Request for proposals: Strengthening Collaboration and Harmonization

Date issued:

Thursday, June 23, 2022

Proposal Submission Deadline:

Thursday, July 11, 2022, at 4:30pm ET

Questions concerning this RFP should be directed to:

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Strategic and Operational Planning Officer
Engineers Canada
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613-232-2474 x223

1 Statement of purpose

The purpose of this project (the "Project") is to define Engineers Canada's mandate for regulatory harmonization and to identify areas for future collaboration and/or harmonization. This definition and focus will help Engineers Canada identify valuable work, prioritize activities and could lead to greater collaboration of the engineering regulators and increased harmonization of regulatory practices across Canada.

Successful completion of this Project will entail several key services and deliverables including:

- Developing a consultation approach as well as a consultation plan for 12 consultations (one with each engineering regulator)
- Developing resources for directors to conduct consultations
- Participating in person in the 12 consultations of each engineering regulators and offer live support in consultation as necessary
- Preparing a report after each consultation
- Leading a national consultation, including developing the facilitation plan and reporting on results of the consultation afterward
- Delivering a final report which summarizes the key messages heard during all consultations and facilitates decision-making by the Collaboration Task Force (defined below)
- Collaborating with Engineers Canada to ensure smooth delivery of all Project components

All work should be completed by December 23, 2023.

2 Background information

2.1 Engineers Canada

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 engineering regulators that regulate engineering practice and license the country's more than 300,000 members of the engineering profession.

Our work is focussed on ten 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.

More information about Engineers Canada can be found on our website at www.engineerscanada.ca

3 Engineering regulation in Canada

The provinces and territories have exclusive jurisdictions over the regulation of professions under the Canadian constitution. To practise engineering in Canada, an individual must hold and maintain a licence from one of the twelve (12) provincial/territorial engineering regulators in Canada:

- Engineers and Geoscientists British Columbia
- Association of Professional Engineers and Geoscientists of Alberta (APEGA)
- Engineers Geoscientists Manitoba
- Engineers and Geoscientists New Brunswick
- Association of Professional Engineers and Geoscientists of Saskatchewan (APEGS)
- Engineers Nova Scotia
- Engineers PEI
- Engineers Yukon
- Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG)
- Ordre des ingénieurs du Québec (OIQ)
- Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)
- Professional Engineers Ontario (PEO)

Each jurisdiction has its own legislation and regulatory body to govern the profession. The regulatory mandate of each regulator includes:

- setting standards for engineering licensure and granting licenses to those applicants who meet the standards
- establishing requirements for the maintenance of an engineering licence
- establishing standards of practice and care
- ensuring that licence holders maintain their competence to practise engineering
- investigating complaints against licence holders and disciplining those who fail to meet established standards

- ensure that those who are not licensed do not practise engineering, call themselves engineers, or hold themselves out as capable of doing engineering work

Engineers Canada does not regulate the practice of engineering. It supports Canada's engineering regulators with engineering regulation by:

- Developing national guidelines that provide advice on regulatory practices,
- Developing tools for regulators that facilitate performing regulatory functions,
- Facilitating the mobility of qualified labour, nationally and internationally, and
- Fostering collaboration between regulators to allow for information sharing and coordination

4 Project framework

The Project consists of the following four phases:

- Phase 1: Documenting lessons learned though official groups consultations;
- Phase 2: Mapping legislative authorities of all regulators;
- Phase 3: Consulting decision makers on regulatory harmonization; and
- Phase 4: Signing a statement of collaboration and identifying areas for harmonization.

Phase 1 has been completed, and Phase 2 is currently being completed. This RFP is particularly concerned with the delivery of Phase 3 and establish a sufficient background to launch Phase 4 where the content of the statement of collaboration will be informed by the input received during the consultations with decisions makers.

4.1 Project objectives

This Project is part of Engineers' Canada 2022-2024 Strategic Plan, and is identified therein as Strategic Priority 1.2 *Strengthen collaboration and harmonization*. Engineers Canada has always existed to support the engineering regulators and to foster collaboration between them, and yet there are few examples of national harmonization of regulatory standards, policies, processes or practices. During the development of the 2022-2024 strategic plan, the following gaps were identified:

- Many regulators express a desire for greater harmonization, and Engineers Canada has proposed many elements for harmonization, and yet cases of successful collaboration leading to national harmonization are infrequent.
- Engineers Canada does not have clear direction as to whether its role is to promote harmonization or to support it when regulators request it.
- Engineers Canada is unclear if the desire to harmonize is supported at all levels of every regulator, how to support regulators in their efforts to harmonize, or even what is meant by harmonization (does harmonization mean 100% nationally consistent, or less than that?).
- Engineers Canada does not know in which areas regulatory harmonization is desirable or achievable (e.g., licensure? Practice? Enforcement? Discipline? Others?)
- Engineers Canada does not understand what the barriers to harmonization are: legislative? Regulatory? Personality? Authority/accountability? Change resistance?
- There are several levels of 'decision makers regarding Engineers Canada activities (regulator staff, regulator CEOs, regulator councils, Engineers Canada Board) and not all decision makers have a

full understanding of the complexities involved with collaboration and harmonization activities or the inner workings of the regulators. This makes it difficult to achieve common agreement or understanding around what is feasible and what should be prioritized or not.
- Although there are examples of harmonization, Engineers Canada does not have an understanding of why collaboration worked when it did.

This Project seeks to close these gaps by clearly defining:

1. The extent of harmonization that is desired by the 12 engineering regulators,
2. The areas of regulation that can be harmonized, and
3. The role of Engineers Canada in harmonization efforts.

Gaining this clarity would provide benefit to Engineers Canada by allowing us to prioritize our work and focus on areas of value for the regulators (our primary clients) and would also provide benefit to the engineering regulators in terms of resource sharing and supporting improved practices.

Early work with staff of the engineering regulators has helped to identify conditions that have contributed to successful collaboration and harmonization efforts, and those that contributed to unsuccessful attempts. The next step is to consult the decision-makers at each engineering regulator to obtain clarity about their desire for national harmonization and for national collaboration.

The decision-makers could be the council of an engineering regulator (an elected board of engineers entrusted to govern the regulator), or it could be senior staff, depending on the legislation and operational structure in place at the regulator.

4.2 Position Paper

To structure the consultations, a position paper on regulatory harmonization will be developed by Engineers Canada and the Collaboration Task Force (a task force of the Engineers Canada Board whose Terms of Reference are available in the Board Policy Manual, policy #6.14) and circulated to all engineering regulators prior to the face-to-face consultations. This paper will be informed by the previously mentioned consultations of regulator staff on what regulatory collaboration and harmonization projects have been successful or unsuccessful in the past. The position paper will be structured to prompt discussion around the desire on the future state of collaboration and harmonization of engineering regulation. It will also be used to structure the consultations and elicit each regulator's feedback on their desire for harmonization and extent of that harmonization (and in what areas). Consultations will happen individually with each of the twelve regulators in the first half of 2023. In addition, a national consultation that includes representatives from every regulator will take place in October 2023 to allow engineering regulators to hear directly from one another.

4.3 Project teams

The Project is guided by a project team that includes Engineers Canada and a task force of the Engineers Canada Board, the *Collaboration Task Force*, who will play an advisory role for all activities related to the

Project and will set the direction and make the decisions about the content of the position paper and the statement of collaboration. Both documents will require final approval from the Engineers Canada Board as a whole.

The consultation with each regulator will take place in person, subject to any applicable health regulations. The director(s) representing each regulator will lead the consultation, with support from Engineers Canada and the successful consultant. The consultant will travel to attend in person consultation to each jurisdiction (12 provinces and territories of our regulatory bodies).

5 Deliverables and timeline

5.1 Scope of work

In completing this Project, Engineers Canada is seeking a Bidder who shall deliver all the necessary services and deliverables, particularly the following:

Scope Item #	Service / Deliverable	Description
1	Consultation plan	A detailed plan for the process to be followed in a consultation with each regulator's decision-makers (consisting of between 3 and 30 participants) that will elicit the regulator's viewpoints on the value of regulatory harmonization, their willingness to harmonize with other regulators, and any constraints or requirements that they may have with regard to regulatory harmonization. The successful Bidder will submit a draft plan for review by Engineers Canada and make regular update for review by the Collaboration Task Force. After review by the Collaboration Task Force, the Bidder will finalize the consultation plan.
2	Director resources	Provide resources that will help directors conduct productive and effective consultations with their decision-makers. The successful Bidder will submit a draft of these director resources for review by Engineers Canada and staff will update this draft for review by the Collaboration Task Force. After review by the Collaboration Task Force, the Bidder will finalize the director resources.
3	Consultation support	Participate in person in all regulator consultations (estimated duration of 1-2 hours each, with 12 separate consultations) to observe the consultations and make adjustments for future consultations, as necessary. The consultant will also be expected to carefully interject in the consultations in case the conversation veers away from the consultation plan and/or the director is struggling to lead the consultation effectively.
4	Consultation summaries	Provide a summary of all feedback received at each regulator consultations.

5	National consultation	Prepare and conduct a national consultation with the Engineers Canada Board, 2-3 representatives from each engineering regulator, the Engineers Canada Board and Engineers Canada staff (max 70 participants) that will allow participants to develop an understanding of each other's viewpoints, desires and constraints regarding regulatory harmonization. The consultation will likely take place in Ottawa, Ontario.
6	Report on national consultation	Provide a report of the proceedings of the national consultation which will include an overview of the session's discussions, summary of the feedback received and recommended next steps/actions from the consultation.
7	Final report	Provide a final report with results from all consultations that supports the Collaboration Task Force in drafting a National Statement of Collaboration for all regulators to sign

5.2 Services and deliverables

The successful Bidder should be able to competently deliver to Engineers Canada each of the items outlined in section 5.1 (Scope of Work), resulting in successfully completing the Project. All deliverables are subject to review and approval by Engineers Canada.

5.3 Budget

To be considered, proposals should include a Project cost breakdown that accurately represents the work effort required, as outlined in section 5.1 (Scope of Work) of this RFP.

5.4 Project schedule

Engineers Canada have created a draft schedule based on established board meeting dates and our past experience with similar projects. Dates may be adjusted as the project progresses.

All proposal must include a timeline reflecting how each of the items outlined in section 3.1 (Scope of Work) will be completed by the proposed deadlines noted below.

No.	Service / Deliverable	Deadline
1	Consultation plan	First draft to Engineers Canada: September 2, 2022 Revisions: September 6-13, 2022 Second draft ready Collaboration Task Force: September 21, 2022 Review with Collaboration Task Force: October 7, 2022 Revisions: October 11-25, 2022 Final consultation plan delivered: October 25, 2022
2	Director resources	First draft to Engineers Canada: November 10, 2022 Revisions: November 16-23, 2022

		Second draft ready Collaboration Task Force: November 23, 2022 Review with Collaboration Task Force: December 1, 2022 Revisions: December 2-16, 2022 Final version of director resources delivered: December 16, 2022
3	Consultation support	January 1, 2023 – June 30, 2023 (Consultations will be scheduled with each regulator based on availability of their decision-makers, the successful Bidder and the Engineers Canada)
4	Consultation summaries	To be submitted within one week of the date of each consultation
5	National consultation	Consultation scheduled for October 5, 2023
6	Report on national consultation	To be submitted by October 23, 2023
7	Final report	First draft to Engineers Canada: November 7, 2023 Revisions: November 16-23, 2023 Final draft ready for Collaboration Task Force: November 24, 2023

6 RFP submission and evaluation process

6.1 Submission schedule

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

Description	**Key dates**
Issue RFP	June 23, 2022
Question period deadline	July 6, 2022
Proposal Submission Deadline	July 11, 2022
Evaluation of proposals – Stage 1 (initial assessment)	July 12 – July 19, 2022
Evaluation of proposals – Stage 2 (interviews and reference checks)	July 20 - August 2, 2022
Notice of Award	August 5, 2022

6.2 Inquiries

Questions concerning this RFP may be directed by email to the Contact Person, Patricia Segré.

6.3 Proposal submission

Proposals must be submitted by the Proposal Submission Deadline via email to the Contact Person, Patricia Segré.

Late proposals will not be considered and will be deleted, unopened.

Confirmation of receipt will be sent to the Bidder by reply email.

6.4 Required proposal content

In responding to this RFP, all Bidders should provide the following information:

- **Qualifications and relevant experience:** Detail your experience in providing services similar to those required for this Project. Provide a brief description of your company's history, including its size, the number of years it has been in operation, and the names of personnel who would be assigned to work on this Project, including their qualifications and experience as they relate to the Project. Also include the Bidder's full contact information, including mailing address, telephone number and email address, as well as the name and contact information for the individual who would be the main point of contact for the Project.
- **Approach and methodology:** Describe how you will approach the Project. Include recommended methodology and work to successfully achieve the objectives of the Project and provide the deliverables. Include a timeline that identifies Project milestones and when they would be completed. Describe potential additional services the Bidder recommends be provided, if any. Identify the expected challenges for the Project and the proposed mitigation strategies and provide the communication process you will use to engage with Engineers Canada throughout the Project.
- **Fees:** Include the total cost of the Project, as well as a cost breakdown of the various services to be provided.

In addition to the above, Bidders must supply the name, email address and phone number of two recent clients 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 is similar to this Project.

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

6.5 Evaluation process

Upon the closing of the Proposal Submission Deadline, all proposals received by Engineers Canada will be assessed in two stages (see the submission schedule in 6.1) by a Review Team comprised of Engineers Canada, which may include:

- Stephanie Price, Executive Vice President, Regulatory Affairs
- Megan Falle, Manager, Regulatory Liaison
- Any other individuals(s) that the Review Team deems 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 the Scoring Legend.

The Review Team may conduct interviews with Bidder(s) to further confirm their ability and fit to deliver the services related to the Project. The references of the Bidder(s) may also be contacted.

Once the Review Team completes its assessment, Engineers Canada will select and notify the successful Bidder. Thereafter, Engineers Canada will draft and provide the successful Bidder with an agreement governing the provision of services.

6.6 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 6.4 (Required Proposal Content) of this RFP.
- 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.

6.7 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 6.9 (Proposal Evaluation), by which each proposal will be evaluated. Each criterion is rated on a scale of 0 to 10 (see section 6.8, 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.

6.8 Scoring legend

0 Points Deficient	1-3 Points Poor	4-6 Points Fair	7-8 Points Good	9-10 Points Excellent
The proposal fails to meet the requirements of the applicable scoring criteria in a suitable and documented manner. The proposal fails to demonstrate that the Project will be performed in an acceptable manner	The proposal fails to meet the requirements of the applicable scoring criteria in a suitable and documented manner. The proposal reveals significant weaknesses that could result in unacceptable shortcomings in performance of the Project.	The proposal barely meets the requirements of the applicable scoring criteria in a suitable and documented manner. The proposal reveals weaknesses that could result in tolerable or reasonably correctable shortcomings in performance of the Project.	The proposal reasonably demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner. The proposal reveals minor weaknesses that should not significantly impact performance of the Project.	The proposal fully demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner. There are no apparent weaknesses.

6.9 Proposal evaluation

The proposals will be evaluated based on the following criteria:

No.	Criteria/Factor	Weight
1	Mandatory requirements	Elimination
2	Qualifications and Relevant Experience	40
3	Approach and Methodology	40
4	Proposed cost	15
5	Quality of submission	5
	Total	**100**

7 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 and any others, as may be deemed

necessary from time to time (for example, to our legal advisors for the purpose of conducting contract negotiations with the successful Bidder).

8 RFP terms and conditions

8.1 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.

8.2 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.

8.3 Proposal revisions

All proposal revisions must be received by Engineers Canada prior to the RFP submission/closing date and time stated in Section 6 (RFP Submission and Evaluation Process), above.

8.4 Cost of preparing proposals

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

8.5 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 (identified in Section 6.2) or their delegate 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 proposal. 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.

8.6 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.

8.7 Notification of success

A written Notice of Award shall be the only valid form of notification of success in response to this RFP.

8.8 Negotiation delay

Time is of essence. If a written agreement in the form developed by Engineers Canada cannot be concluded within ten (10) business days of notification to the successful 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.

8.9 Reservation of rights

Engineers Canada reserves the right, in its sole discretion, to:

- modify, amend, delay, 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 6, 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.

8.10 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, delayed, 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 delayed, suspended, cancelled or modified at any time; or (iii) cancellation occurs per the above.

8.11 Proposal Documents

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