

Mussel Farm Sale

RFP SSU 2022-05

January 3, 2022

Salem State University (SSU) invites qualified bidders to submit electronic bids for the purchase of mussel farm equipment and assumption of a permit issued by the Army Corps of Engineers (ACOE) allowing mussel long lines in the Atlantic Ocean near the coast of Rockport. Alternately, Salem State University invites qualified bidders to submit electronic bids for the long-term lease of mussel farm equipment. The University seeks continued access to the site and gear for ongoing research, specifically tracking mussel growth, measuring oceanographic parameters, monitoring for biotoxins, and testing new instrumentation.

Bid documents can be accessed at <https://records.salemstate.edu/rfp>. Selected bidder must provide a certified check or treasurer's check within 5 business days of award date.

About Salem State University

Salem State University, established in 1854, is a comprehensive, public institution of higher learning located approximately 15 miles north of Boston, Massachusetts. One of the largest state universities in the Commonwealth, Salem State enrolls about 7,000 undergraduate and graduate students. It offers 32 undergraduate programs and graduate programs that offer degrees in 24 fields. The university also has a continuing education division that offers both credit and non-credit programs.

History of mussel lines

The purpose of this project was to demonstrate the feasibility of open water mussel culture and to explore the viability of a commercial scale offshore shellfish farm in federal waters off the coast of Massachusetts as an alternative and enhancement for the depressed New England fishing community. A 33-acre site was permitted (NAE-2012-1598) by the US Army Corps of Engineers (ACOE) for three (3) 400 foot longlines (2015). A permit expansion was submitted in 2019 to increase the farm to twenty (20) 400 ft longlines; that application is currently still under review by the ACOE.

The farm site is located 8.5 miles off Rockport, MA in approximately 180 feet of water (see figure 1). The first longline was deployed at the site in 2016. Two (2) additional longlines were deployed in 2019. Each setup consists of a 400-foot longline with 100 droplines seeded with

juvenile blue mussels (*Mytilus edulis*), see figure 2. The longline is anchored to the ocean bottom by 2000-pound weights and marked by three (3) surface buoys. The site is marked by four (4) navigational buoys with lights and radar reflectors. These buoys are located at the four (4) corners of the farm site.

Army Corps Permit Requirements

The Army Corps permit requires that the site be inspected every two weeks. The current cost of boating to the farm site is approximately \$1000 per round trip. The permit also requires that quarterly reports are submitted to the Army Corps showing the dates of the site visits and the condition of gear. Oceanographic and biological monitoring is also needed if any commercial harvesting is planned. The permit does not currently allow for commercial harvesting. See copy of permit Attachment A.

Additional Information

As stated above, Salem State University seeks to sell the longlines and other equipment that is currently in the water, or alternately, to lease the lines. If the equipment is sold, Salem State will also transfer the permit to the new owner. Bidders should carefully read the permit requirements, which require, among other things, that the lines be removed from the water if the owners are not in compliance with the permit. To date, the cost of compliance with the permit is approximately \$25,000 a year, which covers the biweekly boat trips out to the site of the mussel lines.

Should bidders seek to submit a lease proposal, the offer should reflect the cost of the permit compliance, as the permit will be retained by Salem State. In exchange for the lease, the successful bidder will have access to the lines, as allowed by the permit.

Once a decision on a successful bidder is made and depending on whether the lines will be sold or lease, Salem State will forward a copy of the contract for sale or lease.

Equipment List

The following equipment is available for sale or lease. All the equipment is currently in the water.

- 3 longline setups each consisting of:
 - Two pairs of steel anchors, 1 pair at each end of the longline
 - Line 1 has 2-1500 lbs. and 2-2000 lbs.
 - Lines 2 & 3 have 2-1500lbs. and 2-800 lbs. each
 - (Change in anchor size approved by Army Corps of Engineers)
 - A header line: 600' Esterpro steel reinforced line
 - Approximately 20 feet of chain with shackles connecting header line to anchors
 - Corner of each line attached to a group of 6-18" trawl floats (forming a "six pack")
- Surface buoys: 3 highfliers with radar reflectors

- Each header has numerous mussel socks: 20-25' in length
- Site is marked by 4 Navigational Titan buoys each with a light and radar reflector

See attached gear diagram

Process Information

1. Publication Date/Time: January 5, 2022
2. Questions about RFP must be submitted by 3:00 PM on January 12, 2022. Questions should be directed to Reynaldo Ramos at rros@salestate.edu
3. Responses to questions will be published by 5:00 pm on January 14, 2022 on (location of site?)
4. Publication Information: (Commbuys, SSU website)
5. Proposals due closing date/time: 3:00 pm, Wednesday January 26, 2022
6. Bids will be electronically received via email to Reynaldo Ramos, Senior Director for Purchasing and Vendor Relations rros@salestate.edu
7. Bids Opening: Bids will be electronically opened at 4:00 pm, January 26, 2022

Contact Person:

Reynaldo Ramos, Senior Director for Purchasing and Vendor Relations rros@salestate.edu

(978) 542-7321

Business Hours: 8:30am – 5:00pm

Award Information

Transfer of the permit and ownership of the equipment as described above will be awarded to the most qualified bidder.

Considerations for bid qualifications will include financial ability to assume requirements of permit, monetary offer for purchase of equipment or lease, and willingness to allow Salem State to use the site and equipment for further research.

For lease proposals, priority will be given to lease proposals that are at least 24 months in duration.

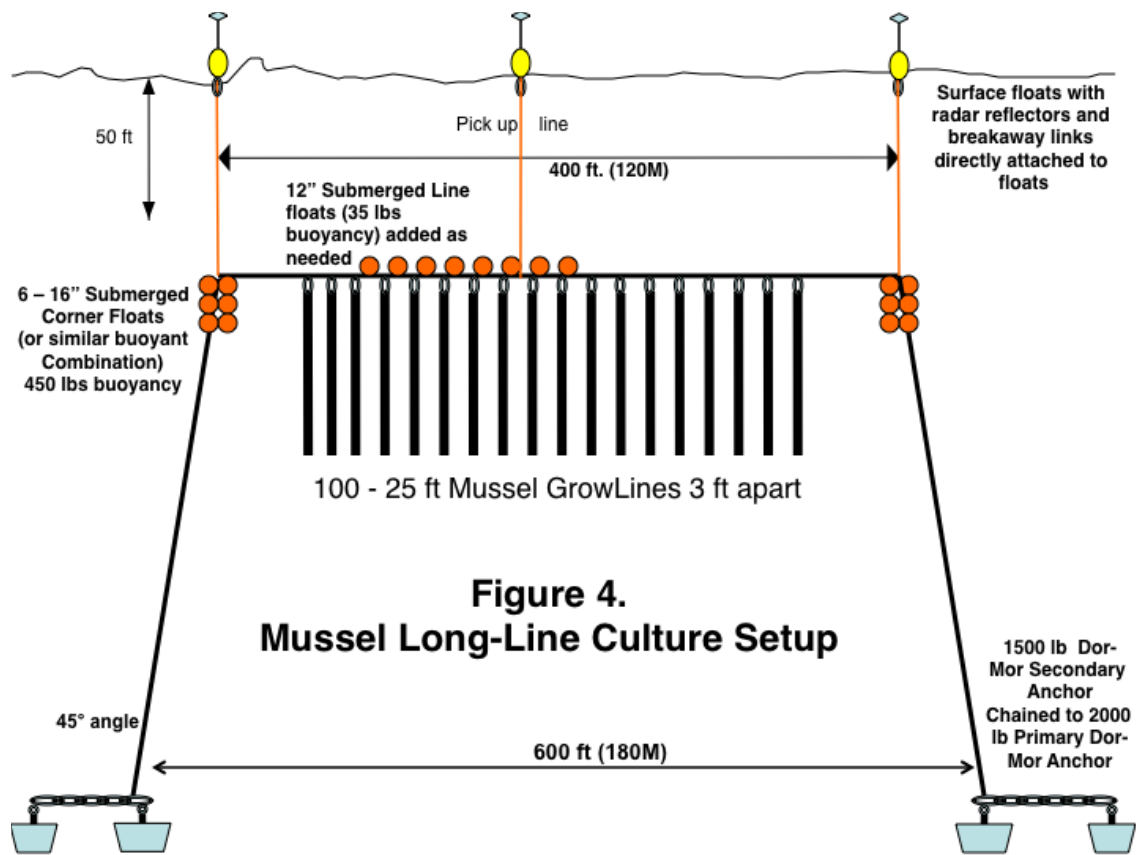
Salem State University reserves the right to reject any and all bids for any reason, and to dispose of the equipment in a negotiated sale, provided that the negotiated price is higher than the highest bid received from a responsible bidder.

Every bid must be accompanied by a signed bidder identification (page 6), signed certificate of non-collusion (**Attachment B**) and statement of state tax compliance (**Attachment C**).

Figure1 Farm Site



Figure 2 Longline Setup



BIDDER IDENTIFICATION (must be completed and attached to proposal submission)

Bidder/Company Name: _____

DBA: _____

Bidder/Company's Federal ID Number: _____

Remit to Address: _____

City, State, ZIP _____

Telephone: _____

Email: _____

Web address: _____

Name _____

Title _____

Authorized Signature _____

Date: _____

Main Contact:

Person responsible for response (if different)

Attachment B

CERTIFICATE OF NON-COLLUSION

Pursuant to MGL Chapter 149, Section 44F, The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Date: _____

Name of Bidder

Title and name of Person Signing Bid

Business Address

City and State

CERTIFICATE OF NON-COLLUSION

Attachment C

STATEMENT OF STATE TAX COMPLIANCE

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b),

I, (insert name and title) _____ authorized
signatory for (insert name of contracting party) _____,

whose principal place of business is at _____, do

hereby certify under the pains and penalties of perjury that (insert name of contracting party)

_____ has complied

with all laws of the Commonwealth relating to taxes.

Authorized Signature

Date

STATEMENT OF STATE TAX COMPLIANCE

Attachment A

DEPARTMENT OF THE ARMY PERMIT

Permittee Northeastern Massachusetts Aquaculture Center, Salem State University

Permit No. NAE-2012-1598

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The work is structures in navigable waters of the United States to establish a 33 acre submerged aquaculture longline area in federal waters on the outer continental shelf. Three, 400 foot (ft) longlines will be deployed for shellfish farming to the east of Cape Ann, Massachusetts. Each longline will be anchored to the bottom with concrete block anchors. The corner and header lines will consist of 1-inch braided nylon rope. Each corner (the junction of anchor line and headrope) will be suspended by submerged buoys with a buoyancy of 500 to 1000 lbs at a submerged depth of 8 meters below the surface. The 145 meter headropes will be strung between the 2 corner buoys. This configuration produces a ridged tensioned structure from which up to 100 mussel socks or spat collecting lines may be deployed.

(Project Description continued on Page 4)

Project Location:

This work is proposed in the Atlantic Ocean on the outer continental shelf 8.5 miles off Cape Ann, Massachusetts. The site is a 33 acre area around center point 42°41'00" N, 70°27'00" W.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made a part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for work.

(Special Conditions continued on Page 4)

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 (PERMITTEE) _____
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for Brian E. Valiton 7 January 2015
 Karen K. Adams (DATE)
 Chief, Permits & Enforcement Branch
 Regulatory Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFeree) _____
(DATE)

(Project Description continued from Page 1)

The work is described on the enclosed plans entitled, “Figure 1. Proposed NEMAC Offshore Mussel Farm Site, Figure 2. NEMAC Offshore Mussel Farm Site marked on NOAA Chart 13278, Figure 3. Proposed NEMAC Offshore Mussel Farm Site Close Up Navigational Chart view with side scan profile, Figure 4. Mussel Long-line Culture Setup, Figure 4a. NAE-2012-1598 NEMAC Mussel Farm Row Configuration,” on five sheets, and undated.

(Special Conditions continued from Page 2)

If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term “entire permit” includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee shall complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.
3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. If the permittee desires to abandon the work, he must remove all the gear from the ocean.
5. Before deploying any longline anchors, the Permittee shall determine that there are no underwater archaeological resources within 300 meters of the anchor location. If any anomalies are noted within a 300 meter area, the Permittee shall adjust the location to avoid those anomalies and insure a clear path for deployment and retrieval of each anchor. The location and description of any identified anomaly shall be provided to the Massachusetts Board of Underwater Archaeological Resources, 251 Causeway Street, Suite 800, Boston, Massachusetts 02114-2136, 617-626-1200.

6. The following items shall be included in the project:
 - a. The header ropes and submerged floats shall be submerged to a minimal depth of 50 ft.
 - b. All surface buoys shall have breakaway links installed and configured to be in compliance with 50 CFR 229.32.
 - c. The mussel farm area shall be limited in size to 1200 ft by 1200 ft.
 - d. The mussel farm shall be properly charted through the National Oceanic and Atmospheric Administration (NOAA) prior to any installation of gear.
 - e. A notice of the mussel farm shall be advertised in the Coast Guard Local Notice to Mariners at least 30 days prior to the installation of gear.
 - f. The site corners shall be clearly marked with non-lateral lighted Private Aids to Navigation.

7. Safety lights and signals required by the USCG shall be installed and maintained at the authorized facilities. The USCG may be reached at the following address and telephone number:

U.S. Coast Guard
Aids to Navigation Branch
First Coast Guard District
408 Atlantic Avenue
Boston, Massachusetts 02110
(617) 223-8355

8. The longlines shall be positioned no closer to the surface than 5 meters at mean low water, nor shall they be closer to the bottom than 6 meters.
9. Tension on the longlines shall be maintained at a minimum value of 200 kg.
10. All gear, including buoys, must be marked with the permit #NAE-2012-1598, as well as, the permittee's name and contact information. Markings shall be in a manner that will stand up to the elements over time.
11. All vertical lines should be marked in 3 places: at the bottom, middle and top. A bird-band type mark of a material such as stainless steel or monel engraved with the permit #NAE-2012-1598 and the permittee's name is recommended.
12. All sections of each longline should be marked in 3 places: at each end and in the middle, or, for sections longer than 200 feet, they should be marked at each end and then at intervals not exceeding 100 feet. This should include each horizontal section as well as the portions leading down to each anchor. The method of marking should be the same as used on the vertical lines.

13. Coordinates shall be provided to the Corps for the locations of the longline anchors after they are installed. Coordinates shall be in degrees, minutes, and decimal seconds (use North American Datum NAD 1983 Geographic Coordinates to the nearest 1/100th second. Example: N42° 27' 40.02", W71° 18' 04.56").
14. The site shall be visited by a surface vessel at least once every two weeks, site conditions permitting.
15. The permittee shall provide an observer onboard the on-site vessel who is experienced in the identification of marine species.
16. Each sighting of an endangered or threatened turtle shall be recorded and the following information shall be provided:
 - a. Date, time, coordinates of vessel
 - b. Visibility, weather, seastate
 - c. Vector of sighting (distance, bearing)
 - d. Duration of sighting
 - e. Species and number of animals
 - f. Observed behaviors (feeding, diving, breaching, etc.)
 - g. Description of interaction with aquaculture facility
17. Copies of all survey forms and a summary report shall be provided to the Corps and to NOAA on a quarterly basis for the duration of the project. Based on the first year's experience, the Corps will review this requirement and direct future monitoring and reporting as appropriate. Except where stated otherwise, reports, drawings, correspondence, and any other submittals to the Corps required by this permit shall be marked with the words "Permit No. NAE-2012-1598" and shall be addressed to "PATs Branch, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751." Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit. Submittals to NOAA should be addressed to: "NOAA, Habitat and Protected Resources Branch, 55 Great Republic Drive, Gloucester, MA 01930."
18. If any listed species is observed to be entangled or otherwise interacting with the facility structure, permittee (or onboard staff) shall immediately contact the Center for Coastal Studies Disentanglement Team, Provincetown, MA @ (800) 900-3622 (this is a 24 hour number) and notify the NOAA Stranding Hotline at (978) 281-9351. Permittee should then contact NOAA Protected Resources Division, Gloucester, MA @ (978) 281-9328. Resuscitation may be attempted on sea turtles that are comatose or inactive (but not dead) by:
 - a. Placing the animal on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or:

- b. Placing the animal on its breastplate (plastron) and elevating its hindquarters several inches for a period from 1 to 24 hours. The amount of the elevation depends on the size of the animal; greater elevations being needed for larger turtles. Sea turtles being resuscitated shall be shaded and kept wet or moist. Those that revive and become active shall be released over the stern of the boat only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.
19. No later than 30 days after completion of the authorized work, as-built drawings shall be submitted showing the location of the longline structures and providing coordinates for the anchor locations at each end. The permittee shall submit the as-built drawings and a copy of this permit to the Corps of Engineers and to the National Oceanic and Atmospheric Administration (NOAA) for charting purposes. All submittals to the Corps and NOAA shall be marked with the words "Permit No. NAE-2012-1598." The Corps address is "PATS Branch, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751." The NOAA address is: "Nautical Data Branch, N/CS26, Station 7349, 1315 East-West Highway, Silver Spring, MD 20910-3282." Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

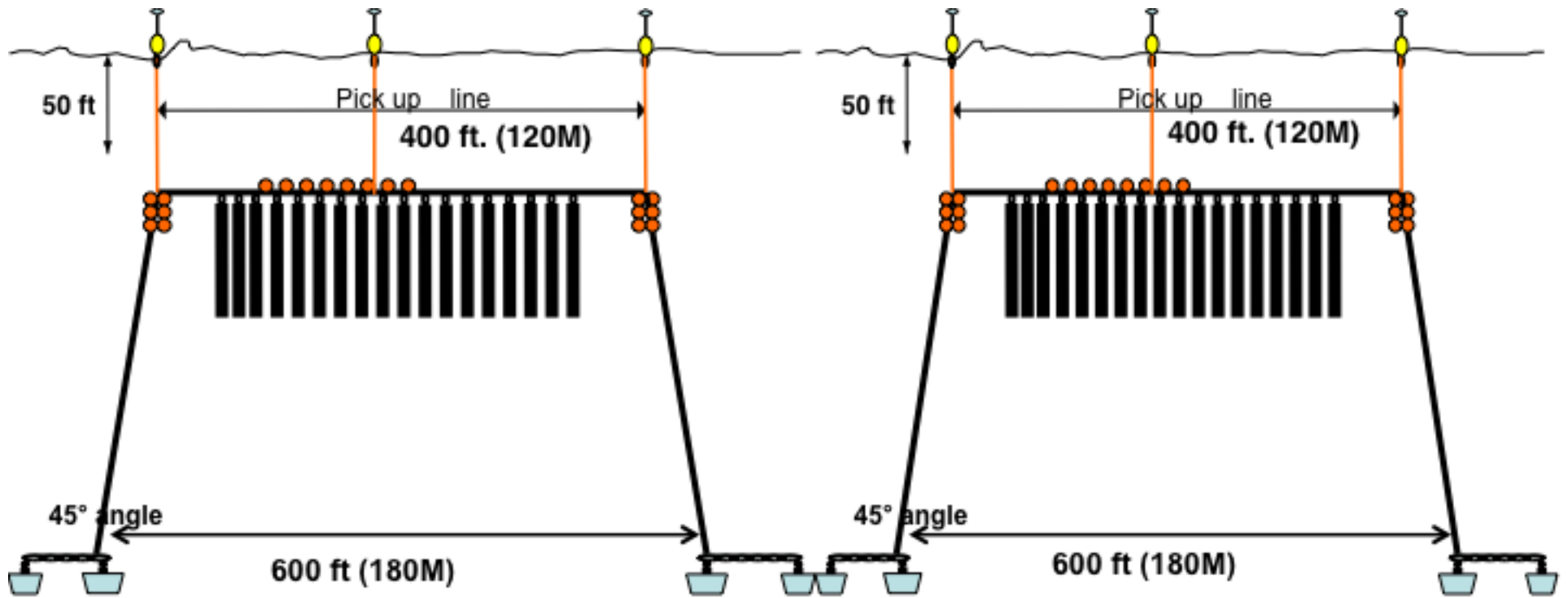


Figure 4a. NAE-2012-1598 NEMAC Mussel Farm Row Configuration
 Two longlines per row. See Figure 4 for single longline configuration

