



## **Request for Proposals Fisheries Management Program Review**

**Proposal Submission Deadline:** September 30, 2023

**Term of Project:** 9 months (November 1, 2023 – July 31, 2024)

The Mid-Atlantic Fishery Management Council (MAFMC) seeks a contractor to conduct a program review of the Council and National Oceanic and Atmospheric Administration (NOAA) Fisheries Greater Atlantic Regional Fisheries Office (GARFO) process of developing federal fisheries management regulations.

### **Background**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), first passed in 1976, established a 200-mile Exclusive Economic Zone and created eight Councils to manage our nation's marine fishery resources. Under the MSA, U.S. fisheries management is a publicly transparent and robust process of science, management, innovation, and collaboration with the fishing industry and other stakeholder groups. The Councils were designed by Congress to allow for regional, participatory governance by knowledgeable people with a stake in fishery management and conservation of the marine ecosystem. The fishery management Council's role as the drivers and developers of federal fishery management policy is administered through fishery management plans, and then implemented by NOAA Fisheries under specific responsibilities defined by statute.

Over the past two years, representatives from the East Coast fishery management organizations, including 3 Councils (South Atlantic, Mid-Atlantic, and New England) and NOAA Fisheries have worked collaboratively and engaged diverse stakeholders in a multi-stage [Scenario Planning Initiative](#) to explore how climate change will affect various aspects of fishery management. One of the top themes that emerged from these discussions is the need to increase the adaptability and nimbleness of the process of [developing and implementing federal fishing regulations](#). For Council-managed species, the initial steps of developing federal fisheries management regulations happen at the Councils, and the final steps are implemented by NOAA Fisheries. Every regulation is developed under slightly different circumstances, but the general process for developing regulations follows common steps and involves requirements set forth in the MSA but also other requirements set forward in Executive Orders (EOs) and other applicable laws such as the National Environmental Policy Act (NEPA) and the Administrative Procedures Act (APA).

### **Scope of Work**

The MAFMC is seeking a contractor to conduct a program review of the MAFMC and GARFO process of developing federal fisheries management regulations from early action considerations up to initiation of the rulemaking stage.

Because of the highly participatory nature of federal fisheries management, and numerous requirements laid out in the many laws and EOs that apply, there is an inherent tension between the ability to be efficient and nimble and the time needed for both the Council to develop supporting documentation and for GARFO review and preparation for rulemaking. As such, the

MAFMC would like to identify opportunities for improvement in the areas of efficiency and adaptability in our Council and regional processes for developing fishery management actions and regulations and their supporting documentation, to be more responsive to climate change and the risks and challenges that our fisheries face, while still addressing requirements for applicable laws and providing for meaningful opportunities for public input.

Specifically, the contractor should review and identify areas of potential improvement that apply to the MAFMC (Council/staff) and GARFO programs, policies, and practices that would build more efficiency into the fisheries regulation development process. This could include considering improvements along the process continuum from early action considerations within the Council process through initiation of rulemaking. Because staff from the NOAA Fisheries - Northeast Fisheries Science Center (NEFSC) also play an integral role as subject matter experts for both MAFMC and GARFO on topics such as fish population dynamics, ecosystems, and socioeconomics during regulatory action development, their engagement at steps within the process will also need to be considered. The contractor, through their work, should identify some of the inefficient aspects of the action development process and propose some potential solutions to address those issues. For example, there may be aspects to our programs and operations that are not as efficient as they could be relative to some of our applicable laws. Do some of our Council internal policies, the nature of how we operate internally as an organization, or how we interact with other partners unnecessarily slow the process? Are there other tools or changes to policies for how the MAFMC, GARFO, and NEFSC staff work with one another that might affect improvements? Are there considerations or changes to how NEPA is applied that would improve efficiencies (e.g., streamlining documentation, programmatic Environmental Impact Statements (not currently applied), selection of alternatives for analysis, multi-year specifications)? The contractor should be familiar with the recent regulatory changes to NEPA from the Council on Environmental Quality, which have not yet been implemented; however, those changes are not intended to be a major focus of this review.

The contractor may use a variety of methods, as needed, to complete the review - such as reviewing documentation and policies, focus groups, personal interviews - to ensure a thorough review.

The contractor will prepare a final report that will document the process, identify the areas in our programs, policies, and practices that create bottlenecks or points of failure that are creating inefficiency during early action development up to the initiation of rulemaking, and recommend measures to address those inefficiencies.

The contractor will regularly meet with a Contract Oversight Team (minimum of 3 meetings during this project period to be held online) to ensure the scope of work proposed under this contract is addressed. This team, composed of staff from the MAFMC, GARFO, and NEFSC, has direct expertise and involvement in regulatory action development, and will therefore be able to assist the contractor in identifying information needed and points of contact within MAFMC, GARFO, and NEFSC to support the contractor's completion of this program review.

### **Contractor Qualifications**

Applicants should have a background in marine, estuarine, environmental science, fisheries or natural resource management and or/policy, or other related fields. The applicant should have an extensive knowledge of the MSA, NEPA, APA, Endangered Species Act, and other laws and Executive Orders that commonly apply to federal waters fisheries management. Demonstrated experience conducting internal program or process reviews and/or working with federal entities is a plus.

## How to Apply

Applicants should submit a proposal to Dr. Chris Moore, Executive Director, by email ([cmoore@mafmc.org](mailto:cmoore@mafmc.org)) by 11:59 pm on September 30, 2023. Proposals should not exceed 20 pages total (excluding curriculum vitae) and should include the following elements:

- *Executive Summary*: A summary of the proposed scope of work as well as a brief summary of the applicant's qualifications.
- *Proposed Scope of Work*: A detailed plan for addressing the scope of work described above. This should include a summary of potential analytical approaches, a project schedule, a brief summary of how the project will be managed, and a list of all personnel who may work on the project.
- *Qualifications of Applicant*: A summary of the qualifications of the applicant and other team members, if applicable. Curriculum vitae should be included for all individuals who will work on the project.
- *References*: All proposals must include a list of public and private clients for whom the firm has provided similar services to those set forth in this RFP.
- *Proposed Budget*: A detailed budget, including the basis for the charges (e.g. hourly rates, fixed fees).

## Timeline

August 24, 2023: Issuance of Request for Proposals

September 30, 2023: Deadline for proposal submission

October 20, 2023: Contractor notification

November 1, 2023: Contracts finalized

November 1, 2023: Project begins

July 31, 2024: Submission of final report

## Proposal Evaluation Criteria

Proposals will be evaluated based on prior experience, references, qualifications, and budget. The Council may request additional information as deemed necessary or negotiate modifications to an accepted proposal.

## Requests for Further Information

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## Disclaimer

1. All costs associated with the preparation and presentation of the proposal will be borne by applicants.
2. Proposals and their accompanying documentation will not be returned.
3. Respondents must disclose any relevant conflicts of interest and/or pending civil/criminal legal actions.
4. The Council reserves the right to accept or reject any or all applications received, negotiate with all qualified applicants, cancel or modify this request for proposals in part or in its entirety, or change the application guidelines, when it is in its best interests.