

Request for proposals: Guideline on fitness to practice

Date issued: September 30, 2022

Question period deadline: October 7, 2022

Proposal Submission Deadline: November 4, 2022, at 4:00 pm ET

Questions concerning this RFP should be directed to:

Isabelle Flamand
Specialist, Qualifications
Engineers Canada

Isabelle.Flamand@engineerscanada.ca

(the “Contact Person”)

1 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 on fitness to practice (the “**Project**”). The Project will be developed through a phased, consultation-based approach, with an anticipated completion date of **October 31, 2024**.

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 Continuing Competence Committee:

- The development and facilitation of a virtual half-day workshop in January 2023 (Part I), and an in-person half-day workshop in April 2023 (Part II) on fitness to practice;
- 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 fitness to practice.

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:

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.

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, to 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 sub-committees assist the CEQB in its work and each sub-committee, chaired by a CEQB member, consists of volunteers and, as needed, staff from the provincial and territorial engineering regulators.

In January 2022, the CEQB assigned its standing Continuing Competence Committee to advise on the development of this guideline. With regard to this guideline, the Continuing Competence 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 fitness to practice

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. As defined in their [codes of ethics](#), Engineers must hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace. 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.

"Fitness to practice" is defined as the ability to practice safely in accordance with accepted standards of practice and to comply with professional obligations. Fitness to practice issues can result from normal effects of aging, illness, disability, addictions and substance use/misuse, fatigue, physical and mental health issues, etc., and may arise at any time during a registrant's career. In order to protect the public, engineering regulators require that members be fit to practice at the time of licensure and at all times throughout their careers. When a registrant's fitness to practice is impaired or negatively affected, concerns arise around their ability to practice safely and effectively. Engineering regulators, employers, colleagues, health care providers, families, and individuals each have a role to play in adequately addressing fitness to practice issues.

Canada's engineering regulators have expressed the need for a Guideline on fitness to practice as this is an area in which they currently have limited guidance, including on alternatives approaches to

traditional disciplinary processes which may not be appropriate for addressing fitness to practice issues. Additionally, there is a lack of guidance for practitioners in support of their obligations to protect the public from the effects of poor engineering judgement, risk assessment, decision making and practice, by themselves and their engineering colleagues, including employees and supervisors.

This guideline should help raise awareness of the issues and define fitness to practice to provide a better understanding for both the profession and the public, supporting the engineering profession's commitment to the protection of public interest. This guideline should also include best practices and guidance for recognizing signs of impaired fitness to practice (through self-assessments and peer-assessments), professional obligations and strategies in addressing and/or reporting fitness to practice issues, specific legislative provisions and/or limitations, and effective tools and strategies to deal with fitness to practice issues, including transfer of organizational knowledge, while ensuring that these approaches are not discriminatory based on prohibited grounds such as age, illness/mental illness, disability, etc. Regulators have a duty not to discriminate, and to accommodate registrants who require it, as much as is possible without causing undue hardship. These best practices should ensure they balance

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 Continuing Competence Committee. These are to be delivered over a multi-year timeline:

3.1 Prepare and facilitate a two-part workshop for CEQB members and the Continuing Competence Committee to develop the general direction of the guideline: Part I, January 2023 (virtual - introductory) and Part II, April 2023 (in-person consultation - to develop general direction).

The Engineers Canada Board requires the CEQB to include input through a 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 the later stages.

The workshop approach and content, including supporting materials such as environmental scans and presentations, will also need to be validated under the advisement of the Continuing Competence 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 two workshops.

3.2 Write a draft general direction document based on the workshops, outlining guideline's topics and direction by June 30, 2023.

Information gathered from the national workshop, as well as supporting work done with the Continuing Competence 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, which summarizes stakeholder feedback and communicates it to the committee and Consultant to aid in the next steps of project development. The draft general direction requires sequential approvals by the Continuing Competence 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.

3.3 Finalize the general direction document using collated feedback from the consultation process by November 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 Continuing Competence 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 Continuing Competence 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 on what the guideline will contain.

The **deliverable** is the final general direction.

3.4 Develop the draft guideline, based on the final general direction document. (January 31, 2024)

Once the general direction is final, the Consultant commences work on a draft of the guideline under the advisement of the Continuing Competence Committee. The draft guideline requires sequential approvals by the Continuing Competence 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 on fitness to practice.

3.5 Incorporate feedback from the draft guideline consultation and finalize guideline for the CEQB and subsequent Engineers Canada Board approval by June 30, 2024.

Following the development of the draft guideline, the CEQB Secretariat circulates the document to engineering regulators and the Engineers Canada Board for consultation. The Continuing Competence 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 Continuing Competence 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 fitness to practice.

4 Budget

Proposals should cite a total Project cost not exceeding \$60,000 plus taxes. Please state costs by deliverable in the Proposal.

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 | September 30, 2022 |
| 2 | Interest disclosure and Bidder meeting request deadline | October 7, 2022 |
| 3 | Bidder meetings (see section 5.2) | October 11-13, 2022 |
| 4 | Proposal Submission Deadline | November 4, 2022, at 16:00 EDT |
| 5 | Evaluation of proposals, including reference checks | November 7-11, 2022 |
| 6 | Notice of Award issued (subject to negotiation of Service Agreement) | November 14, 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 October 11-13. 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 fitness to practice;
- 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, Continuing Competence 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.