

November 20, 2000

Don Wadhams  
NOAA, WASC, Acquisition Management Division  
7600 Sand Point Way, NE  
Seattle, WA 98115

Dear Mr. Wadhams,

The Association for Professional Observers (APO) is requesting a review of the award of solicitation # 52ABNF100005 to Saltwater, Inc. This solicitation is titled Hawaii Longline Observer Program and asks the bidders to provide fisheries observers to collect biological information in the Hawaii longline commercial fishery. The APO is concerned that the selection process was not adequately followed and that there was an omission of critical information.

The Association for Professional Observers is an interested party in this matter because the APO represents observers, whose safety and well-being are directly affected by the outcome of contractor choice and who effect the quality of fisheries management with the baseline data they collect. The APO was born out of the necessity to create change in the working situation for observers. One of the initial issues was to address a decline in data quality as it related to high turnover of observers and observer "burnout". The APO believes that a large portion of observer turnover and burnout is due to a lack of field and financial support for observers. At the most recent US/Canada Observer Workshop held this summer, an Observer Bill of Rights was crafted identifying several critical components necessary for successful observer programs which included the following: observer support both in and out of field, maintaining experienced observers, low employee turnover rate, and adequate observer compensation. Below we would like to highlight Saltwater's past performance in the North Pacific groundfish observer from 1990-2000 that includes those crucial points in the Observer Bill of Rights.

1. The 1997 contractor evaluations by the National Marine Fisheries Service Groundfish Observer Program (GOP) for Alaska were particularly critical of Saltwater Inc.'s performance compared to any other contractor. Attachment 1 contains the GOP rating criteria and a copy of this evaluation. Attachment 2 contains GOP evaluations for 1998. Contractor evaluations were not conducted by the GOP for 1999 performance.
2. Evaluations by North Pacific groundfish observers have consistently scored Saltwater lowest on providing basic services to their employees. Attachment 3 is a copy of 1999 GOP summary of survey questions pertaining to the contractor. The survey is voluntary, anonymous and performed at the end of each contract. At first glance the overall rating statistics don't appear unbalanced enough to warrant this letter. However, I urge you to take a closer look at the specific observer comments. One of the most telling aspects of this survey is that a

disproportionate number of Saltwater employees actually took the time to respond to the questions and with thorough reading of these comments you'll see a pattern of disorganization and intentional misrepresentation of the truth to their employees which does not appear in the comments about the other 4 contractors.

3. Saltwater has consistently had the highest turnover rate and lowest number of experienced observers. Mr. Bob Maier (206) 526-4191 at the North Pacific Groundfish Observer Program can provide these data.
4. One of the reasons for formation of the APO in 1995, stemmed from egregious abuse of observers in the North Pacific by observer contractors such as Saltwater Inc. An area of particular neglect was the lack of any compensation (except \$10/day per diem) during the 3-week observer training period, time prior to deployment on board the vessel, time spent between vessels, or time waiting to debrief. A typical first time observer may work only 10 days at \$70-80/day out of 7.5 weeks of time in Alaska. During the time under contract with Saltwater, Inc., the observer is prohibited from taking any other job to supplement their income. At the time, no other contractors operating in the North Pacific had such poor logistics or paid observers such a low rate. Saltwater, Inc. remained competitive only by reducing observer compensation, not through improving its efficiency or quality of service.

The APO facilitated the organization and ultimate unionization of observers with the Alaska Fisheries Division of the United Industrial Workers (AFD-UIW) due primarily to poor observer services by all NMFS "certified" contractors operating in the North Pacific.

5. Saltwater, Inc. consistently has the highest grievance rate with the AFD-UIW of any observer contractor in the North Pacific. The AFD-UIW represents observers from four contractors and two observer programs in Alaska.

We would appreciate a full and complete response to the following questions and associated information:

1. Did any members of the source evaluation board (SEB) inquire as to Saltwater Inc. performance in the North Pacific GOP and the Alaska Department of Fish and Game Shellfish Observer Program? If so, who was contacted and were the contractor evaluations reviewed?
2. Please provide copies of the SEB's score sheets for all contractors.
3. What percentage of the total score were comprised of the technical evaluation and financial evaluation and were there any other criteria used for evaluating bidders?

The APO's mission is to give voice to what is best for the observers while concurrently supporting the long term health of the fishery. As noted at the

US/Canada Observer Program Workshop, there is a strong connection between experienced and motivated observers and the quality of data they collect. High quality data leads to good management. The Hawaii longline fleet and the U.S. government need the best data they can get in order to manage a fishery which will continue to be under the fire by the NGO's and the fishers alike.

The NMFS GOP has 10 years of information on the quality of services provided by Saltwater Inc. as well as 4 other contractors in the North Pacific. It is imperative that this information be reviewed in order to obtain the best value to the government. If these data were not taken into consideration, then we believe the spirit of the contracting laws governing this award have been violated and gives NMFS the appearance of having little regard for observer welfare.

Thank you for your consideration of this request.

Kimberly S. Dietrich  
Executive Officer

cc: Penny Dalton, Assistant Administration NMFS  
Vicki Cornish, National Observer Program  
Don Peterson, Southwest Region  
John Kelly, Pacific Area Islands Office  
Judy Jzyk, Contracting Officer, WASC  
Jerry Walz, Esquire, Contract Law Division  
Helen Hurcomb, OFA, Protest Decision Authority  
Rep. Patsy Mink, Congresswoman-Hawaii  
Duke Bryant, AFD-UIW  
Lono Kane, Inland Boatman's Union