Request for proposals: Guideline for engineers and engineering firms on Indigenous consultation and engagement

Date Issued: March 9, 2021
Interest Disclosure and Question Period Deadline: March 15, 2021
Proposal Submission Deadline: March 29, 2021

Questions concerning this RFP should be directed to:

Ryan Melsom
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Engineers Canada
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613-809-6241
2 Statement of purpose

The Canadian Engineering Qualifications Board ("CEQB") of Engineers Canada is seeking proposals from firms or individual consultants ("Bidders") to develop a guideline for engineers and engineering firms on Indigenous consultation and engagement (the "Project"). The Project will be developed through a phased, consultation-based approach, with an anticipated completion date of October 2023.

Successful completion of this Project will entail several key deliverables, developed with the support of the CEQB Secretariat and in consultation with Project stakeholders, including the CEQB Practice Committee:

- The development and facilitation of a day-long workshop in September 2021 on Indigenous consultation and engagement in engineering work;
- The creation and revision of a general direction document following the workshop, to be circulated for consultation among key Engineers Canada stakeholders; and
- The creation and revision of a guideline for engineers and engineering firms on Indigenous consultation and engagement.

3 Background information

3.1 Engineers Canada background

Engineers Canada upholds the honour, integrity, and interests of the engineering profession by supporting consistent high standards in the regulation of engineering, encouraging the growth of the profession in Canada, and inspiring public confidence. For over 80 years, we have worked on behalf of the provincial and territorial associations that regulate engineering practice and license the country’s 300,000 members of the engineering profession.

Our work is focussed on ten (10) core purposes, as established by Engineers Canada’s members, the engineering regulators:

1. Accrediting undergraduate engineering programs.
2. Facilitating and fostering working relationships between and among the regulators.
3. Providing services and tools that enable the assessment of engineering qualifications, foster excellence in engineering practice and regulation, and facilitate mobility of practitioners within Canada.
4. Offering national programs.
5. Advocating to the federal government.
6. Actively monitoring, researching, and advising on changes and advances that impact the Canadian regulatory environment and the engineering profession.
7. Managing risks and opportunities associated with mobility of work and practitioners internationally.
8. Fostering recognition of the value and contribution of the profession to society and sparking interest in the next generation of professionals.
9. Promoting diversity and inclusivity in the profession that reflects Canadian society.
10. Protecting any word(s), mark, design, slogan, or logo, or any literary, or other work, as the case may be, pertaining to the engineering profession or to its objects.
3.2  Background on the Canadian Engineering Qualifications Board (CEQB) and Practice Committee

The CEQB develops national guidelines, Engineers Canada papers, examination syllabi, and other products as mandated by the Engineers Canada Board. CEQB deliverables serve the needs of Canada’s engineering regulators, engineering licence holders, and applicants for licensure by enabling the assessment of engineering qualifications, fostering excellence in engineering practice and regulation, and facilitating mobility. Several standing sub-committees assist the CEQB in its work. Each is chaired by a CEQB member and consists of volunteers and, as needed, staff from the provincial and territorial engineering regulators.

In January 2021, Canadian Engineering Qualifications Board assigned its standing Practice Committee to advise on the development of this guideline. With regard to this guideline, the Practice Committee’s purpose is to provide expert advice throughout the guideline’s development, and to approve documents for subsequent CEQB approval and consultation.

3.3  Background to develop a Guideline on Indigenous consultation and engagement

In order to protect the public, engineers need to both represent the Canadian population and understand how best to engage with a variety of communities. To these ends, the Engineers Canada Board has tasked the organization and its volunteers with 1) improving Indigenous access to engineering, and 2) the development of a guideline on how engineers and engineering firms can meaningfully consult with and engage Indigenous communities when developing engineering projects. The latter of these is the impetus for this RFP.

Numerous engineering projects in Canada’s history have failed to adequately serve Indigenous people and their communities, and thereby have failed in their mandate to protect the public. In the Shoal Lake 40 First Nation, for example, the failure to consult on the 1915 aqueduct that would ultimately supply Winnipeg with water resulted in over a hundred years of isolation, economic deprivation, health-related problems, and even, ultimately, deaths of Shoal Lake residents. In the construction of the aqueduct, the Shoal Lake community was cut off from Canada’s road system, which resulted in profound social and economic impacts still being seen today. It is only recently that a connecting road—another engineering project, but this time one focused on the community’s benefit and developed in sustained collaboration with its members—has begun to address this historical trend. While this is a positive step, many other communities still await such conciliatory efforts from governments and project developers.

The 2015 Truth and Reconciliation Committee (“TRC”) Final Report provided a national shared vision for a renewed relationship with Indigenous Peoples, based on ninety-four (94) recommended Calls to Action. Among its recommendations, the report laid out the need for “truth telling, as an essential element of justice and healing in reconciliation.” Based on this, the process by which this guideline is developed must also take into account, and seek to address at the level of process, several factors:
- The need to collaborate with (at a minimum) Indigenous elders and knowledge keepers on the guideline’s development, particularly given the detrimental impacts that the engineering profession has had on Indigenous communities through discriminatory practices and disregard for Indigenous rights, traditions, and knowledge;
- The need to balance the realities of the engineering profession and its clients with the fundamental right of Indigenous Peoples to be stewards of their own land; and
- The need to acknowledge the necessity of free, prior, and informed consent from Indigenous communities with regards to natural resource and other development projects.

Since the release of the Calls to Action, two (2) engineering regulators—Engineers and Geoscientists British Columbia and Engineers and Geoscientists Manitoba—have taken the lead in discussing and working to address the Calls to Action. The perspective of Canada’s engineering community is far from aligned on matters of Indigenous relations, which will undoubtedly present challenges in the development of this guideline, so ideally, these regulators’ expertise and experience around this issue would be brought to the table in the guideline’s development.

Given the commitments by several engineering regulators in support of Truth and Reconciliation, and given the Engineers Canada Board’s decision to address issues surrounding engineering’s relationship with Indigenous people and communities, the development of a guideline on Indigenous consultation and engagement has been tasked to the CEQB. It is the hope of the CEQB that this guideline will provide a meaningful and practical tool that engineers and engineering firms can employ when working with Indigenous communities to develop engineering projects.

4 Scope of work
The successful Bidder (the “Consultant”) will be required to develop and deliver several major pieces of work, with the guidance and support of the CEQB Secretariat and in consultation key with stakeholders, including the Practice Committee. These are to be delivered over a multi-year timeline:

1. Prepare and facilitate a day-long national workshop for CEQB members, regulators, and Indigenous experts involved with the engineering profession to help develop the general direction of the guideline. (September 2021)

It is policy of the Engineers Canada Board that the outputs of the CEQB involve a substantial input and consultation process with Canada’s twelve (12) engineering regulators and, as needed, key engineering stakeholders (for example, Indigenous people with expertise and knowledge in engineering, as well as Indigenous elders/knowledge keepers). A national workshop in the early-stages of CEQB projects ensures the smooth development of CEQB documents as they proceed through later stages.

In the case of this specific guideline, preparation for this workshop will require conversations with representatives from Indigenous communities, such as elders or knowledge keepers, to ensure that the guideline will be developed through a process that is sensitive to the Indigenous perspectives it seeks to serve. Ideally, the Consultant will already have working relationships with people from a
cross-section of Indigenous communities. The workshop approach and content will also be validated under the advisement of the Practice Committee.

The intended outcome of this requirement is to gather key information required for the successful development of the general direction document (and, by extension, the final deliverable).

The deliverable is the workshop.

2. Write a draft general direction document based on the workshop outcomes, outlining guideline’s topics and direction. (October/November 2021)

Information gathered from the national workshop, as well as supporting work done with Indigenous stakeholders and the Practice Committee will be used to develop a draft general direction document, which will subsequently be sent to engineering regulators and the Engineers Canada Board for consultation. This consultation process is run by the CEQB Secretariat, who summarize stakeholder feedback and communicate it to the committee and Consultant to aid in the next steps of project development. The draft general direction requires sequential approvals by the Practice Committee and then the CEQB in order to be sent for regulator consultation.

The intended outcome of the draft general direction is to provide a document that the CEQB Secretariat will use to confirm the project’s overall direction with key stakeholders.

The deliverable is the draft general direction.

3. Finalize the general direction document using collated feedback from the consultation process. (March 2022)

As mentioned, following the development of the draft general direction, the CEQB Secretariat circulates the document to engineering regulators and the Engineers Canada Board for consultation. The Practice Committee, in collaboration with Indigenous stakeholders and the Consultant, responds to feedback. This collated feedback is then used by the Consultant to finalize the general direction document. The Practice Committee’s responses are also shared with regulators and those who provided feedback.

The intended outcome of the finalized general direction document is to establish consensus about what the guideline will contain.

The deliverable is the final general direction.

4. Develop the draft guideline, based on the final general direction document. (April 2022)
Once the general direction is final, the Consultant commences work on the guideline under the advisement of the Practice Committee and in consultation with Indigenous stakeholders. The draft general direction requires sequential approvals by the Practice Committee and then the CEQB in order to be sent for regulator consultation.

The intended outcome of the draft guideline is to provide a consultation-ready version of the document to the CEQB Secretariat.

The deliverable is the draft Guideline for engineers and engineering firms on Indigenous consultation and engagement.

5. Incorporate feedback from the draft guideline consultation, and finalize guideline for CEQB and subsequent Engineers Canada Board approval. (March 2023)

Following the development of the draft guideline, the CEQB Secretariat circulates the document to engineering regulators and the Engineers Canada Board for consultation. The Practice Committee, in collaboration with the Consultant, responds to feedback. This collated feedback is then used by the Consultant to finalize the guideline, and committee responses are shared with regulators and those who provided feedback. Further revision and consultation may be completed by the CEQB Secretariat. The final guideline is presented by the Practice Committee chair to the CEQB for approval to then be sent to the Engineers Canada Board.

The intended outcome of the final guideline is to present the document to the Engineers Canada Board for final approval and subsequent publication on the public website.

The deliverable is the final guideline for engineers and engineering firms on Indigenous consultation and engagement.

5 RFP submission & evaluation process

5.1 Submission schedule

The following is a list of key events from Request for Proposal (RFP) issuance through to Notice of Award. The dates are subject to change by Engineers Canada, at its sole discretion.

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Key Dates</th>
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<tbody>
<tr>
<td>1</td>
<td>Issue RFP</td>
<td>March 9, 2021</td>
</tr>
<tr>
<td>2</td>
<td>Interest disclosure and Bidder meeting request deadline</td>
<td>March 15, 2021</td>
</tr>
<tr>
<td>3</td>
<td>Bidder meetings (see section 5.2)</td>
<td>March 18-19, 2021</td>
</tr>
<tr>
<td>4</td>
<td>Proposal Submission Deadline</td>
<td>16:00 EST on March 29, 2021</td>
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<tr>
<td>5</td>
<td>Evaluation of proposals, including reference</td>
<td>March 29-April 9, 2021</td>
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<tr>
<td>6</td>
<td>Notice of Award issued (subject to negotiation of Service Agreement)</td>
<td>April 9, 2021</td>
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5.2 Bidder meetings
There will be an opportunity for prospective Bidders to meet with Engineers Canada staff for a question-and-answer session between March 18-19. While these meetings are not mandatory, they provide an opportunity for Bidders and Engineers Canada staff to meet prior to proposal evaluation. If you wish to participate, please contact the person identified in section 5.3 (Inquiries) to schedule a meeting. Bidders are requested to limit meeting participants to two (2) people per Bidder entity.

Questions must be submitted twenty-four (24) hours prior to a Bidder meeting. Questions raised at the Bidders meeting will be collated and distributed to all Bidders who have expressed interest in submitting a proposal.

5.3 Inquiries
Questions concerning this RFP or the Bidders meeting may be directed by email to Ryan Melsom, Manager, Qualifications and CEQB Secretary at Ryan.Melsom@engineerscanada.ca.

5.4 Proposal Evaluation

5.4.1 Evaluation Process
Upon the closing of the Proposal Submission Deadline, Engineers Canada will evaluate proposals in accordance with the following process:

**Stage 1: Initial Assessment**

All proposals received by Engineers Canada will initially be assessed by the CEQB Secretariat (or their delegates) and any other individuals(s) that are deemed necessary.

The assessment of each proposal will be based on the contents of the Bidders’ written proposal and any statements provided in writing, if needed, in response to requests for clarification made by Engineers Canada. Staff will ensure compliance with the stated mandatory requirements and will score each proposal, in accordance with section 5.4.4 (Scoring Legend).

**Stage 2: Interviews and Reference Checks**

Following staff’s initial assessment of the proposals, the 1-2 highest scoring Bidders will be contacted to conduct interviews and further confirm their ability and fit to provide the required services and deliverables. The references of the top-scoring Bidders may also be contacted at this stage.

Once this assessment is complete, Engineers Canada will proceed to select and notify the successful Bidder, by issuing a Notice of Award.
5.4.2 Mandatory Requirements

Engineers Canada has several requirements that are deemed mandatory when submitting a response to this RFP. The following criteria have been identified as mandatory:

- Proposals must be received prior to the Proposal Submission Deadline;
- Proposals must indicate that the Bidder is able to deliver the services and complete the Project within the stated timelines;
- Proposals must include the information requested in section 5.4.5 (Proposal Evaluation) of this RFP; and
- Proposals must clearly state the total Project cost, including all fees and expenses, in Canadian funds.

Proposals which fail, in the sole discretion of Engineers Canada, to meet any mandatory requirement will be eliminated from further consideration in the evaluation process. However, Engineers Canada reserves the right to waive any mandatory requirements if it deems fit and appropriate to meet the interests of and provide best value to Engineers Canada. This clause should be interpreted solely for the benefit of Engineers Canada and not for the benefit of the Bidders.

5.4.3 Scoring

Proposals will be evaluated and scored by Engineers Canada, using predetermined criteria to determine which proposal potentially provides the best value. Scoring of proposals and evaluation comments are confidential and will not be disclosed.

In terms of relative importance, each criterion is given a pre-assigned weight, as outlined in section 5.4.5 (Proposal Evaluation), by which each proposal will be evaluated. Each criterion is rated on a scale of 0 to 10 (see section 5.4.4 (Scoring Legend), below). Each criterion’s rating is then multiplied by the assigned weight to yield a total for that element. Summation of the individual totals yields a total score, which represents the overall degree of satisfaction for the respective submission.
5.4.4 Scoring Legend

<table>
<thead>
<tr>
<th>0 Points</th>
<th>1-3 Points</th>
<th>4-6 Points</th>
<th>7-8 Points</th>
<th>9-10 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficient</td>
<td>Poor</td>
<td>Fair</td>
<td>Good</td>
<td>Excellent</td>
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<tr>
<td>The proposal fails to meet the requirements of the applicable scoring criteria in a suitable and documented manner.</td>
<td>The proposal fails to meet the requirements of the applicable scoring criteria in a suitable and documented manner.</td>
<td>The proposal barely meets the requirements of the applicable scoring criteria in a suitable and documented manner.</td>
<td>The proposal reasonably demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner.</td>
<td>The proposal fully demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner.</td>
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<tr>
<td>The proposal reveals significant weaknesses that could result in unacceptable shortcomings in performance of the Project.</td>
<td>The proposal reveals weaknesses that could result in tolerable or reasonably correctable shortcomings in performance of the Project.</td>
<td>The proposal reveals minor weaknesses that should not significantly impact performance of the Project.</td>
<td>There are no apparent weaknesses.</td>
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5.4.5 Proposal evaluation

The proposals will be evaluated as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Scoring Criteria</th>
<th>Weight</th>
<th>Points</th>
<th>Total Points</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Mandatory requirements (section 5.4.2)</td>
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<td></td>
<td>Elimination</td>
</tr>
<tr>
<td>2</td>
<td>Qualifications and relevant experience</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Approach and methodology</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Fees and expenses</td>
<td>15</td>
<td></td>
<td></td>
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<tr>
<td>5</td>
<td>Quality of submission</td>
<td>5</td>
<td></td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100</strong></td>
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To confirm the above criteria, Bidders must include with their proposal, at a minimum, the following supporting information:

**Qualifications and relevant experience:**

- Detail your experience working in Indigenous and settler relations, and Indigenous consultations;
- Detail your knowledge of Indigenous ways of knowing and Indigenous protocols;
- Detail your Knowledge of the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls, and other programs relevant to Indigenous issues;
- Detail your experience with regulated professions, or within an engineering-related field, working on issues of Indigenous access, consultation, and engagement;
• Detail your expertise in stakeholder engagement and facilitation (Both individual expertise of proposed resources and applied knowledge of relevant methodologies).

**Approach and methodology:**

• Describe how you will approach the Project;
• Describe your understanding of the Project requirements and deliverables;
• Describe the process you would follow to develop the national workshop, identified as the second deliverable in section 4 (Deliverables and Project Timeline);
• Identify the expected challenges for this Project and the proposed mitigation strategies;
• Provide a detailed work plan, with timelines.

**Fees and expenses:**

• Outline your proposed costs and fees.

In addition to the above, Bidders must supply the name, email address, and phone number of two (2) recent clients (within the past 24 months) who have received services similar to those requested in this RFP and who may be contacted as references. Include a short description of the work performed, including how it was similar to this Project.

Engineers Canada will communicate with the winning Bidder throughout this Project in English. All proposals must therefore be submitted in English.

**5.4.6 Confidentiality**

Proposals and information submitted by Bidders will be treated as proprietary, held confidential, and used only for evaluating the ability of the Bidder to handle the Project. The details of any proposals will be shared only with the persons involved in the Project evaluation process.

6 **RFP terms and conditions**

6.1 **Process conditions**

This RFP is not an offer by Engineers Canada to any person, and no contract of any kind whatsoever (including, without limitation, no “Contract A”) is formed between Engineers Canada and any Bidder upon the submission of a proposal in response to it. For greater certainty, nothing in this RFP, including without limitation, the use of mandatory language, language reserving rights to Engineers Canada, or other language that might, but for this clause, be indicative of contractual intention, is intended by Engineers Canada to indicate an intention to be contractually bound to any Bidder in any manner whatsoever. Engineers Canada retains the right, in its absolute discretion, to consider and analyze the proposals, negotiate with any Bidder at any time, select a preferred Bidder, or enter a service contract with a Bidder. Without limiting the foregoing, since this clause precludes Contract A, none of the usual Contract A terms apply, and Engineers Canada may:

• Reject or accept any proposal, whether or not complete, and whether or not it contains all the required information;
• Require clarification of any proposal;
• Request additional information on any proposal;
• Reject any or all proposals without any obligation, or any compensation or reimbursement to the Bidders;
• Refuse to enter into a service contract with any of the Bidders;
• Re-advertise for new submissions, or call for tenders for this work or for work of a similar nature.

Engineers Canada may, in its sole discretion, independently verify any information in any proposal. The proposals submitted by Bidders must be offers made in good faith, and Engineers Canada reserves the right to make a choice from the various proposals, or not choose any. Engineers Canada shall not be obligated in any manner until a written agreement relating to an approved proposal has been duly executed.

6.2 Competitive process
With the issuance of this RFP, Engineers Canada is making a business opportunity available to Bidders having the experience, competence, and managerial sophistication to enter into a service contract to complete the work.

6.3 Proposal revisions
All proposal revisions must be received by Engineers Canada prior to the Proposal Submission Deadline stated in Section 5 (RFP Submission & Evaluation Process), above.

6.4 Cost of preparing proposals
Bidders are solely responsible for all costs they incur in preparing and submitting proposals.

6.5 Clarification of proposal
Engineers Canada reserves the right, but does not have an obligation, to request clarification of a proposal or request further information from any or all Bidders. In addition, if, in the opinion of Engineers Canada, any proposal contains a minor defect or irregularity or fails in some way to comply with any requirement of the RFP in a way that, in the opinion of Engineers Canada can be remedied without providing an unfair advantage to one or more Bidders, the Engineers Canada Contact Person may request rectification from the Bidder(s).

Engineers Canada, upon receipt of appropriate clarification and/or rectification, may waive the minor defect or irregularity and accept the Bidder. Failure by a Bidder to provide a written response that, in the opinion of Engineers Canada, properly clarifies or rectifies its proposal, within the time specified in the request for clarification or rectification, may result in disqualification of the proposal.

6.6 Acceptance of RFP conditions
Receipt of a proposal by Engineers Canada will be considered acceptance by the Bidder of the RFP terms and conditions, and will be incorporated in the Bidder’s proposal.

6.7 Negotiation delay
If a written agreement cannot be concluded within fifteen (15) business days of notification to the designated Bidder, Engineers Canada may, in its sole discretion, terminate negotiations with that Bidder and either negotiate a service agreement with another Bidder of its choice or choose to terminate the RFP process and not enter into a contract with any of the Bidders.
6.8 Notification of success
A written Notice of Award shall be the only valid form of notification of success in response to this RFP.

6.9 Reservation of rights
Engineers Canada reserves the right, in its sole discretion, to:

- modify, cancel or suspend the selection process, or any or all stages of the selection process, including before or after provision of a Notice of Award, at any time for any reason;
- accept or reject any proposal based on the evaluation criteria in section 5, above, as determined in the sole discretion of Engineers Canada;
- not accept any proposal; and
- reject or disqualify all or any proposal without any obligation, compensation, or reimbursement to any Bidder.

6.10 Limitation of damage
Each Bidder, by submitting a proposal, agrees that:

- In the event any or all proposals are rejected or disqualified, or the Project or selection process is modified, suspended or cancelled for any reason, neither Engineers Canada, nor its employees, agents, officers, or directors will be liable under any circumstances for any claim, or to reimburse or compensate any person in any manner whatsoever, including but not limited to costs of preparation of the proposal, loss of anticipated profits, loss of opportunity, or for any other matter; and
- The Bidder waives any claim for loss of profits or loss of opportunity if: (i) the Bidder is rejected or disqualified or is not successful in the selection process; (ii) the selection process for the project is suspended, cancelled or modified at any time; or (iii) cancellation occurs per the above.

6.11 Proposal Documents
All documents submitted by Bidders will become the property of Engineers Canada.