time required to re-configure the vessel to support survey work which can be up to three days with the present vessel depending on the type of gear involved. Officer's estimate that this could potentially increase the number of available operational sea days to a maximum of 20 per annum. The multi-hull design will also support sprint speeds of up to 24 knots which will enable officers to maintain an efficient level of service delivery.

3.2 *Layout and Operation*

The proposed design will encompass a forward wheelhouse and superstructure maximising after deck space to safely work and deploy a range of survey gears and both carry and recovery daughter vessels when required, particularly to support enforcement and compliance work.

The vessel will carry a range of deck machinery informed by the need to assess and monitor both the health and condition of key fish and shellfish stocks occurring within the NEIFCA district, the existing MPA network and the recovery of daughter craft when required. The configuration of deck machinery will be similar to the existing vessel and will include two split winches, 1 split net drum, up to two cranes to cover the lifting of equipment across the after deck working area, a potting hauler and an after gantry. Uniquely the after gantry will carry a hydraulic mechanism enabling it to move and lift survey equipment both inboard and outboard. This will significantly reduce the levels of risk associated with the deployment of survey gear, currently managed onboard the existing vessel.

From a fisheries perspective this configuration of deck machinery will support the assessment and monitoring of key fish and shellfish stocks including lobster, crab, king scallop and whitefish species. Lobster and crab species sustain the regional fishing fleet throughout the year with over 350 licensed commercial vessels participating in the fishery and landings exceeding 6,500 tonnes, £24 million first sale value. King scallop has also become a notable

fishery during the last seven years with recorded landings exceeding 2,000 tonnes, £4 million first sale value. Associated stock survey work requires the deployment and recovery of pots, traps, dredges and camera systems to gather data on the ecology and health of fish and shellfish stocks, the environment and to inform management decision making.

The NEIFCA district supports an extensive MPA network covering approximately 900 km² including longstanding restricted fishing areas some of which were designated in the early 1900s through to European Marine Sites, internationally important Special Protection Areas for bird assemblages, a range of Special Areas of Conservation, Marine Conservation Zones and one highly protected marine area designated under IFCA byelaw legislation. Much of the future MPA monitoring work involves the mapping and condition assessment of key habitats and site/feature interactions necessitating the deployment of underwater cameras and the use of multi beam acoustical equipment to inform appropriate management considerations.

Internal layout will provide comfortable wheelhouse accommodation with 360° visibility to all working deck areas and the sea area surrounding the vessel. Comfortable crewing accommodation and facilities supporting a regular crew of 6 and up to a maximum of 12 persons onboard at any one time. The new vessel will also carry laboratory space to support associated survey work. A comprehensive onboard electronic package has also been specified to support both marine survey and fisheries enforcement and compliance work. It is anticipated that this package will be similar to the current vessel which has been developed and enhanced during the last sixteen years to support NEIFCA's developing priorities

3.3 Ancillary Survey & Research Equipment

Much of the survey equipment including pots, dredges, trawls, grabs, sondes, sonars and underwater cameras will be retained to be deployed from the new vessel. This extensive array has been enhanced and expanded over the last sixteen years and remains 'fit for purpose'. It is planned, however, to include some items of survey equipment including aged ROV unit within the sale of the current vessel. These items were supplied with the vessel when it was first built and commissioned in 2007 and are surplus to requirements.

4. Funding

4.1 Costing Estimates

In trying to provide costing estimates officers have reviewed and appraised a wide range of vessels operated by enforcement agencies, universities and government bodies. This work has included detailed reviews of individual design, range, type and extent of onboard ancillary equipment and associated build costs alongside visiting a number relevant of shipyards across the UK, Europe and the Far East, including Thailand and Singapore.

It is, however, essential that the tender process is completed to ascertain an accurate build cost. The global economic climate has changed significantly since the progression of the project was first agreed in 2015 influenced by the economic impacts of the global Covid 19 pandemic and the ongoing war in Ukraine. From the preliminary, pre-market engagement work, combined with previous experience in new vessel builds, officer estimates remain broad, ranging from £4.5m upwards depending on shipyard location, design, component specification and quality.

4.2 Funding Appraisal

To support the financing of the project, the following sources of funding have been identified:

4.2.1 NEIFCA Renewals Fund

NEIFCA operates a rolling vessel renewals budget, and since the purchase of the vessel, allocated £0.080m each financial year, plus interest and any additional revenue into a ring-fenced budget. During the 2018/2019 financial year the level of contribution to this renewals budget was increased to £0.100m per annum. As of 1 April 2023, this budget is projected to stand at £1.463m.

4.2.2 NEG III Resale Value

The resale value of the NEG III is variable and will be dependent on market forces. It is the intention to market the vessel in the region of £1.2m reflective of the recent reconditioning of the two main engines which will also carry additional warranty cover.

4.2.3 Borrowing Capital

NEIFCA is prohibited from borrowing money under Section 179(3) of the Marine and Coastal Access Act 2009 which simply states that 'an IFCA authority has no power to borrow money'.

This statutory prohibition has significantly restricted NEIFCA's ability to raise internal funds to progress this project.

4.2.4 External Funding Opportunities

Since officers received formal authorisation from the Authority in September 2015 to commence work on the procurement of a replacement vessel, a wide range of other external funding opportunities have been very actively pursued including: extensive dialogue across government agencies such as the Marine Management Organisation, Defra and the Home Office; local private sector businesses and academic institutions including major renewable operators, port operators, oil and gas companies, food processors, construction and mining companies.

Although there have been no firm financial commitments from the Academic or private sectors, recently Defra have confirmed that Capital Delivery (CDEL) funding has been set aside to support the procurement of IFCA assets including vessels. NEIFCA officers are currently working closely with Defra and the Association of IFCAs to secure as much funding support as possible from this recently announced programme. If successful, this could realise a minimum level of funding of £500K towards the project but is dependent on the outcome of a competitive process with the other ten IFCAs.

4.2.5 Other Internal NEIFCA Funding Options

At a NEIFCA meeting held on 8 June 2022 members considered a proposal tabled by the Clerk, on behalf of East Riding of Yorkshire Council, whereby the Council would underwrite the costs associated with the project which would then be re-paid by NEIFCA over a twenty year period. This proposal was accepted in principle alongside agreement to further progress the procurement process through tender to ascertain the final costs.



Technical Specification

For A

Fisheries Patrol/Research Vessel

For The

The North Eastern Inshore Fisheries and Conservation Authority

Issue 1

Prepared by: **Ian Davies**
Deputy Chief Officer

Project: NEG IV/2022

December 2022

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Purpose and Duty

The vessel is to be designed and built as a Fishery Patrol/Research vessel for the North Eastern Inshore Fisheries and Conservation Authority (NEIFCA). The patrol area will encompass the coastal waters of the north east UK coastline up to six miles seaward between the rivers Tyne in the north and the Humber Estuary in the south, based afloat in the port of Whitby, North Yorkshire. The approximate coastal distance is 200 miles. During the design of the vessel, consideration is to be given to the possible operation in all parts of the North Sea, and subsequent weather/sea conditions.

The vessel is to be built to the following classifications, The vessel is to be constructed, equipped, and certified in accordance with the Merchant Shipping (Lifesaving Appliances) Regulations for the class of vessel, MCA "Work Boat Code Edition 2 Amendment 1", Main hull and superstructure are to be to the requirements and approval of Lloyds Register of Shipping for special craft with a full Lloyds register construction with a "Certificate of Construction". Outfit will be certified by owner's consultants and to the requirements of Workboat Code edition 2 Amendment 1 Consideration to "The Workboat Code Edition 3" (at present in draft format, December 2022) The Safety of Small Workboats and Pilot Boats – A Code of Practice, must also be given.

These will be referred to in this document as "the codes"

The primary duties of the vessel is for the enforcement of local bylaws, national, and EU Regulations and for use as a Research vessel engaged in, all types of survey and data collection for coastal fishery purposes. The vessel will be coded to Category 2 (for 12 persons) under "the codes".

Operations will also include the launching and recovery of a 6.5 metre RIB capable of standalone work and to be coded to Category 3 under "the codes"

The purchase of the above vessel is not to be included in this tender, owner supply.

Design/Dimensions

The vessel is to be of multi hull design and have the following dimensions:

Length Overall	- 24.0m approx.
Length Registered	- 23.9m maximum
Breadth	- 8.5m approx.

The foregoing dimensions shown to suit an existing standard design of a suitable hull form.

Casing/wheelhouse as far forward as design allows, maximising aft deck space.
Wheelhouse on top of casing, giving a 360-degree view and providing aft working station for winch operation.

Preliminary hydrostatic information is to be submitted to the owner's consultants for approval prior to construction commencing. On completion, the vessel is to be inclined in the lightship condition, and a stability booklet in accordance with "the codes" requirements be submitted for approval by the certifying authorities.

All construction is to be of marine grade steel/aluminium and all outfit is to be of high grade marine compliant products, installed using best practice procedures for marine installations. All interior and exterior finishes should be completed to the highest standard and to the owner's satisfaction.

Layout and Operation

The layout of the vessel is to be designed for maximum efficiency and safety in operations and is to incorporate the following general requirements.

The vessel is to be designed for twin engine, twin screw operation, and all machinery including auxiliaries and components are to be selected for simplicity and ease of maintenance, Hull widths maximised for engine room space and maintenance etc.

Layout to incorporate latest design lines, deck level, wheelhouse level. Forward Deckhouse/Wheelhouse (360') with large aft deck working area. With open transom centre or opening transom/centre.

Deck layout will be suitable for various Enforcement, Research and Survey operations. Enforcement operations would enable the launching and stowage of a 6.5m Rigid Inflatable Boat.

Research and Survey will include the need to position split winches x 2, Split net drum x 1 (removable preferable), cranes x 2 if required, preferably 1 Crane of 2/3 tonne with a reach of approximately 10 metres, pot hauler and potting davit, with potting position to identify – port or starboard shoulder area, with thought going into transfer of pots aft for shooting.

A frame/gantry/Hydraulic/Safe Working Load (SWL) to 4 tonnes (or greater) if practicable, to be mutually designed with owner and fitted with hanging blocks, minimum lifting height 3 metres.

Stainless steel roller on transom in working area (if practicable)

Main deck level casing, to be maximised and incorporate – skippers’ cabin - ensuite/office, Galley/Mess room, Toilet/Shower room, changing room, dry lockers x 6, survey lab, workshop, any further room to use for extra cabins and to enhance size of other areas.

Cabins and accommodation in each hull, (for occasional use) to fall in line with regulations “the codes”

Access to different deck levels via pitched staircases, not ladders, for example, wheelhouse access and hull access. (Excluding emergency exits).

A 6m/6.5m rigid inflatable boat (RIB) is to be carried and arranged to stow onboard with arrangements for launching and recovery. The RIB is to be coded category 3 under “the codes” and will have a single inboard diesel. **(RIB not priced in this tender)**

Hull Form/Construction

The hull is to be an existing proven design with a recent history of similar operations and duties to those specified above.

The hull is to be suitably stiffened to resist pounding and grounding, is to be a combination of longitudinals with transverse web frames.

Scantlings

Aluminium alloy - To Lloyds Register of Shipping “Special Service Craft”.

Where the builder proposes to use any other Certifying Authority for plan approval other than Lloyds Register of Shipping, details are to be provided with the tender documents.

A list of proposed scantlings is to be provided with the tender.

Attention should be given to hull design, in respect of strength and durability for intended usage, with particular attention on working areas and the protection required.

Hull Protection will be, or similar to, 150mm ‘D’ type plastic fendering contained in a channel fitted all around the hull at deck level, or at top of raised bulwark forward, with additional fendering at waterline level at sides, transom, and diagonally where contact may be made with other vessels or at pontoon type moorings. Fenders are to be attached by bolting with non-corrodible bolts through channel flats. **Through hull fastenings are not to be used.**

Stern and aft quarters to be protected in working areas, above the standard hull protection, specify options.

The aft main deck is to be sheathed in a durable timber. The wood is to be approximately 30/50mm finished thickness, laid on an approved bedding compound and secured. Fixings are to be spaced at no more than 500mm centres. The fixing nuts (if applicable) shall be recessed below the surface of the wood and to a depth so as to permit the fitting of edge grained dowels.

Planks are to be staggered, edges are to be rebated for sealing with bitumen or other appropriate caulking compound.

The hull form will also be capable of occasional grounding in harbour, this would require the incorporation of a skeg or keel for protection of rudders and propellers.

A boarding ladder is to be incorporated into the hull structure port and starboard, extending from waterline to deck level.

The hull and superstructure is to be of marine grade aluminium alloy, Plates and sections are to be latest BS/ISO/DIN specification and to “the codes” standard. Mill test certificates are to be supplied for all plates and sections used in construction. All aluminium alloy materials are to be stored under cover and are to remain separate from other materials at all times, and stored in such a manner to prevent distortion. Plates and sections are to be degreased prior to welding. All fabrication, assembly, and welding, is to be carried out on a covered construction berth or assembly hall, separated from steelwork working areas. Welding operatives are to be Classification Authority Certified. All welding wires/electrodes are to be compatible with marine grade aluminium alloy. Plates and sheet for construction should preferably be of bending quality.

Watertight bulkheads are to be of full height, keel to deck, directly connected to shell and deck, stiffened to “the codes” requirements and arranged to comply with the damage stability requirements of “the codes”. Watertight doors, where fitted, are to be of marine standard of metal, fitted within a metal frame with central wheel/lever operation.

All external doors and hatch covers are to be of substantial construction weathertight/watertight as required and fitted with marine type hinges, clips, and furniture. Minor accesses to deck lockers, stores, etc. are to be constructed to similar standards. All escape hatches are to be capable of being opened from either side.

In all aspects of the build process, particular attention is to be paid where connecting fittings to aluminium alloy structure to prevent bi-metallic corrosion.

Speed and Range

The vessel and powering is to be designed to utilise twin marine diesels, and capable of achieving the following speeds:

Continuous cruise speed	-18 knots minimum
Sprint speed	-24 knots minimum

Vessel is also to be capable of achieving a speed of 3 knots or less, using both engines for forward way.

The cruise speed is to be achieved in full load 'departure from port' condition at the engine manufacturers specified continuous output, with the sprint speed at maximum rating for one hour in ten. Sprint speed is to be achieved with the vessel fully fitted, and 50% loaded in 'departure from port' condition with 50% fuel and water, and full crew.

Fuel tanks, fresh water tank, grey water tanks and stores spaces are to be of sufficient capacity to provide a minimum range of 120 hours operation at 10 knots.

All ratings quoted are to be ISO Standards.

Powering, Machinery, Electrical, Pumping, Piping, Fit out and Domestic Systems

Vessel designed to be twin engine, CAT C32 or similar, with latest technology engine, gearbox control systems, Bow thrusters were appropriate to achieve vessel requirements. Both conventional fixed propeller and variable pitch units would be considered if designed appropriately. Any "carbon footprint" reducing options would also be considered in comparison to conventional power units. With built in design for future hybrid/net zero options.

Main Engines

Gearboxes

Sterngear and Shafting, to include external rope cutters

Engine Controls

Rudders and Steering Gear

Plating and framing

Electrical Systems (50hz)

Three main systems to be fitted ;

a) 24V DC

b) 230V AC which will incorporate a shore supply

c) 415V AC

Lighting, Internal

Lighting, External

Lighting, long range search/flood lighting forward with min 180' arc of light

Auxiliary Generator x 2 water cooled, of “silent” type
Emergency Generator
Air compressor system
Engine Room Ventilation
Floorplates and Handrails
Engine Room Access
Oil Stowage
Bow Thruster(s)
Bilge System
Fire System
Oil Fuel System, to incorporate fuelling station for smaller vessels
Sea Water System
Inlets and Discharges
Hydraulic System
Fresh Water System
Scuppers and Drains
Piping systems and marking
Heating System
Ventilation/AC system
Windows
Linings and Insulation

All above systems to be specified with make, model, size, material and layout where appropriate

Winches

Split winches x 2
5 tonnes on 1st layer
300 metres of 14mm wire rope capacity

Net drum
2/3 tonnes on 1st layer

V-wheeled pot hauler
1000Kg pull

Marine deck crane with winch
3 tonnes 1st lift
10 metres radius

Anchor windlass
To “the codes” and design of vessel

Consideration given to the supply of 2 cranes of varying sizes if design requires

All winch ratings approximate, consideration given to both hydraulic and electric, with wheelhouse or winch controlled options, please specify both make and model in tender

Electronics

Furuno ECDIS FMD-3100

Furuno Time Zero

Olex system

Wassp Multibeam, latest system with GPS, Heading, Tidal inputs

Furuno 22x8 series radar, with secondary Furuno radar linked to time zero system

Furuno Sounders, FCV-1900/FSS-3BB and FCV-1150

Furuno AIS FA-170

Furuno Sat compass SC-150

Furuno GPS 2 x GP-170

Furuno Speed Log DS-85

Auto Pilot, Navitron or Simrad, with watch alarm system

Icom DSC VHF x 3, latest model with telephone hand set on at least one

Icom, latest hand held DSC VHF x 4

Icom, latest UHF handheld radios x 6

Furuno MF/HF FS-1575

Furuno Navtex NX-700B

Electronic loud hailer system

Automatic fog signal system

Wind/Weather system

External/Internal intercom system

Tayo Direction Finder

Forward vision camera

External/Internal CCTV system

Network system for screen matrix, Lindy or similar

Latest Marine broadband system, with Wi-fi capabilities, to incorporate 3 x PC systems located in various positions on the vessel, linked to printer and any other devices deemed necessary

Array of screens and remote displays to accommodate above

All equipment will be type approved where applicable

This Electronics list is a guide and appropriate alternatives will be considered, further electronics should be included where deemed appropriate for the class and type of vessel

Lifesaving

The vessel is to be complete with all equipment required by statute in force at date of build for the class of vessel, and is to be certified for compliance with “the codes” and SOLAS The Code of Practice for Small Workboats and Pilot Vessels, to area of operation Category 2 (up to 60 miles).

A man overboard recovery system is also to be provided.

Noise Levels

Noise levels are to be kept as low as practicable by the use of sound absorption materials in engine room, and where deemed necessary throughout the vessel. It would be expected, noise levels are to be well below those specified in Merchant Shipping Notice M1415 “Code of Practice for Noise Levels in Ships” 1990 and “the codes” as far as is reasonable and practicable. Sound absorption materials may be incorporated with structural fire protection where permissible by Statutory Regulations.

Noise/vibration levels throughout the vessel will be given great consideration. The mounting of the casing and /or wheelhouse on resilient mountings would be considered

The auxiliary generators are to be fitted within integral acoustic covers.

Painting

A full painting schedule compatible for the hull material is to be provided by a recognised marine paint manufacturer such as International Paints or similar and is to meet approval of the owner and their representatives. Paint products and colours selected are to comply with International Standards and are to be available in the UK. All painting is to be carried out by qualified personnel in the approved manner as recommended by the supplier, and all painting is to be carried out under cover and in low humidity conditions. The use of filling materials on the hull or superstructure is to be avoided. All sharp edges and welds on metal hulls are to be ground smooth and radiused where practical prior to application of paint. Aluminium alloy is to be thoroughly de-greased prior to etch priming.

Colours are to be confirmed on placing of order for vessel.

Marking

Vessels name and port of registry is to be marked and painted on transom. Draft marks are to be marked and painted at each side of hull port and starboard at stem and at aft quarter. Official number to be positioned as indicated by Registration Authority. Designation "Fisheries Patrol" to be marked bold at each side of wheelhouse. Boarding pennant to be provided.

All exterior filling, air, sounding pipes, and ventilators, are to be identified with stainless steel labels. Hull fittings such as sea inlets, transducers etc. are to be indicated at side of deck by label with approx. girth dimension. Interior valves and fittings to have traffolyte type labels or similar.

Operating instructions for exterior fittings such as vent closures are to be permanently marked, and are to be as required by "the codes".

Cathodic Protection

Hull Protection, the underwater area of the vessel is to be protected with a system of anodes to prevent galvanic corrosion. The system is to be designed for compatibility with hull material and fittings and is to be provided by a reputable supplier such as M.G. Duff or equivalent, with spares readily available in the UK. Anodes are to be of the low profile type. Particular attention is to be given to the sea inlets for engine cooling water systems to prevent accelerated corrosion of heat exchanger tubes etc.

Electrolytic action, aluminium alloy construction, particular care is to be taken in the fitting of dissimilar metals and materials to the aluminium structure. All dissimilar metals such as hinges, fastenings, bolts, screws, washers, etc. are to be of compatible material and additionally insulated against direct contact with aluminium structure.

Loose Outfit

The following equipment to be supplied and fitted or stowed on board: -

- 4 x 30m x 25mm polyester mooring ropes
- 6 x PVC 300mm dia. fenders
- 1 clock marked with R/T call periods in wheelhouse
- 1 Barometer in wheelhouse
- 4 pairs binoculars with stowage boxes in wheelhouse
- 1 clock in messroom
- 1 boat hook
- 3 deck broom
- 1 filler funnel
- 1 grease gun
- 1 hand axe
- 1 oil can
- 1 Marlin spike
- 1 set engine makers recommended tools for main and auxiliary engines
- 1 set of crockery and cutlery for ten persons
- 1 set cooking utensils
- 2 First Aid kit to MCA requirements
- 1 brass bell 200mm dia. with name and year of build
- 2 buckets.
- 1 hand held compass

Tool kit to include;

2 tonne bottle jack
Torque wrench

Comprehensive Socket set with extension bars, ratchet handle and universal joint.
Open-ended spanner set
Ring spanner set
Filter strap
Large hacksaw
Junior hacksaw
Centre punch set
Hexagon key set
Set of hammers
Set of screwdrivers
Impact driver
Wire brush set (not mild steel)
Set of gauges (vernier 300mm, callipers and dividers, steel rule)
Feeler gauges
Engineers Square 200mm
Set of pliers
Wire cutters/strippers and crimp set
Electric soldering iron/hot knife
Set of stilson grips
Set of mole grips
Set of drill bits
Set of screwdriver bits
Eye Goggles
Ear defenders (3 sets)

All loose outfit is to be of high marine grade specification where applicable.

Trials

Harbour and sea trials are to be carried out by the contractor prior to delivery. All trials are to be attended, verified, and accepted by the owner's and their representative. The contractor is to ensure that necessary personnel from equipment suppliers are in attendance as required for commissioning and initial running, and instructing owner's crew in any necessary operations.

Harbour trials are to consist of testing all equipment and will include: -

- a) hose test of doors, windows, hatches and ventilators
- b) pumping system including bilge and deckwash

- c) hydraulic systems including all hydraulic equipment
- d) heating and ventilating
- e) electrical load tests including auxiliary generator
- f) all alarms
- g) engines starting and stopping
- h) steering gear
- j) electronics
- k) inclining experiment in lightship condition
- l) initial start and progressive running of main engines
- m) operation of bow thruster(s)
- n) Remote operation of fuel valves, fire flaps, vent closures, etc.

After completion of harbour trials and rectification of any defects found, a sea trial will be carried out and will include the following: -

- 1) main engine endurance trial of 4 hours minimum duration (with one hour at full speed, and three hours cruising)
- 2) progressive speed trials over measured distance up to and including full speed, with fuel consumption recorded
- 3) turning circles by hydraulic, hand, and emergency steering
- 4) astern steaming and steering test
- 5) emergency stop
- 6) speed trial with one engine over measured distance
- 7) manoeuvring on one engine
- 8) bow thruster operation
- 9) noise level recording
- 10) Sea trials are to include testing and trial of all installed survey equipment.

A trials programme is to be provided by the shipyard for prior approval by the owners. The shipyard is to arrange all necessary personnel such as engine suppliers representative etc.

Certificates and Drawings

During construction of the vessel, all major production drawings concerning hull, engines, and sterngear, electrical schematics, piping diagrams etc. after Lloyd's approval to SSC Rules are to be submitted to the Owners consultant in triplicate for approval prior to work commencing.

On completion of the vessel, two copies of each of the following 'as fitted' drawings to be supplied.

- a) General Arrangement
- b) all piping diagrams
- c) all electrical diagrams
- d) engine room and machinery layout including sterngear
- e) docking plan including disposition of skin fittings
- f) fire fighting plan
- g) lines plan

All certificates for construction materials including factory certificates for deck plating, machinery, standing and running hoisting and lifting gear etc. to be supplied during construction. On completion a builder's certificate is to be supplied.

Two copies of all instruction books, maintenance and service manuals, for engines, equipment, and electronics (in English), are to be provided on completion.

Completion

On completion, the vessel is to be measured for UK tonnage and registration to the requirements of current statute and the North Eastern Inshore Fisheries & Conservation Authority.

On completion, vessel to be delivered to Whitby or a mutually agreed UK Port, where hand over and acceptance of the vessel will be completed.

The tenderer is to submit details of the nearest service agent to the vessels base port of Whitby, North Yorkshire, for the main engines, electronics and other major items of machinery.

The tenderer is to supply, contact name, company name and address for all warranty and defect work to be completed during and after guarantee period.

Guarantee

The shipyard is to provide a 12-month guarantee period for all work undertaken by the yard including equipment installation where no guarantee is supplied by the manufacturer. A percentage of the vessel total cost will be retained by the client until the end of this guarantee period.

List of requirements to be submitted with tender

General Arrangement plan

Tables for speed/displacement
Estimated fuel consumption curve

Estimated noise levels with resilient mounts
Estimated noise levels with solid mounts

Details of service agents for main engines

Details of engine/gearbox package and manufacturers data sheets

Contact name, company name and address for all warranty and defect
work to be completed during and after guarantee period

Price for spare propellers and shafts

Delivery proposal

Particular attention will be given to the quality of products specified within the tender document submitted to the Authority for consideration.

For any further information contact:

Ian Davies
Deputy Chief Officer
North Eastern Inshore Fisheries and Conservation Authority
Town Hall
Quay Street
Bridlington
YO16 4LP

Email: iandavies@ne-ifca.gov.uk

Telephone: 01482 393515

NORTH EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY CONTRACT REF NO	CRI/2023
YORTENDER CONTRACT REF NO	
CONTRACT TITLE	Build & Commission of a Fisheries Patrol/Research Vessel
CONTRACT PERIOD	To be agreed between parties
DEADLINE FOR SUBMISSION	31 March 2023

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GENERAL

NORTH EASTERN INSHORE FISHERIES & CONSERVATION AUTHORITY CONTRACT REF NO	CRI/2023
YORTENDER CONTRACT REF NO	
CONTRACT TITLE	Build & Commission of a Fisheries Patrol/Research Vessel
CONTRACT PERIOD	To be agreed between parties

- I.1 You are invited to submit a competitive Tender for the contract detailed above.
- I.2 It is essential to observe and comply with the following instructions in the preparation and submission of your Tender. We reserve the right to reject a Tender that does not fully comply with these instructions.
- I.3 Notwithstanding the fact that we have invited you to tender for the Contract or included you on any list of selected Economic Operators, we make no representations regarding your financial stability, technical competence or ability in any way to carry out the Contract.
- I.4 The Tender must be completed in English.
- I.5 Tenders must be submitted electronically using 'YORtender' at <https://www.yortender.co.uk>.
- I.6 Please refer to the instructions in the section 'Completing your Tender Response' for specific information on how to complete and submit your Tender. Failure to comply with these instructions may invalidate your Tender.
- I.7 For further information on using the YORtender portal, please see the Supplier Guides on the YORtender portal home page.
- I.8 To log a support call for the YORtender system please click the following link to log your call - <http://proactis.kayako.com/procontractv3/Core/Default/Index> In case someone needs to call you back could you please ensure that you put a phone number in the call.
- I.9 Alternatively you can log your call by emailing ProContractSuppliers@proactis.com
- I.10 For Critical and Time-Sensitive issues (normally requiring resolution within 60 minutes) then please call 0330 005 0352
- I.11 Terminology: Within the tender documents "We, Our, Us" etc. refers to North Eastern Inshore Fisheries & Conservation Authority (NEIFCA). "You, Your" etc. refers to the Economic Operator.
- I.12 Suppliers are expected to comply with the provisions of the Modern Slavery Act 2015 and where a supplier is found to have committed a criminal offence under the Modern Slavery Act 2015 then NEIFCA shall be entitled to terminate any contract with the Supplier.

2. OVERVIEW / SPECIFICATION OF REQUIREMENT

Overview of Requirement

This tender is to establish the cost for the design, build and commission of 1 (one) Fisheries Patrol/Research Vessel in accordance with the outline specification document supplied with this tender.

Please note the contracting authority for this tender is the North Eastern Inshore Fisheries & Conservation Authority.

Specification

Full details of the specification are set out within the outline specification document and the vessel should be designed, built, commissioned and supplied to that specification.

You must fully complete **all** tabs of the 'Specification Checklists' and upload where requested on YORtender.

You are only permitted to seek clarification on aspects of the tender PRIOR to tender submission. This includes clarification on the proposed Contract terms and condition document.

Any clarifications will be considered on a case by case basis and any responses will be shared with all tenderers. Under EU Procurement law NEIFCA is not permitted to enter into any negotiation with tenderers when using the Open Procedure.

Very Important Information:

- **Your offer MUST meet all of the listed specification requirements contained within the outline specification document.**
- **You MUST be able to declare this in your tender submission.**
- **NEIFCA is not permitted to negotiate with suppliers following the receipt of tenders.**

Pricing

A total price (quoted in £GBP for UK operators and €EURO or \$USD for non-UK operators) is required for the supply of the complete proposed vessel meeting the outline specification provided within the issued documentation, including any delivery charges, but exclusive of any VAT.

Any features which you would consider optional which are required to meet the minimum specification must be included within the price of your submitted bid.

Additional optional features beyond the outline specification may be offered within the price schedule. Additional options don't form part of this contract and as such will not form part of the evaluation. NEIFCA may choose to purchase any "options" after the award of the contract and these will be in the nature of "variations". Option prices are to be provided in £GBP, exclusive of VAT.

Warranty

You will be responsible for all aspects of Warranty and will cover the complete vessel as supplied including equipment installation where no guarantee is supplied by the manufacturer.

The minimum Warranty required is for a period of 12 months.

Where the terms of your standard Warranty provision conflict with the minimum Warranty requirements as detailed above, the minimum Warranty requirements and specified terms shall prevail.

You are required to confirm your agreement with the above requirements as part of the Outline Specification document and also upload a full breakdown of your Warranty details and costs where indicated on YORtender.

Compliance

The vessel and all fitted equipment must be fully compliant with all statutory regulations in force and applicable to the construction and use of the vessel as detailed within the outline specification on the date of supply.

Training

Familiarisation and operator training is to be provided for the vessel/equipment including basic fault finding.

Registration

The vessel is to be prepared for collection with all necessary documentation including installation/calibration certification and handbook/operating manuals.

Form of Tender

Your tender submission will consist of completed evaluation templates which are accessible online on YORtender. You will be asked to provide information online and instructed to upload the different completed parts of your bid.

The overall evaluation weightings for this procurement exercise are:

- Price: 25%
- Technical compliance with outline specification: 25%
- Proven design history, sea keeping ability and build quality: 25%
- Experience: 10%
- Facilities 5%
- Key Personnel 5%
- Delivery: 5%

3. SELECTION CRITERIA

- 3.1 Predetermined criteria will be used to assess and evaluate all potential Suppliers suitability to tender. These criteria are set out below. We reserve the right to request documentation at any stage of the process to confirm the accuracy of the declarations you have made within your response.
- 3.2 A score of '**Fail**' in any one of the criteria listed below will result in your bid being excluded from further consideration.

SECTION TITLE	SCORING
Potential Supplier Information	Not Scored
Payment Information	Not Scored
Contact Details and Declaration	Not Scored
Declaration of Non-Collusive Tendering You will be excluded from further participation in the procurement process where you fail to confirm your tender is submitted in accordance with the declaration of non-collusive tendering.	Pass / Fail
Exclusion Grounds (PCR 2015 – Reg. 57) You will be excluded from further participation in the procurement process where we have established you have been convicted of certain offences or situations apply that are referred to in Reg. 57 of the Public Contracts Regulations 2015 and we consider any measures taken insufficient to demonstrate its reliability.	Pass / Fail
Freedom of Information Declaration	Not Scored

<p>Economic and Financial Standing (PCR 2015 – Reg. 58)</p> <p>You will be excluded from further participation in the procurement process where, following assessment of the proof documents required by us, we determine you do not have the necessary economic and financial capacity to perform the contract during the contract period.</p> <p>The methodology for assessing financial strength will take account of the following but is not limited to this list:</p> <ol style="list-style-type: none"> 1. Review of the outcome of any financial assessment undertaken by an external credit rating company. 2. Review of any other relevant information e.g. any court orders, related companies etc. 3. Confirmation that the organisation is active and that the latest accounts have been filed at Companies House. 4. Consideration of the capacity of the organisation to fulfil the contract where the contract value is more than 50% of its annual turnover. 5. Review of any relevant issues and contextual information contained in the organisation's annual reports and financial statements. 6. Assessment of the adequacy of the organisation's profit levels, cash balances and net worth. 7. Assessment of a Z Score based on key financial ratios calculated from figures extracted from the latest available financial statements. The Z Score indicates the likelihood of bankruptcy within the next two years (Red = Bankruptcy is likely, Amber = The possibility of bankruptcy cannot be ruled out, Green = Bankruptcy is unlikely). 8. Financial checks on the ultimate parent company (as appropriate). 9. Assessment of the need for a parent company guarantee or a bond (as appropriate). 	<p>Pass / Fail</p>
<p>Modern Slavery Act 2015 (self-certify)</p> <p>Where the requirements of the Modern Slavery Act 2015 applies to your organisation, you will be excluded from further participation in the procurement process, where you confirm that you are not compliant with the annual reporting requirements contained within the section 54 of the Modern Slavery Act 2015 and will not comply with these requirements prior to the commencement of the contract.</p> <p>For information, Section 54 of the Modern Slavery Act 2015 requires commercial organisations that have an annual turnover of £36 million or more, supply goods or services and carry on a business or part of business in the UK ("relevant commercial organisations") to comply with the annual reporting requirements of the Act including publication of a slavery and human trafficking statement.</p>	<p>Pass/Fail</p>
<p>Technical and Professional Ability (PCR 2015 – Reg. 58)</p> <p>You must provide details of up to 3 contracts either in the public or private sector that have been carried out within the last 3 years (Goods & Services) / 5 years (Works), that are relevant to our requirements. The named customer contact should be prepared to provide written evidence to us to confirm the accuracy of the information provided. You will be excluded from further participation where you fail to provide relevant or acceptable experience and contract examples in the procurement process.</p>	<p>Pass/Fail</p>

4. AWARD CRITERIA

Predetermined criteria will be used to assess and evaluate all tender responses. These criteria are set out below.

CRITERIA	AREA OF EVALUATION	SCORE																																							
PRICE		25%																																							
Price	<p>The Economic Operator must complete and upload a copy of the provided price schedule in order to submit a valid bid.</p> <p>The lowest overall bid will receive full marks (16) other bids will score a percentage of 16 based on the proportion that the bid price is against the lowest bid.</p> <p>Company A Price - £1000 (30 points) Company B Price - £1250 therefore the points score for company B will be: $1000 / 1250 = 0.8 \times 25 = 20$ points</p>	25%																																							
QUALITY (METHOD STATEMENT QUESTIONS)		75%																																							
Technical compliance with outline specification	<p>The Economic Operator must provide a statement detailing how their proposed bid complies with the Outline Specification. Compliance with technical requirements, as listed in the Outline Specification document is essential.</p> <p>List of requirements referred to in the Outline Specification:</p> <table> <tr> <th>Ref</th><th>Paragraph</th><th>Item</th></tr> <tr> <td>1.1</td><td></td><td>Purpose and Duty</td></tr> <tr> <td>1.2</td><td></td><td>Classification and Certification</td></tr> <tr> <td>1.3</td><td></td><td>Design/Dimensions</td></tr> <tr> <td>1.4</td><td></td><td>Hull Form</td></tr> <tr> <td>1.5</td><td></td><td>Wheelhouse</td></tr> <tr> <td>1.6</td><td></td><td>Propulsion System</td></tr> <tr> <td>1.7</td><td></td><td>Speed and Range</td></tr> <tr> <td>1.8</td><td></td><td>Layout and Operation</td></tr> <tr> <td>1.9</td><td></td><td>Electronics</td></tr> <tr> <td>1.10</td><td></td><td>General</td></tr> <tr> <td>1.11</td><td></td><td>Trials and Completion</td></tr> <tr> <td>1.12</td><td></td><td>Guarantee</td></tr> </table> <p>The Economic Operator should also highlight any additional added value that their core proposal might bring to the NEIFCA, over and above meeting the basic requirements of the Outline Specification.</p>	Ref	Paragraph	Item	1.1		Purpose and Duty	1.2		Classification and Certification	1.3		Design/Dimensions	1.4		Hull Form	1.5		Wheelhouse	1.6		Propulsion System	1.7		Speed and Range	1.8		Layout and Operation	1.9		Electronics	1.10		General	1.11		Trials and Completion	1.12		Guarantee	25%
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1.11		Trials and Completion																																							
1.12		Guarantee																																							

	<p>Please note this added value should not add cost to the proposal and should be available as standard.</p> <p>Also, the added value should not be as a result of the NEIFCA purchasing additional optional extras which may be listed within the price schedule. Any information linked to 'options' will be disregarded and not evaluated here.</p>	
Proven design history, sea keeping ability and build quality.	<p>The Economic Operator should provide a method statement which illustrates the design and build quality of the proposed vessel alongside evidence of longevity of build from previous projects completed. Economic Operators should also include any details of recognised quality standards and/or industry quality marks to which their products conform and are manufactured to.</p> <p>The economic operator should also provide full details of the warranty package they are offering under this contract within this section. A minimum period of 12 months has been specified within the tender documents. Bidders should indicate if they are able to offer longer than this and what is included.</p>	25%
Experience	<p>The Economic Operator must have recent experience of building vessels to a commercial standard complying with the specified Classification and standard detailed within the outline specification including MCA Workboat Code Edition 2 - Amendment 1. The Safety of Small Workboats and Pilot Boats – A Code of Practice. Proof of this must be provided with the response.</p> <p>Please provide a method statement which demonstrates experience of working to the relevant codes of practice and how you will ensure such standards are met for this contract.</p>	10%
Facilities	<p>Evidence of the Economic Operators technical capability should be provided through a description of their manufacturing facilities and the technical capabilities these provide. Measures and procedures for ensuring quality control within this environment should also be discussed. Supporting images and diagrams supporting the answer may also be uploaded.</p>	5%
Key Personnel	<p>The Economic Operator should provide details of key personnel and positions involved in the production of the proposed vessel including that of any sub-contractors that may be used in the manufacturing process. Information should include details of experience, qualifications and general staff training received. Particular mention should be made to staff with responsibility for quality control.</p>	5%

Delivery	<p>Please provide a proposed production plan for this vessel. Your response should include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • key stages of build • tasks to be undertaken • realistic timescales / lead times • responsibilities of the Supplier and the NEIFCA at each stage <p>A detailed production plan and overall delivery date will be agreed with the successful supplier. To support your response to this question please attach your proposed production plan and provide detail of any project management systems in place which can ensure projects are delivered in full and on time. Please provide any evidence you may have of recent performance against any completion deadlines agreed.</p>	5%
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Method Statement Evaluation Scoring

All Method Statements will be assessed by a panel of officers, with a consensus score reached between them which will form the score given in the Award Criteria.

Method Statements will be marked using the criteria outlined below in 'Definitions of Scoring Categories'

These responses will form part of the ongoing performance of the contract and as such will be binding.

Please provide your answers to each question within the template question on YORtender.

Please ensure your answers are clearly linked to our specific contract requirements.

Definitions of Method Statement Scoring Categories:

Scores Available	Assessment Criteria
10	OUTSTANDING - WITH SIGNIFICANT ADDED BENEFIT Fully detailed answers given that cover all points. Solution/system/processes/methods proposed meet NEIFCA's needs fully and exceeds the specified requirements in several areas and provides significant added benefit which enhances delivery of this contract. Response fully and clearly linked to our contract requirement. No major or minor concerns. Full examples and/or supporting evidence provided clearly exceeding the specified requirements that provides significant added benefit in several areas.
8 – 9.5	ACCEPTABLE – WITH SOME ADDED BENEFIT Fully detailed answers given that cover all points. Solution/system/processes/methods proposed meet NEIFCA's needs fully and exceeds the specified requirements and provides some added benefit which enhances delivery of this contract. Response fully and clearly linked to our contract requirement. No major or minor concern. Full examples and/or supporting evidence provided clearly provides some added benefit.
7.5	ACCEPTABLE Fully detailed answers given that cover all points. Solution/system/processes/methods proposed meet NEIFCA's needs fully. Response fully and clearly linked to our contract requirement. No major or minor reservations in any area. Full examples and/or supporting evidence provided.
5 - 7	ACCEPTABLE WITH MINOR CONCERNS Detailed answers that cover most points. Solution/system/processes/methods proposed meet NEIFCA's needs. Response clearly linked to our contract requirement. No major reservations but minor reservations in one or more areas. Examples and/or supporting evidence provided.
0 – 4.5 (fail)	UNACCEPTABLE WITH MAJOR CONCERNS Answers given do not cover required key points and/or in insufficient detail/and or is incomplete. Solution/system/processes/methods proposed do not sufficiently meet NEIFCA's needs. Response is general and is not sufficiently linked to our contract requirement. Major reservations in one or more areas. Insufficient examples and/or supporting evidence provided.

Major concern: Important or serious issue that raise significant concerns about the ability to fulfil the contract

Minor concern: Lesser in importance or seriousness that is not likely to have a significant impact on the ability to fulfil the contract

Added Benefit: Elements that are beyond the requirements of the specification that will provide a benefit to the contract in achieving its objectives.

If a score of **UNACCEPTABLE WITH MAJOR CONCERNS** is given by the scoring team for any of the method statement questions, the tenderer will be deemed to not have met the minimum quality requirements of this tender and therefore be excluded from the tender process.

5. PROPOSED TENDER TIMETABLE

5.1 We propose the following outline timetable for the procurement of these Goods:

Activity	Date
ITEO Issue Date	06 February 2023
Last Date and time for tender clarifications	28 February 2023 17:00hrs
Deadline for return of Tender Documents	31 March 2023 12:00 noon
Recommendation to Authority	On completion of evaluation May 2023
Letter of intention to award contract (i.e. 'standstill period' - if applicable)	May 2023
Confirmation of contract award	July 2023
Contract commences	July 2023

We reserve the right to change the above timetable.

6. TENDER QUERIES

- 6.1 All queries, discrepancies or points of clarification regarding the tender documentation which may have a bearing on the offer to be made must be raised no later than 7 calendar days before the deadline for submission. They must be raised electronically through the YORtender portal at <https://www.yortender.co.uk>, via the Message(s) area.
- 6.2 If relevant, responses to Tender queries will be circulated to all Economic Operators via YORtender.

7. QUALIFIED TENDERS

- 7.1 Tenders must not be qualified and must be submitted strictly in accordance with the Tender Documentation. Tenders must not be accompanied by statements that could be construed as rendering the Tender equivocal and/or placing it on a different footing from other Tenders. Only Tenders submitted without qualification strictly in accordance with the Tender Documentation as issued (or subsequently amended by us) will be accepted for consideration. Our decision on whether or not a Tender is acceptable will be final and you will not be consulted. Qualified tenders will be excluded from further consideration and the Economic Operator notified unless otherwise provided by law.

8. COMPLETING YOUR TENDER RESPONSE

- 8.1 You must complete your tender response using the Response Wizard within the YORtender portal. The Response Wizard will present a number of steps to complete from basic response information to uploading the attachments that are required as part of this tender. Attachments may include (but are not limited to): Copies of Accounts; Schedule of Prices; Specification Checklist; Declarations; Method Statement etc.
- 8.2 No other documentation should be sent with the submission unless specifically requested. Any additional documentation may invalidate the Tender submission.

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- 8.3 It is your responsibility to check that where responses to questions (including attachments) are required, these are fully complete, accurate and where necessary signed before submission.

9. SUBMITTING A TENDER RESPONSE

- 9.1 Tender Responses must be submitted electronically using YORtender at <https://www.yortender.co.uk>. Submissions by any other means will be excluded from the tender process.
- 9.2 It is your responsibility to familiarise yourself with the structure and extent of the submission process, the extent of any information required to be supplied with your submission, and how to use YORtender to submit your tender. You should do this in sufficient time to ensure that you can complete your submission before the deadline.
- 9.3 **The closing date for the submission of your Tender Response and any supporting documentation is 12:00:00 noon on Tuesday 3 July 2020. The time shown by the YORtender System Clock shall be the official time used by us to determine the closing time for submissions.**
- 9.4 In circumstances where the YORtender website becomes unavailable, we reserve the right to extend this deadline to cover the additional time lost.
- 9.5 Late Tenders may be accepted in exceptional circumstances following the express approval of the Clerk to NEIFCA to admit the tender for consideration.
- 9.6 Please ensure you allow adequate time to submit your tender response via the YORtender portal. It is your responsibility to ensure you are in possession of your username and password prior to submitting any tender documentation.
- 9.7 Where you are required to upload supporting documents as attachments, the document title should clearly reference the question or section that it refers to and your name.
- 9.8 Attachments should be scanned to PDF file format before uploading. All other documents must be completed and submitted in the same format as it was published. For example: an MS Excel spreadsheet will need to be returned as an MS Excel spreadsheet and not as any other file format.
- 9.9 The tender documentation must not be amended in any other way than to respond, complete or sign submissions as indicated. Any other amendments or alterations in any way, will invalidate your submission.
- 9.10 An email confirming submission will be sent from the YORtender portal to the email address registered under your Company Profile. Confirmation of the exact time of receipt of your submission will be displayed on screen by the YORtender System Clock.

10. AMENDMENTS TO TENDERS PRIOR TO THE DUE DATE

- 10.1 At any time after the issue of the tender documentation and up to seven calendar days before the closing date for the submission of tenders, we reserve the right to issue tender amendments detailing any changes to the tender documentation or tender process. You must ensure that you take these amendments into account in the preparation of your tender submission.

11. ACCEPTANCE PERIOD

- 11.1 The Tender will be deemed to remain open for acceptance or non-acceptance for not less than 180 days from the tender deadline date. We may accept the Tender at any time within this prescribed period. We shall, however, not be bound to accept the lowest, most economically advantageous or any Tender.

12. SUFFICIENCY AND ACCURACY OF TENDERS

- 12.1 You will be deemed to have examined all the tender documents and by your own independent observations and enquiries will be held to have fully informed yourselves as to all matters relating to the scope of the work to be carried out in your resulting Tender Response.
- 12.2 It is your responsibility to ensure the accuracy and completeness of your Tender Response prior to submission, failure to include all documentation requested will exclude your submission from the tender process (except where the PQQ or ITT documentation specifically states otherwise).
- 12.3 If we suspect that there has been an arithmetical error in the pricing contained within your Tender Response, we reserve the right to seek such clarification as we consider necessary from you.
- 12.4 It is your responsibility to ensure you familiarise yourselves with all regulations, laws, byelaws, and all other factors that may have a bearing on your Tender submission.

13. CONFIDENTIALITY

- 13.1 You shall treat the Tender Documentation as private and confidential.
- 13.2 You shall not disclose either:
- 13.2.1 the fact that you have been invited to tender or release details of the Contract; or
 - 13.2.2 details of your Tender in whole or in part prior to the award of the Contract by us or on receipt of notification that the Tender has not been accepted as the case may be, other than on an “in confidence” basis to those who have a legitimate need to know or whom you need to consult for the purpose of preparing the Tender.

14. INCURRED EXPENSES

- 14.1 We shall not be responsible for, or pay any losses or expenses which may be incurred by you in the preparation and submission of your Tender, including (but not limited to) the attendance at any pre or post tender meetings, the delivery of any presentations by you to us in relation to your proposal, site visits or other negotiations.

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- 14.2 We will not accept claims for additional charges relating to the work made by you after acceptance of the Tender if, in our reasonable opinion, such additional charges should have been established by proper inspection of the Tender Documentation prior to tendering.

15. THIRD PARTY ISSUES

- 15.1 You should provide any potential third parties you appoint to assist with the Contract with all necessary technical and commercial information to enable such third parties to accurately quote to you.
- 15.2 It is our policy not to respond to any direct approach from such potential third parties seeking details about a particular ITT.
- 15.3 You must declare the share of any contract you intend to sub-contract and list any proposed third parties in your Tender Response.

16. PRICING AND PAYMENT

16.1 Pricing

You should complete your Tender Response noting the following:

- 16.1.1 The currency in which all prices, costs or rates stated in the Schedule of Prices document must be quoted in Pounds Sterling and whole pence (i.e. to two decimal places).
- 16.1.2 All prices quoted should be exclusive of VAT.

16.2 Payment

- 16.2.1 Our standard payment terms are 30 days from the date on which the invoice is regarded as valid and undisputed.
- 16.2.2 It is proposed that the following payments are made at key stages of the build process outlined within the draft contract:
- 20% on commencement of build
 - 30% mid contract term, deck and cabin complete
 - 50% on signed completion and acceptance of vessel
- 16.2.3 We will make no payment or allowance in respect of any Tender.

17. COMPETITION

- 17.1 You shall not fix the amount of the Tender (or the rate and prices quoted) by agreement with any person and shall not communicate to anyone other than us the amount or approximate amount or terms of your proposed tender (other than in strict confidence in order to obtain quotations, professional advice or insurance necessary for the preparation of the tender).

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- 17.2 Your attention is drawn to the provisions of Chapter I, Part I of the Competition Act 1998.
- 17.3 If we consider that a cover price (i.e. a bid that is not intended to be considered seriously) has been submitted or you do not observe paragraph 17.1 we will reject the tender and may decide not to invite you to tender for future work.

18. PUBLICITY

- 18.1 No publicity or other information relating to this project is to be released by you without the prior written approval of us.

19. DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000 / THE GOVERNMENT TRANSPARENCY AGENDA

- 19.1 Freedom of Information Act 2000 (FOIA) gives a right of access by any person (including companies) to information held by us, which could include information relating to or submitted as part of a tendering process. Certain information may be exempt on the grounds of confidentiality or commercial sensitivity
- 19.2 We encourage all Economic Operators to visit the Information Commissioners website at www.informationcommissioner.gov.uk for further information on the FOIA and its effect on public authorities, Economic Operators and service providers in relation to the disclosure of information in respect of public sector tendering and contracts and specifically to access Awareness Guidance Document No. 2 (Confidential Information) and Awareness Guidance Document No. 5 (Commercial Interests) on the application of the exemptions from disclosure under the FOIA.
- 19.3 You should indicate, with supporting reasons, the parts of your tender submission and contract which you consider are commercially sensitive under Section 43 of the FOIA and/or confidential under Section 41 of the FOIA should a Freedom of Information (FOI) request be received by the us, by completing the online questions relating to Freedom of Information within the Response Wizard.
- 19.4 We will, apart from complying with our legal obligations in relation to disclosure of information as part of the tender debriefing process, where contracts are awarded on the basis of the most economically advantageous basis tender provide an objective assessment of the comparative strengths and weaknesses having due regard to commercial sensitivity without compromising your rights and competitive position.
- 19.5 The Government is promoting its transparency agenda across central and local government with the aim of achieving greater transparency on contracting and expenditure in the public sector. You should be aware that if they are awarded a public sector contract, this may result in the contract or payments against that contract being published in its entirety (subject to the provisions under the FOIA regarding any information which is exempt from disclosure which would be redacted).

20. EXCLUSION

- 20.1 We are not committed to any course of action as a result of issuing the tender documentation. In particular you should note that we:
- 20.2 May not accept any proposal; and

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- 20.3 Do not commit to accepting the lowest price, most economically advantageous, or any bid.

21. TENDERER'S WARRANTIES

- 21.1 In submitting your tender, you represent and undertakes to us that:
- 21.2 All information, representations and other matters of fact you, your staff or agents communicate (whether in writing or otherwise) to us, in connection with or arising out of the tender are true, complete and accurate in all respects, both as at the date communicated and as at the date of submission of the tender response.
- 21.3 You have the full power and authority to enter into the contract and perform the obligations specified in our Contract Terms and Conditions and will, if requested, produce evidence of such to us.
- 21.4 You are of sound financial standing and have and will have sufficient working capital, skilled staff, equipment and other resources available to you to perform the obligations specified in the tender documentation.

NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Report to: Executive Committee
23 January 2023

NEIFCA Byelaw Update

Report by the Chief Officer

A. Purpose of Report

To inform Members on progress with the following byelaws which were made at a meeting of the Authority held on 1 December 2022:

XXVIII Shellfish Permit Byelaw 2022
XXIX Humber Estuary Fishing Byelaw 2022

B. Recommendation

1. That members receive the update and note the report.

1. Background

1.1 *XXVIII Shellfish Permit Byelaw 2022*

- 1.1.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXVIII Shellfish Permit Byelaw 2022 (Minute Item 32 refers).

The key aims of the new byelaw are to consolidate existing byelaw regulations and to introduce an effort management system for commercial potting within the district. The provisions contained within the byelaw will be applied via conditions attached to the permit which can be varied following an appropriate review process, without the need to formally remake the whole byelaw. Two permitting schemes will be established, Category 1 for licensed commercial vessels and Category 2 for recreational operators. It is proposed that during year one a maximum of 234 Category 1 permits will be offered and permit holders restricted to working a maximum of 1000 pots. A permit charge would also be levied for Category 1 permits linked to the number of pots worked. The number of Category 2 permits offered will remain unrestricted but a new £10 charge would be levied, and the number of pots permitted reduced from 10 to 5 per permit holder with daily bag limits remaining unchanged.

- 1.1.2 Following the making of the byelaw on 1 December 2022 it has been subject to further internal quality assurance check prior to submission to the MMO IFCA byelaw team and commencement of the formal statutory consultation process. During the internal quality assurance review two minor adjustments have been made to the wording to clarify the process of first application and pot allocation for Category 1 applicants. It is considered that these changes are not substantive. These changes further clarify that following confirmation of the byelaw Category 1 permit applications will be prioritised to existing permit holders as at the date of making of the byelaw on 1 December 2022.

- 1.1.3 A copy of the updated draft byelaw with the changes highlighted is attached as Appendix 1 for information.

1.2 ***XXIX Humber Estuary Fishing Byelaw 2022***

- 1.2.1 At the Authority meeting held on 1 December 2022 members supported the making of a new byelaw XXIX Humber Estuary Fishing Byelaw 2022 (Minute Item 31 refers).
- 1.2.2 Whilst retaining all existing management measures in relation to fishing activities within the boundaries of the Humber Estuary the new byelaw includes a revision to the boundaries of an existing protected area to support the expansion of eel grass habitat. Although the draft byelaw is also currently subject to internal quality assurance no changes or alterations have been made.

2 Next Steps & Revised Timetable

The proposed timetable for both byelaws is running approximately 1 month behind with confirmation now expected towards the end of May 2023:

1. Formal making - 1 December 2022
2. Final internal quality assurance checks complete - 31 January 2023
3. Final draft documents subject to MMO quality assurance complete - 27 February 2023
4. 28 day statutory consultation process complete – 31 March 2023
5. Application for confirmation lodged - 31 April 2023
6. Final Confirmation - 31 May 2023
7. Implementation post 31 May 2023

Contact Officer

David McCandless, Chief Officer

Ext. 3690

**NORTH EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY
MARINE AND COASTAL ACCESS ACT 2009 (c.23)
XXVIII SHELLFISH PERMIT BYELAW 2022**

The Authority for the North Eastern Inshore Fisheries and Conservation District in exercise of its powers under sections 155 and 156 of the Marine and Coastal Access Act 2009, makes the following byelaw for Shellfish Permits.

Interpretation

1. In this byelaw:

- (a) 'the Authority' means North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the North Eastern Inshore Fisheries and Conservation Order 2010 (S.I 2010, No 2193);
- (b) 'the District' means the North Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the North Eastern Inshore Fisheries and Conservation Order 2010;
- (c) 'dredging' means fishing by means of any appliance with a rigid framed mouth which is towed through the water and is manufactured, adapted, used or intended for use for the purpose of fishing for scallops;
- (d) 'fishing' for the purposes of this byelaw includes searching for and taking specified shellfish species, shooting, setting, towing, hauling of a fishing gear, and taking specified shellfish species aboard;
- (e) 'fixed net' means any net being fixed to the bottom of the sea in a permanent position by any method such as weights, anchors or stakes and it must be set so as not to be able to drift or move with any current.;
- (f) 'permit' means:
 - a. a Category One Permit issued under paragraph 8 of this byelaw; or
 - b. a Category Two Permit issued under paragraph 9 of this byelaw.
- (g) 'pot' means a pot, creel or trap set or used to catch specified shellfish species;
- (h) 'relevant fishing vessel' means any vessel registered in accordance with Part II of the Merchant Shipping Act 1995 (c.21) or in the Channel Islands or the Isle of Man that holds a current fishing licence with the relevant national entitlement issued by the appropriate United Kingdom fisheries department;
- (i) 'trawling' means fishing by means of a trawl or similar device that is designed to be towed or pushed to take sea fisheries resources;
- (i) 'vessel' means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle, used or capable of being used as a means of transportation on water.

- (k) 'specified shellfish species' means the following species: European lobster (*Homarus gammarus*), edible crab (*Cancer pagurus*), velvet crab (*Necora puber*) and Norway lobster (*Nephrops norvegicus*).

Prohibitions

2. A person must not fish for, take or retain any of the specified shellfish species from a fishery within the district otherwise in accordance with a permit.
3. Paragraph 2 does not apply to specified shellfish species captured by relevant fishing vessels when fishing by way of trawling or dredging.

Deeming

4. During each singular fishing trip, vessels fishing exclusively outside the District and transiting through the District will not be subject to the provisions of this byelaw.
5. It is to be presumed that a vessel has taken or removed any of the specified shellfish species to which this byelaw relates from within the District if, at any time, during any singular fishing trip –
 - (a) it is proved that –
 - i. the vessel was found within the District, and
 - ii. when so found, the vessel was in possession of any of the things mentioned in paragraph 6; and
 - iii.
 - (b) it is reasonable to infer from those facts (either by themselves or taken together with other circumstances) that the vessel was, or had been, taking or removing specified shellfish species in contravention of this byelaw
6. The things are –
 - (a) such equipment, vehicle, apparatus or other gear or paraphernalia (including clothing) as may be used for the purpose of taking or removing specified shellfish species in contravention of this byelaw; and
 - (b) specified shellfish species, the taking and removing of which is prohibited by this byelaw.
7. The presumption in paragraph 5 does not apply where sufficient evidence is adduced to raise an issue as to whether the specified shellfish species on board the vessel were taken and or removed from within the District. Such acceptable evidence may include electronic charting information or vessel positional data.

Permits

8. The Authority may authorise fishing for specified shellfish species using fixed nets or pots within the District from a named relevant fishing vessel by issuing a Category One Permit to the owner of that vessel.
9. The Authority may authorise fishing for specified shellfish species within the District by issuing a Category Two Permit to a named person.

10. The Authority may limit the number of permits issued in any one calendar year.
11. Permits will be issued in accordance with the following process:
 - (a) if the number of applicants does not exceed the maximum number of available permits, at any one time, then each eligible applicant will be issued with a permit, subject to the provisions of this byelaw;
 - (b) once the maximum number of available permits has been met then unsuccessful applicants will be placed on a waiting list for the next available permit;
 - (c) the Authority retains the right to refuse to issue a permit until such time as the applicant makes available any outstanding information required for the issue of that permit or outstanding information from a previous year including any mandatory information required by an Authority byelaw regulation.
12. The Authority may limit the number of pots able to be used in association with a permit.
13. Category One Permit pot allocations will be issued in accordance with the following process:
 - (a) Following the date of confirmation of this byelaw, all existing Category One Permit holders will be invited to make an application for their maximum pot allocation which will be assessed and notified in writing;
 - (b) For new Category One Permits, pot allocations will be notified in writing when the permit is issued, in line with the vessel type/category;
 - (c) At any time, Category One Permit holders may apply to increase their pot allocation up to the maximum permitted;
 - (d) Applications must be submitted to the Authority in writing with supporting evidence;
 - (e) Applications will be considered by the Authority who will notify the applicant of the outcome within 7 working days;;
 - (f) All applicants have the right to appeal any decision to the Authority. Any appeals must be submitted in writing with supporting evidence.
 - (g) The appeal process will only consider the content of the written evidence provided by the appellant and that the correct procedure has been applied;
 - (h) Appeals will be considered by the Authority who will notify the applicant of the outcome within 7 working days of the respective hearing.
 - (i) The Authority's decision is final.
14. Only one Category Two Permit may be issued to a named person.
15. An application for a permit must be made using the printed forms available from the Authority's office and website, or through the online application process on the Authority's website. Priority will be given to all existing shellfish permit holders who held a valid permit issued by the Authority on the date of the making of this byelaw on 1 December 2022.
16. A permit and permit card:
 - (a) are issued to the owner of a relevant fishing vessel or a named person;

- (b) in the case of shared ownership of a relevant fishing vessel shall be jointly issued to all owners of that vessel;
 - (c) are valid for the dates specified in the permit;
 - (d) must be surrendered to the Authority if no longer required;
 - (e) are not transferable between the permit holder and another person, other than in accordance with paragraph 17.
- 17.** The transfer of a Category One Permit will only be permitted in the following circumstances:
- (a) the donor vessel is lost or replaced
 - (b) the ownership of the donor vessel has passed on within the same family or existing shareholder;
 - (c) there is no change in the major shareholding of the donor vessel
- 18.** When a Category One Permit is transferred, the associated pot allocation shall also be transferred.
- 19.** An application to transfer a Category One Permit from a donor vessel to a recipient vessel must be made within one month of the sale of the donor vessel.
- 20.** In respect of paragraph 19, it is the selling owners responsibility to inform the buyer of their intention to transfer the Category One Permit.
- 21.** A Category One Permit shall be valid till the 31 December in the year of issue unless notified in writing by the Authority.
- 22.** A Category Two Permit shall be valid till the 30 April for the preceding year unless notified in writing by the Authority.
- 23.** A fee will be charged for each permit which will be payable on application or renewal only. The fee for a Category One permit is linked to the respective pot allocation as follows:-
- £50 (0 - 250 pots)
 - £150 (251 – 500 pots)
 - £250 (501 – 750)
 - £350 (751 – 1000).
- The fee for a Category Two permit is £10.
- 24.** A fee may be charged for the issue of tags to a permit holder as required by paragraph 30.
- 25.** A fee may be charged for the issue of replacement tags to a permit holder as required by paragraph 30.

Permit Conditions

- 26.** A named vessel in a Category One Permit must be a relevant fishing vessel for the permit to remain valid.
- 27.** A Category One Permit card must be displayed in a clear and prominent position on the vessel, available for inspection at all times.
- 28.** Permit holders shall provide any relevant fisheries information required by the Authority for the discharge of its function.
- 29.** All vessels issued with a Category One Permit may be required to have fitted at the owners expense a remotely accessed electronic reporting device and transmit the required information at the specified reporting intervals as set out in the flexible permit conditions.
- 30.** The Authority may require tags issued by the Authority to be fitted to fishing gear as set out in the flexible permit conditions.
- 31.** Failure to comply with any permit conditions constitutes a contravention of this byelaw.

Flexible Permit Conditions

- 32.** The Authority may introduce flexible permit conditions which fall within one or more of the categories listed in paragraph 33.
- 33.** The categories referred to in paragraph 32 are:
 - (a) Catch restrictions;
 - (b) Gear restrictions;
 - (c) Vessel restrictions;
 - (d) Spatial restrictions;
 - (e) Temporal restrictions;
 - (f) Fishery information.
- 34.** The Authority may introduce, remove or vary any flexible permit conditions following a review conducted in accordance with the review procedure set out in paragraphs 42 to 44.
- 35.** The flexible permit conditions that apply until they are reviewed pursuant to paragraphs 42 to 44 are those set by the Authority taking into account the Impact Assessment that accompanies this byelaw and all other material considerations.
- 36.** Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

Permit suspensions

- 37.** A permit may be suspended or permanently withdrawn by the Authority for the purposes of environmental protection, fisheries conservation or non-compliance with the provisions of the byelaw or byelaw conditions subject to the considerations in paragraph 38.
- 38.** In deciding whether to suspend or withdraw a permit the Authority may consider:
- (a) all available scientific and survey data;
 - (b) internal scientific advice from within its membership;
 - (c) advice provided by the Centre for Environment, Fisheries and Aquaculture Science;
 - (d) advice provided by the Department for the Environment, Food and Rural Affairs;
 - (e) advice provided by the Marine Management Organisation;
 - (f) advice provided by Natural England;
 - (g) advice provided by the Environment Agency;
 - (h) advice provided by other external authorities, organisations, persons or bodies as the Authority thinks fit;
 - (i) representations from fishing permit holders;
 - (j) information from any other relevant source.
- 39.** Prior notice of permit suspension will be provided in writing to the permit holder at least ten working days prior to any suspension or withdrawal taking effect.
- 40.** Any representations must be lodged in writing to the Authority within five working days of the date of the original notice provided to the permit holder.
- 41.** Notification of the final decision will be made in writing to the permit holder within five working days of the final decision.

Review Procedure

- 42.** The Authority shall review the flexible permit conditions not less than once every five years.
- 43.** A review of the flexible permit conditions shall be undertaken as follows:
- (a) The Authority shall consult in writing with permit holders and such other stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed future management options;
 - (b) The Authority will make a decision whether to introduce, remove or vary any flexible permit conditions based upon the consultation set out in paragraph 43 (a) and the information gathered from permit holders and the processes listed in paragraph 44.
 - (c) Following any such decision by the Authority to change the flexible permit conditions, permit holders will be notified in writing and permits will be amended as necessary at no cost to the permit holder.

44. The information referred to in paragraph 43 (b) includes any one or more of the following:
- (a) Data collected from permit holders;
 - (b) Scientific and survey data gathered by the Authority or provided to the Authority by such other bodies, organisations or persons as the Authority shall think fit;
 - (c) Scientific advice provided by CEFAS or such other bodies, organisations or persons as the Authority shall think fit;
 - (d) Advice given by Natural England or such other bodies, organisations or persons as the Authority shall think fit;
 - (e) An Impact Assessment of any proposed changes;
 - (f) Information from any other relevant source.

Revocations

45. The byelaw with the title 'XXII – Permit to fish for lobster, crab, velvet crab and whelk' made by the Committee for the North Eastern Sea Fisheries District on 31 October 2006 in exercise of its power under section 5 of the Sea Fisheries Regulations Act 1966 (c.38) and confirmed by the Secretary of State on 17 May 2006, in force immediately before the making of this byelaw is revoked.
46. The byelaw with the title 'XXVIII Crustacea Conservation Byelaw 2018' made by the North Eastern Inshore Fisheries and Conservation Authority on 14 June 2018 in exercise of its power under section 155 and 156 of the Marine and Coastal Access Act 2009 and confirmed by the Secretary of State on 8 August 2018, in force immediately before the making of this byelaw is revoked.

I hereby certify that the above Byelaw was made by the Authority at its meeting on.....2022.

Caroline Lacey

Clerk

North Eastern Inshore Fisheries and Conservation Authority

Town Hall

Quay Road

Bridlington

East Yorkshire

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155 (4) of the Marine and Coastal Access Act 2009, confirms this byelaw made by the North Eastern Inshore Fisheries and Conservation Authority on.....2022.

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment,
Food and Rural Affairs

Date:

Explanatory note

(This note is not part of the byelaw)

This byelaw establishes two types of fishing permit scheme covering the commercial and leisure exploitation of key shellfish stocks within the District.

For commercial fishers, the byelaw caps the maximum number of shellfish permits in any one year and sets a maximum number of pots able to be worked by a vessel.

For leisure fishers, the byelaw sets a daily bag limit of 2 lobsters and 10 crabs and specifies a maximum gear limit of five pots or 100 metres of fixed net per operator per day.

The byelaw prohibits the in-combination use of fixed nets and pots by leisure fishermen during any singular fishing trip. Such fishermen may only work a maximum of 100 metres of fixed net per day, regardless of the target species. The intention of the byelaw regulation is to improve the management of fishing effort on shellfish stocks.