

Request for proposals: Guideline on duty to report / wrongdoing

Date issued: July 11, 2022

Question period deadline: July 18, 2022

Proposal Submission Deadline: August 19, 2022, at 4:00 pm ET

Questions concerning this RFP should be directed to:

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(the “Contact Person”)

1 Statement of purpose

The Canadian Engineering Qualifications Board (“**CEQB**”, see section 2.1) of Engineers Canada is seeking proposals from firms or individual consultants (“**Bidders**”) to develop a Guideline on duty to report / wrongdoing (the “**Project**”). The Project will be developed through a phased, consultation-based approach, with an anticipated completion date of **May 31, 2024**.

While definitions and interpretations vary by jurisdiction, [Engineers and Geoscientists British Columbia](#) describe the duty to report as such: “[...] the duty to report is an ethical obligation for a registrant to report to the appropriate authority about regulated practice that may pose a risk of significant harm to the environment or health or safety of the public, and conduct which may be illegal or unethical”.

Successful completion of this Project will entail several key deliverables, developed with the support of the CEQB Secretariat (Engineers Canada staff) and in consultation with Project stakeholders, including the CEQB Practice Committee (see section 2.1):

- The development and facilitation of a virtual half-day workshop in October 2022 on duty to report / wrongdoing (otherwise known as whistle blowing);
- 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 the Guideline on duty to report / wrongdoing.

2 Background information

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 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:

- Accrediting undergraduate engineering programs.
- Facilitating and fostering working relationships between and among the regulators.
- 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.
- Offering national programs.
- Advocating to the federal government.
- Actively monitoring, researching, and advising on changes and advances that impact the Canadian regulatory environment and the engineering profession.

- Managing risks and opportunities associated with mobility of work and practitioners internationally.
- Fostering recognition of the value and contribution of the profession to society and sparking interest in the next generation of professionals.
- Promoting diversity and inclusivity in the profession that reflects Canadian society.
- 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.

2.1 Canadian Engineering Qualifications Board (CEQB)

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 2022, the 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.

2.2 Background on the Project to develop a Guideline on duty to report / wrongdoing

As defined in Engineers Canada's [Guideline on the practice of engineering in Canada](#), the "practice of engineering" means any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising, or managing any of the foregoing, that requires the application of engineering principles and that concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment.

The engineering profession in Canada has been given the authority and responsibility to be self-regulating, as dictated under provincial and territorial legislation. As such, each engineering regulator has developed and adopted a jurisdictional [code of ethics](#) that guides engineers' relationships with the public, colleagues, employers, employees, and clients. These codes of ethics are presented as broad guiding principles of an ideal or aspirational nature intended to guide engineers in their daily work. Practicing professionals are to interpret these principles dynamically within their daily decision-making and to respond accordingly to the needs of the situation.

Engineering regulators have also developed enforceable professional misconduct definitions based on their code of ethics. Adherence ensures an adequate standard of competence and conduct, thus ensuring responsibility and trust between the profession and the public. The duty to report is an

interpretation of the code of ethics for engineers that has been deemed important enough to be explicitly stated in certain jurisdictions. To safeguard the safety, health and welfare of the public, including people in the work environment, engineers must ethically conduct engineering judgement, risk assessment, decision making and practice across all aspects of their work. Engineering works must competently conform to accepted engineering practice, as well as all relevant standards and applicable codes. Since the duty to report is so fundamental, many engineers may not realize they are fulfilling it daily as they identify designs, processes and procedures that negatively impact the safety, health and welfare of the public.

If engineers do not fully understand their legal obligations related to warning of risks, they cannot adequately ensure protection of public interest and fulfil their duties. Therefore, this guideline aims to provide critical information on the nature of the duty to report and circumstances under which it applies. The guideline's development is intended to signify the engineering profession's commitment to the protection of public interest. While the guideline will undergo a development process under the advisement of the CEQB Practice Committee, some key topics should include best practices around managing "informal" reporting, the limits of the duty to report vs. the duty to warn, considerations in the protection of "whistleblowers", and the reporting of non-technical workplace issues.

3 Deliverables and Project timeline

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 identified as follows:

1. **Prepare and facilitate a half-day virtual workshop for CEQB members and the Practice Committee to develop the general direction of the guideline. (Mid-October 2022 - TBD)**

Engineers Canada Board requires the outputs of the CEQB involve a substantial input and consultation process with Canada's twelve (12) engineering regulators. A national workshop in the early-stages of CEQB projects ensures the smooth development of CEQB documents as they proceed through later stages.

The workshop approach and content will 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. (November 30, 2022)**

Information gathered from the national workshop, as well as supporting work done with 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 in February-March 2023. 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 January 2023 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. (April 30, 2023)

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 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 document.

4. Develop the draft guideline, based on the final general direction document. (July 31, 2023)

Once the general direction is final, the Consultant commences work on the guideline under the advisement of the Practice Committee. The draft general direction requires sequential approvals by the Practice Committee and then the CEQB in September in order to be sent for regulator consultation in October-November.

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 on duty to report / wrongdoing.

5. Incorporate feedback from the draft guideline consultation, and finalize guideline for CEQB and subsequent Engineers Canada Board approval. (November 30, 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 on duty to report / wrongdoing.

4 Budget

Proposals should include the entire Project cost capped at maximum \$60,000 plus taxes.

5 RFP submission and evaluation process

5.1 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.

No.	Description	Key Dates
1	Issue RFP	July 11, 2022
2	Interest disclosure and Bidder meeting request deadline	July 18, 2022
3	Bidder meetings (see section 5.2)	July 25-27, 2022
4	Proposal Submission Deadline	August 19, 2022 at 16:00 EDT
5	Evaluation of proposals, including reference checks	August 22-August 30, 2022
6	Notice of Award issued (subject to negotiation of Service Agreement)	August 30, 2022

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 July 25-27, 2022. 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 Isabelle Flamand, Specialist, Qualifications at Isabelle.Flamand@engineerscanada.ca.

5.4 Proposal submission

Electronic copies of proposals must be submitted by the Proposal Submission Deadline via email to Isabelle Flamand, Specialist, Qualifications at Isabelle.Flamand@engineerscanada.ca.

5.5 Required proposal content

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

Qualifications and relevant experience:

- Detail your experience with regulated professions, or within an engineering-related field, working on issues related to duty to report and whistleblowing;
- Detail your expertise in stakeholder engagement and facilitation (both individual expertise of proposed resources and applied knowledge of relevant methodologies);
- 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 your 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 a detailed workplan that includes Project timelines and milestones, and when they would be completed;
- Include recommended methodology and work to successfully achieve the objectives of the Project and provide deliverables;
- Describe the process you would follow to develop the national workshop, identified as the second deliverable in section 3 (Deliverables and Project Timeline);

- Identify the expected challenges for this Project and the proposed mitigation strategies.

Fees and expenses:

- Outline your proposed total costs and fees 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.

5.6 Evaluation process

Upon the closing of the Proposal Submission Deadline, all proposals received by Engineers Canada will be assessed by a Review Team comprised of Engineers Canada staff and volunteers, which may include:

- Specialist, Qualifications
- Manager, Qualifications and CEQB Secretary
- Chair, Practice Committee
- 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. The Review Team will ensure compliance with the stated mandatory requirements and will score each proposal, in accordance with Section 5.9 (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.

5.7 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 5.5 (Required Proposal Content) of this RFP.

- Proposals must clearly state the total Project cost, including all fees and expenses, in Canadian funds, and that cost must fall within Budget.

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.

5.8 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 5.9 (Proposal Evaluation), by which each proposal will be evaluated. Each criterion is rated on a scale of 0 to 10 (see section 5.8, 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.

5.9 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 meet the requirements of the applicable scoring criteria in a suitable and documented manner.	The proposal barely meets the requirements of the applicable scoring criteria in a suitable and documented manner.	The proposal reasonably demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner.	The proposal fully demonstrates that the requirements of the applicable scoring criteria are met in a documented and suitable manner.
The proposal fails to demonstrate that the Project will be performed in an acceptable manner	The proposal reveals significant weaknesses that could result in unacceptable shortcomings in performance of the Project.	The proposal reveals weaknesses that could result in tolerable or reasonably correctable shortcomings in performance of the Project.	The proposal reveals minor weaknesses that should not significantly impact performance of the Project.	There are no apparent weaknesses.

5.10 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

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 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).

7 RFP terms and conditions

7.1 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.

7.2 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.

7.3 Proposal revisions

All proposal revisions must be received by Engineers Canada prior to the RFP submission/closing date and time stated in Section 5 (RFP Submission and Evaluation Process), above.

7.4 Cost of preparing proposals

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

7.5 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 5.3) 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.

7.6 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.

7.7 Notification of success

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

7.8 Negotiation delay

If a written agreement in the form developed by Engineers Canada cannot be concluded within fifteen (15) 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.

7.9 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 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.

7.10 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.

7.11 Proposal Documents

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