



## Request for Proposals

All enquiries related to this Request for Proposals, including any requests for information and clarification, are to be submitted by **July 6, 2021** and directed, in writing, to [Kate.Hewitt@bcogc.ca](mailto:Kate.Hewitt@bcogc.ca) and [procurement@bcogc.ca](mailto:procurement@bcogc.ca), who will respond if time permits. Information obtained from any other source is not official and should not be relied upon. Enquiries and any responses will be recorded and may be distributed to all Proponents at the Commission's option.

**RFP # 16022002**

## 2021 First Nations Survey & Feedback Program

**Closing Time:** Proposals must be received electronically **before 8:00 AM Pacific Time on: July 13<sup>th</sup>, 2021**

### Delivery of Proposals

Proposals must be submitted electronically.

To: [Kate.Hewitt@bcogc.ca](mailto:Kate.Hewitt@bcogc.ca) and cc [procurement@bcogc.ca](mailto:procurement@bcogc.ca)

## Organization Overview

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1. The BC Oil and Gas Commission (Commission) is an independent, single-window regulatory agency with responsibilities for overseeing oil and gas operations in British Columbia. Regulatory responsibility is delegated to the Commission through the *Oil and Gas Activities Act* and includes specified enactments under the *Forest Act*, *Heritage Conservation Act*, *Land Act*, *Environmental Management Act*, and *Water Act*. The operating costs of the Commission are funded through industry fees and levies on a cost recovery basis.
2. The Commission's core roles include reviewing and assessing applications for industry activity, consulting with First Nations, ensuring industry complies with provincial legislation and cooperating with partner agencies. The public interest is protected by ensuring public safety, protecting the environment, conserving petroleum resources and ensuring equitable participation in production.
3. The regulatory responsibility of the Commission extends from the exploration and development phases of oil and gas activities through to facilities operation, and ultimately decommissioning of industry projects. It is charged with balancing a broad range of environmental, economic and social considerations.

## **A. Definitions and Administrative Requirements**

### **1. Definitions**

Throughout this Request for Proposals, the following definitions apply:

- a) "Contract" means the written agreement resulting from this Request for Proposals executed by the Commission and the Contractor;
- b) "Contractor" means the successful Proponent to this Request for Proposals who enters into a written Contract with the Commission;
- c) "Must", or "mandatory" means a requirement that must be met in order for a proposal to receive consideration;
- d) "Proponent" means an individual or a company that submits, or intends to submit, a proposal in response to this Request for Proposals;
- e) "Commission" means the Oil and Gas Commission;
- f) "Request for Proposals" means the process described in this document; and
- g) "Should" or "desirable" means a requirement having a significant degree of importance to the objectives of the Request for Proposals.

### **2. Terms and Conditions**

Submitting a proposal indicates acceptance of all the terms and conditions set out in the RFP, including those that follow and that are included in all appendices and any Addenda.

A proposal must be signed by a person authorized to sign on behalf of the Proponent with the intent to bind the Proponent to the RFP and to the statements and representations in the Proponent's proposal. A scanned copy of the signed cover page of this RFP is acceptable as is a cover letter identifying the Proponent, identifying the RFP and including a signature of an authorized representative of the Proponent that confirms the Proponent's intent to be bound. For proposals submitted to an electronic proposal constitutes the signature of an authorized representative of the Proponent and is acceptable without additional signature.

### **3. Electronic Submissions**

For electronic submissions the following applies:

- a) The Proponent is solely responsible for ensuring that the complete electronic Proposal, is received before Closing Time;
- b) The maximum size of each attachment must be 500 MB or less and uploaded in a single attachment;
- c) Proponents should submit proposal submissions in a single upload and avoid sending multiple submissions for the same opportunity;
- d) Attachments must not be compressed, must not contain a virus or malware, must not be corrupted and must be able to be opened. Proponents submitting by electronic submission are solely responsible for ensuring that any emails or attachments are not corrupted. The Commission may reject proposals that are compressed, cannot be opened or that contain viruses or malware or corrupted attachments.

### **4. Late Proposals**

Proposals will be marked with their receipt time once submitted. Only complete proposals received and marked before closing time will be considered to have been received on time. Proposals that are received late will be marked late and will not be considered or evaluated. In the event of a dispute, the proposal receipt time as recorded by the electronic date stamp shall prevail whether accurate or not.

### **5. Eligibility**

- a) Proposals will not be evaluated if the Proponent's current or past corporate or other interests may, in the Commission's opinion, give rise to a conflict of interest in connection with the project described in this Request for Proposals. This includes, but is not limited to, involvement by a Proponent in the preparation of this Request for Proposals. If a Proponent is in doubt as to whether there might be a conflict of interest, the Proponent should consult with the Commission Procurement Specialist prior to submitting a proposal.
- b) Proposals from not-for-profit agencies will be evaluated against the same criteria as those received from any other Proponents.

### **6. Evaluation**

Evaluation of proposals will be by a committee formed by the Commission and may include employees and contractors of the Commission. All personnel will be bound by the same standards of confidentiality. The Commission's intent is to enter into a Contract with the Proponent who has the highest overall ranking.

**7. Negotiation Delay**

If a written Contract cannot be negotiated within thirty days of notification of the successful Proponent, the Commission may, at its sole discretion at any time thereafter, terminate negotiations with that Proponent and either negotiate a Contract with the next qualified Proponent or choose to terminate the Request for Proposals process and not enter into a Contract with any of the Proponents.

**8. Debriefing**

Unsuccessful Proponents may request a debriefing meeting with the Commission.

**9. Alternative Solutions**

If alternative solutions are offered, please submit the information in the same format, as a separate proposal.

**10. Changes to Proposals**

By submission of a clear and detailed written notification, the Proponent may amend or withdraw its proposal prior to the closing date and time. Upon closing time, all proposals become irrevocable. The Proponent will not change the wording of its proposal after closing and no words or comments will be added to the proposal unless requested by the Commission for purposes of clarification.

**11. Proponents' Expenses**

Proponents are solely responsible for their own expenses in preparing a proposal and for subsequent negotiations with the Commission, if any. If the Commission elects to reject all proposals, the Commission will not be liable to any Proponent for any claims, whether for costs or damages incurred by the Proponent in preparing the proposal, loss of anticipated profit in connection with any final Contract, or any other matter whatsoever.

**12. Limitation of Damages**

Further to the preceding paragraph, the Proponent, by submitting a proposal, agrees that it will not claim damages, for whatever reason, relating to the Contract or in respect of the competitive process, in excess of an amount equivalent to the reasonable costs incurred by the Proponent in preparing its proposal and the Proponent, by submitting a proposal, waives any claim for loss of profits if no Contract is made with the Proponent.

**13. Proposal Validity**

Proposals will be open for acceptance for at least 90 days after the closing date.

**14. Firm Pricing**

Prices will be firm for the entire Contract period unless this Request for Proposals specifically states otherwise.

**15. Currency and Taxes**

- 4. Prices quoted are to be:
  - a) In Canadian dollars;
  - b) Inclusive of duty, where applicable; FOB destination, delivery charges included where applicable; and
  - c) Exclusive of taxes

**16. Completeness of Proposal**

By submission of a proposal the Proponent warrants that, if this Request for Proposals is to design, create or provide a system or manage a program, all components required to operate the system or manage the program have been identified in the proposal or will be provided by the Contractor at no charge.

**17. Subcontracting**

- a) Using a subcontractor (who should be clearly identified in the proposal) is acceptable. This includes a joint submission by two Proponents having no formal corporate links. However, in this case, one of these Proponents must be prepared to take overall responsibility for successful performance of the Contract and this should be clearly defined in the proposal.
- b) Subcontracting to any firm or individual whose current or past corporate or other interests may, in the Commission's judgment, give rise to a conflict of interest in connection with the project or program described in this Request for Proposals will not be tolerated. This includes, but is not limited to, any firm or individual involved in the formulation of this Request for Proposals. If a Proponent is in doubt as to whether a proposed subcontractor gives rise to a conflict of interest, the Proponent should consult with the Commission Contact Person listed on page 1 prior to submitting a proposal.
- c) Where applicable, the names of approved sub-contractors listed in the proposal will be included in the Contract. No additional subcontractors will be added, nor other changes made, to this list in the Contract without the written consent of the Commission.

**18. Acceptance of Proposals**

- a) This Request for Proposals should not be construed as an agreement to purchase goods or services. The Commission is not bound to enter into a Contract with the Proponent who submits the lowest priced proposal or with any Proponent. Proposals will be assessed in light of the evaluation criteria. The Commission will be under no obligation to receive further information, whether written or oral, from any Proponent.
- b) Neither acceptance of a proposal nor execution of a Contract will constitute approval of any activity or development contemplated in any proposal that requires any approval, permit or license pursuant to any federal, provincial, regional district or municipal statute, regulation or by-law.

**19. Definition of Contract**

Notice in writing to a Proponent that it has been identified as the successful Proponent and the subsequent full execution of a written Contract will constitute a Contract for the goods or services, and no Proponent will acquire any legal or equitable rights or privileges relative to the goods or services until the occurrence of both such events.

**20. Contract**

By submission of a proposal, the Proponent agrees that should its proposal be successful, the Proponent will enter into a Contract with the Commission in accordance with the terms of the Commission's General Service Agreement.

**21. Liability for Errors**

While the Commission has used considerable efforts to ensure the information in this Request for Proposals is accurate, the information contained in this Request for Proposals is supplied solely as a guideline for Proponents. The information is not guaranteed or warranted to be accurate by the Commission, nor is it necessarily comprehensive or exhaustive. Nothing in this Request for Proposals is intended to relieve Proponents from forming their own opinions and conclusions with respect to the matters addressed in this Request for Proposals.

**22. Modification of Terms**

The Commission reserves the right to modify the terms of this Request for Proposals at any time in its sole discretion. This includes the right to cancel this Request for Proposals at any time prior to entering into a Contract with the successful Proponent.

**23. Ownership of Proposals**

All proposals submitted to the Commission become the property of the Commission. They will be received and held in confidence by the Commission, subject to the provisions of the *Freedom of Information and Protection of Privacy Act* and this Request for Proposals.

**24. Use of Request for Proposals**

Any part of this document, or any information provided by the Commission in relation to this Request for Proposals may not be used or disclosed, for any purpose other than for the submission of proposals. Without limiting the generality of the foregoing, by submission of a proposal, the Proponent agrees to hold in confidence all information provided by the Commission in relation to this Request for Proposals.

**25. Reciprocity**

The Commission may consider and evaluate any proposals from other jurisdictions on the same basis that the Commission purchasing authorities in those jurisdictions would treat a similar proposal from a British Columbia supplier.

**26. No Lobbying**

Proponents must not attempt to convey directly or indirectly with any employee, contractor or representative of the Commission, including the evaluation committee and any elected officials of the Commission, or with members of the public or the media, about the project described in this Request for Proposals or otherwise in respect of the Request for Proposals, other than as expressly directed or permitted by the Commission.

## B. Requirements and Responses

### 1. Summary of the Requirement

#### Background:

The Commission engages with First Nation communities on a variety of initiatives beyond legal consultation requirements for oil and gas and thermal energy projects. The Commission is committed to reconciliation, implementing the UN Declaration and meeting its obligations under the Declaration Act by collaborating with First Nations communities across the province who are impacted by, and involved with, Commission-regulated oil, gas and geothermal development.

Obtaining feedback from First Nations allows the Commission to report on Indicators and Performance Measures identified in the Commission's organizational Service & Strategic Plans. The Commission's [2021/22 – 2023/24 Service Plan](#) includes the following goal, objective and performance measure:

Goal 2: Respect those affected by energy development activities.

Objective 2.1: Indigenous peoples' and their governments' rights are respected, and interests are understood, considered and incorporated in Commission decisions and programs.

**Performance measure:** Satisfaction level on how well the Commission is engaging Indigenous groups. In fall 2017, the Commission implemented its first anonymous (online) survey to ask First Nations communities for feedback. As part of that survey, a commitment was made to the participants to survey First Nation communities every two years and a survey was done again in 2019. Results have been and will be tracked, evaluated and shared with those communities.

#### Current Project:

The purpose of this project is to implement the Commission's ongoing biennial First Nations engagement survey on BC Oil and Gas Commission's (Commission) engagement and relationship with them, while also developing a new framework for collecting feedback from First Nations.

For 2021, the Commission is seeking a qualified contractor to create and design a research project that will propose a feedback approach, interview/survey participants and analyze responses from First Nations and Indigenous communities who engage with the Commission.

The specific objectives are to :

- Design and develop a new framework for collecting feedback from First Nations.
- Determine Indigenous communities' level of satisfaction with the engagement activities of the Commission.
- Monitor trends and patterns in satisfaction levels since previous surveys in 2017 and 2019.
- Understand First Nations communities' awareness of the Commission and its regulatory role.
- Identify topics and performance measures that define a successful relationship with the Commission for a First Nations perspective.
- Collect definitions of a good working relationship, and suggestions for improvements to the Commission's relationships with First Nation communities.

#### Final Deliverables

- 1) A final report to include the following:
  - a. Executive Summary
  - b. Background, objectives and methodology
  - c. Summary of Findings
  - d. Conclusions, themes, and key messages (including an assessment of Performance Measure 2.1)
  - e. Appendices (survey questions)

- f. Final presentation document(s): infographics and other materials for visually illustrating, and sharing, the findings (graphic design is required)
- g. A summary presentation in MS PowerPoint format.

Note: Final report, presentation and all other documents are to be professionally done and include infographics and other materials for visually illustrating, and sharing, the findings (graphic design is required).

## 2. Anticipated Schedule and milestones

The following table outlines the anticipated schedule for this RFP. All times identified in the table are in Pacific Time.

Event	Anticipated Date
RFP sent out	June 24 <sup>th</sup> , 2021
Enquiries deadline	July 6 <sup>th</sup> , 2021
Deadline for RFP submissions	July 13 <sup>th</sup> , 2021 at 8:00am
Inform candidate companies of decision	July 20 <sup>th</sup> , 2021
Contract signing deadline between contractor and the Commission	July 26 <sup>th</sup> , 2021
Project kick off meeting	July 27 <sup>th</sup> , 2021
Research questions due	August 27 <sup>th</sup> , 2021
Introductory messaging and contact list provided by the Commission	August 27 <sup>th</sup> , 2021
Research design completed	September 10 <sup>th</sup> , 2021
Research period	September 13 <sup>th</sup> – November, 2021
Research and response period deadline	November 30 <sup>th</sup> , 2021
First draft report due	December 2021 – January 2022
Second draft of report, draft presentation and draft infographics due	January 31 <sup>st</sup> , 2022
All final products due	February 15 <sup>th</sup> , 2022

## 3. Requirements

### 3.1 Scope of Services

The goals of the project are:

1. Assess the Performance Measure identified under Objective 2.1 in the Commission's 2021/22 – 2023/24 Service Plan (above); and
2. Design a research protocol and gather information to help the Commission continually improve its engagement with First Nations and Indigenous communities.

The successful Proponent who enters into a written contract with the Commission is expected to design and recommend a feedback approach, along with developing a survey with qualitative and quantitative components that will meet the goals and objectives set out above.

The approach should take a distinctions-based approach and address both the shared and unique interests of the Commission and First Nations with respect to engagement and relationship building. This may include exploring feedback using new collection methods and with more frequency than previous surveys and should also include a collaborative approach to evaluating Commission-Indigenous relationships, that tells a collective story about the nature of the relationship. The results would reveal not just the Commission's relationship with FNs (one way), but also the relationship with each other (two-way).

The Commission Project Team will be responsible for generating the survey contact list and providing it to the successful proponent. Data collection could include, but is not limited to:

- formal and informal methods
- both periodic and ongoing frequency
- individuals and/or groups
- Consideration for both data continuity and community diversity

The anticipated timeline for data collection is mid-September 2021 to end of November 2021. The participant levels will be approximately 30 Nations. The project must produce measurable outcomes which can be reported and be conducted in a culturally appropriate manner.

### 3.2 Content Requirements

To respond to this Request for Proposals, Proponents are required to submit the following information:

To be eligible to submit a quote, the Commission requires the following:

1. Previous experience working with Indigenous communities, preferably in British Columbia.
2. Experience working on projects involving public service and Indigenous peoples/Nations.
3. Proven experience with qualitative and quantitative research methods and analysis.
4. Culturally appropriate methodology (means of testing).
5. Data storage remains solely in Canada.
6. Virtual communication only (no travel).
7. Availability/ability to deliver within provided time frame and produce the final deliverables outlined above
8. References.

The expectations are that the contractor will work closely with the Commission to develop the feedback approach and survey, in consultation with the Commission's Project Team.

We require that the successful contractor will:

1. Liaise with the Commission Project Team to develop, refine and collaborate on the project.
2. Deliver, administer, and ask questions to the identified communities via email and/or telephone/virtual platforms such as Teams.
3. Follow up with communities to encourage responses (as required) to the survey.
4. Data collection and management (e.g. quantitative and qualitative information/conversations shared by participants). Note: interview transcription is not required for the Commission.
5. Data analysis and generation of final deliverables under section B.1.

The Commission's target response rate for the survey is 75% participation across the province; at least 50% participation regionally. Ideally with a cross section of large and small communities.

### 3.3 Format Requirements

The following format, sequence, and instructions should be followed in order to provide consistency in Proponent response and ensure each proposal receives full consideration. With all pages consecutively numbered, the proposals should contain the following parts:

- a) Table of contents with page numbers.
- b) One page executive summary.
- c) The body of the proposal in accordance with the above content requirements. This part is not to exceed 10 pages of combined text, tables, graphics and other written presentation in support of the content requirements.

## 4. Evaluation

The evaluation of responses will be conducted by a team consisting of employees of the Commission. All members of the team will be bound by the same standards of confidentiality.

This section details all of the mandatory criteria against which proposals will be evaluated. Proponents should ensure that they fully respond to all criteria in order to receive full consideration during the evaluation.

The lowest price or any Proposal will not necessarily be accepted. The Commission reserves the right to refuse any proposed based on quality, service, price, reputation, experience and other criteria.

The Preferred Proponent will be the Proponent scoring the most points after evaluation. The evaluation process will consist of the following stages:

- Stage One – Mandatory Criteria (listed below in section 4.1)
- Stage Two – Desirable Criteria
- Stage Three – Reference Checks

The content and presentation of the final products must be to a standard approved by the Commission. The final product will be presented to the Commission's Board of Directors in March 2022. The report may also be shared in its entirety, or in summarized form with: groups internal to the Commission; participating First Nations; or with the public as appropriate. Submissions must demonstrate that the contractor will generate a product that meets the goals, objectives and timelines.

### 4.1 Mandatory Criteria

Proposals not clearly demonstrating that they meet the following mandatory criteria will be excluded from further consideration during the evaluation process:

- **The Proposal must be sent and received before the designated closing date and time.**
- **The Proposal must be in English and submitted electronically to <https://procurement.bcoqc.ca> and [Kate.Hewitt@bcogc.ca](mailto:Kate.Hewitt@bcogc.ca)**
- **The Proponent must confirm that any personal information received, collected or held over the course of the review will be stored and used only in Canada.**
- **The Proposal must contain an independence and objectivity statement by the Proponent.**

**Failure to meet all mandatory criteria above will disqualify the Proponent's Proposal from further review.**

**Desirable Criteria:**

The successful contractor's submission will be evaluated and scored based on the following criteria:

Desirable Criteria	Weight
<p><b>Proponent's Qualifications and Relevant Experience</b></p> <ol style="list-style-type: none"> <li>1. Experience working on projects involving public service and Indigenous peoples/Nations</li> <li>2. Experience with qualitative or quantitative information or both</li> <li>3. Final product offerings/ Final product(s) meet design requirements (graphics are included)</li> <li>4. extent of the analysis, research design</li> </ol>	40%
<p><b>Suitability of Proposed Approach</b></p> <ol style="list-style-type: none"> <li>1. Availability/ability to deliver within provided time frame and completed by February 2022.</li> <li>2. Responsive communications with Commission staff</li> <li>3. Capacity for virtual communication.</li> <li>4. Culturally appropriate methodology (means of testing)</li> </ol>	40%
<p><b>Pricing</b> Total price, hourly rate, value discounts.</p>	20%

**4.2 Reference Checks**

The references of the Preferred Proponent may be contacted to validate any part of their responses. The Commission reserves the right to conduct such independent reference checks or verifications as they deem necessary to clarify, test, or verify the information contained in the responses and confirm the suitability of the Proponent. The Commission will not enter into a contract with any Proponent whose references are found to be unsatisfactory.