



Trust Council Select Committee

Governance and Management Review

Agenda

Date: Monday, February 1, 2021
Time: 4:00 pm
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

	Pages
1. LAND ACKNOWLEDGEMENT / CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. ADDOPTION OF MINUTES/COORDINATION	
3.1. Draft Minutes January 18, 2021	2 - 6
3.2. Resolutions Without Meeting - None	
3.3. Follow-up Action List (FUAL)	7 - 7
4. BUSINESS ITEMS	
4.1. Presentation on BC Bid Process, Julia Crosby - Procurement and Contract Specialist	
4.1.1. BC Bid Request for Proposal (RFP) template	8 - 27
Provided for information.	
4.2. Select Sub-committee Terms of Reference Review - (report pending)	
5. NEW BUSINESS	
6. NEXT MEETING	
The next meeting of the Select Committee will be held electronically, Tuesday, February 16, 2021 at 4:00 p.m.	
7. ADJOURNMENT	



Trust Council Select Committee Governance and Management Review Minutes of Regular Meeting

Date: January 18, 2021
Time: 1:30 pm
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Lee Middleton, Chair, Saturna Island Trustee
Kees Langereis, Vice-Chair, Gabriola Island Trustee
Paul Brent, Saturna Island Trustee
David Critchley, Denman Island Trustee
Michael Kaile, Bowen Island Municipal Trustee
Peter Luckham, Executive Committee Representative, Thetis Island Trustee
Ben McConchie, North Pender Island Trustee (arrived at 3:15 p.m., left at 3:34 p.m.)
Deb Morrison, North Pender Island Trustee (arrived at 2:26 p.m.)
Steve Wright, South Pender Island Trustee

Staff Present: Chief Administrative Officer, Russ Hotsenpiller
Legislative Services Manager, Carmen Thiel
Executive Coordinator/Recorder, Lori Foster

Others present: Scott Colbourne, Gabriola Island Trustee

1. LAND ACKNOWLEDGEMENT

Chief Administrative Officer (CAO), Hotsenpiller opened the inaugural meeting of the Trust Council Select Committee and acknowledged the meeting was being held on Coast Salish First Nations traditional and treaty territory.

The meeting came to order at 1:35 p.m.

2. MEMBERSHIP OF COMMITTEE

2.1 Meeting Procedures/Quorum/Voting – Review

CAO Hotsenpiller spoke to his role on the Select Committee and would decline to be a voting member but act as staff liaison.

Legislative Service Manager (LSM) Thiel gave an overview of meeting procedures and noted the following:

- Based on a nine (9) member voting committee, five (5) trustees present would constitute a quorum,
- Trust Council Meeting Procedures Bylaw 101 will guide this Committee and where silent, Roberts Rule of Orders would apply,
- The meeting will be open to the public unless an in-camera session is held.

3. ELECTION OF CHAIR AND VICE CHAIR

LSM Thiel reviewed voting procedures with the Committee then began call for nominations for chair and vice-chair of the Committee.

SC-2021-001

It was Moved by Trustee Brent and Seconded by Trustee Wright,

That Trustee Lee Middleton be nominated as Chair of the Select Committee on Governance and Management review.

Trustee Middleton agree to stand for the nomination of Chair of the Select Committee.

LSM Thiel called for nominations a second time for Chair of the Select Committee.

Trustee Luckham nominated Trustee Critchley who declined to stand for nomination.

LSM Thiel called for nominations a third time, hearing none, she **declared Trustee Middleton Chair of the Select Committee, by acclamation.**

SC-2021-002

It was Moved by Trustee Kaile and Seconded by Trustee Brent,

That Trustee Kees Langereis be nominated as Vice-Chair of the Select Committee on Governance and Management review.

Trustee Langereis agree to stand for the nomination of Vice-Chair of the Select Committee.

LSM Thiel called for nominations a second time for Vice-Chair of the Select Committee, there were none.

LSM Thiel called for nominations a third time.

Trustee Luckham nominated Trustee Critchley who declined to stand for the nomination.

Hearing no further nominations, Legislative Services Manager (LSM) Thiel **declared Trustee Langereis Vice-Chair of the Select Committee, by acclamation.**

4. APPROVAL OF AGENDA

4.1 Agenda Amendments

SC-2021-003

It was Moved by Trustee Kaile and Seconded by Trustee Brent,
That the agenda be approved as presented.

CARRIED

5. ADOPTION OF MINUTES/COORDINATION

5.1 Minutes of Meetings – None

5.2 Resolutions Without Meeting – None

5.3 Follow-up Action List (FUAL) – None

6. WORK PROGRAM ITEMS – None

7. BUSINESS

7.1 Schedule of Meetings – Briefing

By general consent, the Select Committee agreed to address business item 7.1 last.

7.2 Resources for Committee/Staff/Meeting

Chief Administrative Officer (CAO) Hotsenpiller advised the Select Committee that he would attend in his CAO capacity, Executive Coordinator Foster would provide meeting administration, Legislative Services Manager Theil, as needed, for legislative assistance and Finance Officer Roggers with Director of Administration Mobbs would oversee administrative aspects of the BC Bid process.

7.3 Live Stream or Recorded and Posted Meetings

SC-2021-004

It was Moved by Trustee Langereis and Seconded by Trustee Wright,

That in order to meet the principles of openness, transparency, and accessibility, meetings of the Governance and Management Review Select Committee will be held electronically until Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act change regarding public attendance at Trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

7.4 Terms of Reference Discussion – Briefing

Chair Middleton introduced the briefing and the Terms of Reference (TOR) attachment.

Trustee Morrison joined the meeting at 2:26 p.m. and Trustee McConchie joined the meeting at 3:15 p.m.

Discussion ensued on the Terms of Reference (TOR) in preparation for the BC Bid Request for Proposal:

- As a guidance document for the Committee;
- Reviewing and amending the TOR for quality and clarity;
- The BC bid package to define scope of work and deliverables;
- Leaving the TOR as written and adopted by Trust Council.

SC-2021-005

It was Moved by Trustee Luckham and Seconded by Trustee Morrison,

That Staff invite a representative from BC Bid to attend the beginning of our next meeting to advise us on the bid preparation.

CARRIED

Discussion ensued on convening a group to refine the Terms of Reference.

SC-2021-006

It was Moved by Trustee Wright and Seconded by Trustee Luckham,

That the Select Committee appoint Trustee Luckham, Trustee Morrison, Trustee Wright and Trustee Brent as a Group to modify the project scope and bring forward to the committee to our next meeting.

CARRIED

CAO Hotsenpiller will communicate with the Group regarding today's discussions on modifying the project scope.

Trustee McConchie left the meeting at 3:34 p.m.

7.5 Bid Preparation and Sign-off

Discussion was heard on the procurement process and policy regarding who would be on the request for proposal selection committee. This will be an ongoing discussion as the request for proposal is prepared for BC Bid.

7.6 Key Messages Communications – Briefing

Select Committee discussed the briefing as presented in the agenda. The following changes to the key messages were noted:

- Regarding last bullet on public engagement should read: "At this time, there is no plan to engage the public prior to receipt of the external consultants report.",
- Bullet 2, remove the phrase "assess current performance and",
- Bullet 5, include trustees Morrison and Wright.

By general consent, Chair Middleton requested the wording changes to the key messages be made as discussed.

Item 7.1 was discussed next.

7.1 Schedule of Meetings – Briefing

SC-2021-007

It was Moved by Trustee Brent and Seconded by Trustee Wright,

That the Select Committee meet every two weeks scheduled from February 1, 2021 to the end of the fiscal year March 31, 2021 from 4:00 p.m. – 5:30 pm.

CARRIED

8. NEW BUSINESS – None

9. NEXT MEETING

The next meeting of the Select Committee will be February 1, 2021 at 4:00 p.m.

10. ADJOURNMENT

By general consent, the meeting was adjourned at 4:21 p.m.

Lee Middleton, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Select Committee Governance and Management Review

Follow-up Action List (FUAL)

SC Mtg	WHO / Activity	TO	TARGET
SELECT COMMITTEE			
<i>Jan 18/21</i>	That the Select Committee appoint Trustee Luckham, Trustee Morrison, Trustee Wright and Trustee Brent as a Group to modify the project scope and bring forward to the committee to our next meeting.	SC	Feb 1/21 in progress
<i>Jan 18/21</i>	Chair by acclimation – Trustee Lee Middleton; Vice-Chair by acclimation – Trustee Langereis	SC	DONE
<i>Standing Item</i>	Meetings will be held electronically until Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act change regarding public attendance at Trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair	SC	DONE
CHIEF ADMINISTRATIVE OFFICE HOTSENPILLER			
<i>Jan 18/21</i>	Staff invite a representative from BC Bid to attend the beginning of our next meeting to advise us on the bid preparation.	SC	DONE
EXECUTIVE COORDINATOR FOSTER			
<i>Jan 18/21</i>	Create schedules for the Select Committee to meet every two weeks scheduled from February 1, 2021 to the end of the fiscal year March 31, 2021 from 4:00 p.m. – 5:30 p.m.	SC	DONE
<i>Standing Item</i>	Prepare draft minutes for next meeting – (Consideration to Adopt)	SC	DONE
<i>Standing Item</i>	Create Draft agenda in E-scribe - circulate agenda package for next meeting	SC	DONE
<i>Standing Item</i>	Update FUAL for next meeting agenda	SC	DONE

NOTE TO USERS OF THIS RFP TEMPLATE

Review notes and instructions to Author in blue and delete all notes and instructions before the RFP is posted. It is recommended that the Author Notes and options not be deleted until the RFP is finalized in case changes are made during drafting. This Request for Proposals template is intended to be used with the “Ministry Guide to the Request for Proposals Process” (the “Guide”). You can download the Guide from the Internet [here](#).

If you are interested in learning more about what might be available in the market place to meet your needs, consider posting a Request for Information (RFI) to solicit suggestions and feedback from the vendor community prior to issuing the RFP. Click [here](#) for more information on using RFIs.

This RFP template is to be used with the contract options described in Appendix A. If you have questions about the use of this RFP Template, please consult with your [Ministry procurement specialist](#). If you are unsure which contract to include, have other legal issues or wish to amend this RFP template, please consult with your Ministry solicitor as this RFP template may not be suitable for your process. To find out who is your Ministry solicitor, go to the following website <http://www.legalservices.gov.bc.ca/clientassistance/clientservicecoordinators.aspx>.

If you require assistance preparing your RFP, [Procurement Services Branch’s Procurement Specialists](#) are available to assist:

*Telephone (250) 387-7300;
e-mail procurement@gov.bc.ca*

DELETE THIS PAGE PRIOR TO POSTING



Request for Proposals

[Project Title]

Ministry of _____ RFP Number: _____ Issue date: _____

Closing Time: Proposals must be received **before 2:00 PM** [Author: choose applicable time zone: Pacific Time or Mountain Time] on: [Insert Date]

DELIVERY OF PROPOSALS: Proposals must be in English and must be submitted using one of the submission methods below, and must either (1) include a copy of this cover page that is signed by an authorized representative of the Proponent or (2) otherwise identify the RFP, identify the Proponent and include the signature of an authorized representative of the Proponent that confirms the Proponent's intent to be bound, or (3) be submitted by using the e-bidding key on BC Bid (if applicable), in accordance with the requirements set out in Section 2.2: [Author: include applicable delivery methods and delete any that do not apply]

BC Bid Electronic Submission: Proponents may submit an electronic proposal using BC Bid. Proposals must be submitted in accordance with the BC Bid requirements and e-bidding key requirements (found at www.bcbid.ca). Only pre-authorized electronic bidders registered on the BC Bid system can submit an electronic proposal using the BC Bid system. Use of an e-bidding key is effective as signature.

[Author: before opting for email submission, first read the [Guidelines for the Receipt of Submissions Via Email](#), as not all opportunities are suitable for email submissions]: *Email Submission:* Proponents may submit an electronic proposal by email. Proposals submitted by email must be submitted to [insert Province email address for receipt] in accordance with the instructions at Section 2.3 of this RFP.

Regardless of submission method, proposals must be received before Closing Time to be considered.

A proposal is deemed to incorporate the Confirmation of Proponent's Intent to Be Bound below, without alteration.

CONFIRMATION OF PROPONENT'S INTENT TO BE BOUND:

The enclosed proposal is submitted in response to the referenced Request for Proposals, including any Addenda. By submitting a proposal the Proponent agrees to all of the terms and conditions of the RFP including the following:

- a) The Proponent has carefully read and examined the entire Request for Proposals;
- b) The Proponent has conducted such other investigations as were prudent and reasonable in preparing the proposal; and
- c) The Proponent agrees to be bound by the statements and representations made in its proposal.

PROPONENT NAME (please print): _____

NAME OF AUTHORIZED REPRESENTATIVE (please print): _____

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____

DATE: _____

GOVERNMENT CONTACT: Enquiries related to this RFP, including any requests for information or clarification may only be directed in writing to the following person who will respond if time permits before the Closing Time. Information obtained from any other source is not official and should not be relied upon. Enquiries and any responses providing new information will be recorded and posted to BC Bid or otherwise distributed to prospective Proponents.

[Insert Name, Title]

[Address]

[E-mail (should be the same as for submissions if allowing emailed submissions)]

[Author: include this section if you wish a cut-off date for questions. Specify whether hours or business days] The cut-off for submitting any questions related to this RFP to the Government Contact will be **[xx hours]** before the Closing Time. Questions received after this time may not be answered.

PROPOSERS' MEETING:

[Author: select the applicable option and delete the other. Additional option: replace "Proposers' meeting" with scheduled site visit details]

A Proposers' meeting **will** be held before the Closing Time at:

[Insert Date and Time]

[Insert Address]

A transcript or minutes of the meeting will be posted on BC Bid. Attendance is **optional/ mandatory**. *[Author: select option; if meeting is mandatory, include as a requirement in the mandatory criteria section]* Oral questions will be allowed at the Proposers' meeting. However, questions of a complex nature, or questions where the Proponent requires anonymity, should be forwarded in writing, prior to the meeting, to the Government Contact. The Province reserves the right to post questions and answers on the BC Bid website.

OR

A Proposers' meeting **will not** be held.

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1 SUMMARY OF THE OPPORTUNITY

[Author: insert a brief summary of what is being procured through this process (one page or less; a good example is the summary that will go into BC Bid). Be specific on what is being purchased in order to encourage relevant vendors' interest in your opportunity, as an unclear scope description in the summary may result in a vendor deciding not to read further.]

If you are seeking services on an "as, if and when requested" basis, please consult with your Ministry solicitor as you will require a custom services contract. If this RFP is offered to pre-qualified Proponents only, state that requirement here.]

Unless an exception applies as described in Section 2.29 b), as a condition of Contract finalization the successful Proponent will be required to provide the Province with a Tax Verification Letter. Please see Section 2.29 for further details. As set out in Section 2.29, the Province will be unable to finalize a Contract with a Proponent that is unable to produce a Tax Verification Letter as a part of Contract finalization, if required.

Further details as to the scope of this opportunity and the requirements can be found within this RFP.

2 RFP PROCESS RULES

[Author: Do not revise these terms and conditions (except as expressly instructed in the Notes below) without legal advice from your Ministry solicitor]

2.1 Definitions

Throughout this Request for Proposals, the following definitions apply:

“Addenda” means all additional information regarding this RFP including amendments to the RFP;

“BC Bid” means the BC Bid website located at www.bcbid.ca;

“Closing Location” includes the location or email address for submissions indicated on the cover page of this RFP, or BC Bid, as applicable;

“Closing Time” means the closing time and date for this RFP as set out on the cover page of this RFP;

“Contract” means the written agreement resulting from the RFP executed by the Province and the successful Proponent;

“Contractor” means the successful Proponent to the RFP who enters into a Contract with the Province;

“Government Contact” means the individual named as the contact person for the Province in the RFP;

“Government Electronic Mail System” or **“GEMS”** means the electronic mail system of the Province;

“Ministry” means the ministry of the government of British Columbia issuing this RFP;

“must”, or **“mandatory”** means a requirement that must be met in order for a proposal to receive consideration;
[Author: search for the word “must” to ensure that it is only used for mandatory requirements]

“Proponent” means a person or entity (excluding its parent, subsidiaries or other affiliates) with the legal capacity to contract, that submits a proposal in response to the RFP;

“proposal” means a written response to the RFP that is submitted by a Proponent;

“Province” means Her Majesty the Queen in Right of the Province of British Columbia and includes the Ministry;

“Request for Proposals” or **“RFP”** means the solicitation described in this document, including any attached or referenced appendices, schedules or exhibits and as may be modified in writing from time to time by the Province by Addenda;

“should”, **“may”** or **“weighted”** means a requirement having a significant degree of importance to the objectives of the Request for Proposals; and

“Tax Verification Letter” means a letter issued by the Province’s Ministry of Finance to verify that a Proponent meets its applicable B.C. corporate income tax filing obligations and provincial sales tax (PST) filing and payment obligations, which may be required to be produced by a Proponent as a condition of Contract finalization, as described in Section 2.29.

[Author: insert additional definitions specific to your procurement, in alphabetical order into the above list. Defined terms should be capitalized throughout the RFP]

2.2 Acceptance of 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 via BC Bid attachment of the e-bidding key to an electronic proposal constitutes the signature of an authorized representative of the Proponent and is acceptable without additional signature.

2.3 Submission of Proposals

- a) Proposals must be submitted before Closing Time to the Closing Location using one of the submission methods set out on the cover page of this RFP. Proposals must not be sent by fax, except in the circumstances set out below. The Proponent is solely responsible for ensuring that, regardless of submission method selected, the Province receives a complete Proposal, including all attachments or enclosures, before the Closing Time.

b) For electronic submissions (BC Bid or email), the following applies:

(i) The Proponent is solely responsible for ensuring that the complete electronic Proposal, including all attachments, is received before Closing Time;

(ii) The maximum size of each attachment must be 20 MB or less (Proponents are solely responsible for ensuring that email proposal submissions comply with any size restrictions imposed by the Proponent's internet service provider);

(iii) Proponents should submit email proposal submissions in a single email and avoid sending multiple email submissions for the same opportunity. If the file size of an electronic submission exceeds the applicable maximum size, the Proponent may make multiple submissions (BC Bid upload or multiple emails for the same opportunity) to reduce attachment file size to be within the maximum applicable size; Proponents should identify the order and number of emails making up the email proposal submission (e.g. "email 1 of 3, email 2 of 3...");

(iv) For email proposal submissions sent through multiple emails the Province reserves the right to seek clarification or reject the proposal if the Province is unable to determine what documents constitute the complete proposal;

(v) 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 Province may reject proposals that are compressed, cannot be opened or that contain viruses or malware or corrupted attachments.

c) Only pre-authorized e-bidders registered on BC Bid can submit electronic bids on BC Bid. BC Bid is a subscription service (\$150 per year) and the registration process may take two business days to complete. If using this submission method, Proponents should refer to the BC Bid website or contact BC Bid Helpdesk at 250-387-7301 for more information. An electronic proposal submitted on BC Bid must be submitted using the e-bidding key of an authorized representative of the Proponent. Using the e-bidding key of a subcontractor is not acceptable.

d) For email proposal submissions, including any notices of amendment or withdrawal referred to in Section 2.9, the subject line of the email and any attachment should be clearly marked with the name of the

Proponent, the RFP number and the project or program title.

e) The Province strongly encourages Proponents using electronic submissions to submit proposals with sufficient time to complete the upload and transmission of the complete proposal and any attachments before Closing Time.

f) The Proponent bears all risk associated with delivering its Proposal by electronic submission, including but not limited to delays in transmission between the Proponent's computer and the Government Electronic Mail System or BC Bid.

g) While the Province may allow for email proposal submissions, the Proponent acknowledges that email transmissions are inherently unreliable. The Proponent is solely responsible for ensuring that its complete email proposal submission and all attachments have been received before Closing Time. If the Government Electronic Mail System rejects an email proposal submission for any reason, and the Proponent does not resubmit its proposal by the same or other permitted submission method before Closing Time, the Proponent will not be permitted to resubmit its proposal after Closing Time. The Proponent is strongly advised to contact the Government Contact immediately to arrange for an alternative submission method if:

(i) the Proponent's email proposal submission is rejected by the Government Electronic Mail System; or

(ii) the Proponent does not receive an automated response email from the Province confirming receipt of the email and all attachments within a half hour of the time the email proposal submission was sent by the Proponent.

An alternate submission method may be made available, at the Province's discretion, commencing one half hour before the Closing Time, and it is the Proponent's sole responsibility for ensuring that a complete proposal (and all attachments) submitted using an approved alternate submission method is received by the Province before the Closing Time. The Province makes no guarantee that an alternative submission method will be available or that the method available will ensure that a Proponent's proposal is received before Closing Time.

2.4 Additional Information

All Addenda will be posted on BC Bid. It is the sole responsibility of the Proponent to check for Addenda on BC Bid. Proponents are strongly encouraged to subscribe to BC Bid's email notification service to receive notices of Addenda.

[Author: if the RFP will be issued to a short list of Proponents, replace this section with the following: "All Addenda will be sent to Proponents at the contact information provided. Proponents are strongly encouraged to ensure that contact information is up to date."]

2.5 Late Proposals

Proposals will be marked with their receipt time at the Closing Location. Only complete proposals received and marked before the Closing Time will be considered to have been received on time. Proposals received late will be marked late and not considered or evaluated. In case of a dispute, the proposal receipt time as recorded by the Province at the Closing Location will prevail whether accurate or not.

2.6 Proposal Validity

Proposals will be open for acceptance for at least 90 days after the Closing Time.*[Author: The 90 days can be extended to 120 days if the RFP includes a shortlist process or some other process that may require more time to execute the Contract]*

2.7 Firm Pricing

Prices will be firm for the entire Contract period unless the RFP specifically states otherwise.

2.8 Completeness of Proposal

By submitting a proposal the Proponent warrants that, if the RFP is to design, create or provide a system or manage a program, all components required to run the system or manage the program have been identified in the proposal or will be provided by the Contractor at no additional charge.

2.9 Changes to Proposals

By submitting a clear and detailed written notice, the Proponent may amend or withdraw its proposal before the Closing Time. Unless the RFP otherwise provides, Proponents should use a consistent submission method for submitting proposals and any amendments or withdrawals. Upon Closing Time, all proposals become irrevocable. The Proponent will not change any part of its proposal after the Closing Time unless requested by the Province for purposes of clarification.

2.10 Conflict of Interest/No Lobbying

- a) A Proponent may be disqualified if the Proponent's current or past corporate or other interests, or those of a proposed subcontractor, may, in the Province's opinion, give rise to an actual or potential conflict of interest in connection with the services described in the RFP. This includes, but is not limited to, involvement by a Proponent in the preparation of the RFP or a relationship with any employee, contractor or representative of the Province involved in preparation of the RFP, participating on the evaluation committee or in the administration of the Contract. If a Proponent is in doubt as to whether there might be a conflict of interest, the Proponent should consult with the Government Contact prior to submitting a proposal. By submitting a proposal, the Proponent represents that it is not aware of any circumstances that would give rise to a conflict of interest that is actual or potential, in respect of the RFP.
- b) A Proponent must not attempt to influence the outcome of the RFP process by engaging in lobbying activities. Any attempt by the Proponent to communicate for this purpose directly or indirectly with any employee, contractor or representative of the Province, including members of the evaluation committee and any elected officials of the Province, or with the media, may result in disqualification of the Proponent.

2.11 Subcontractors

- a) Unless the RFP states otherwise, the Province will accept proposals where more than one organization or individual is proposed to deliver the services described in the RFP, so long as the proposal identifies the lead entity that will be the Proponent and that will have sole responsibility to deliver the services under the Contract. The Province will enter into a Contract with the Proponent only. The evaluation of the Proponent will include evaluation of the resources and experience of proposed sub-contractors, if applicable.
- b) All subcontractors, including affiliates of the Proponent, should be clearly identified in the proposal.
- c) A Proponent may not subcontract to a firm or individual whose current or past corporate or other interests, may, in the Province's opinion,

give rise to an actual or potential conflict of interest in connection with the services described in the RFP. This includes, but is not limited to, involvement by the firm or individual in the preparation of the RFP or a relationship with any employee, contractor or representative of the Province involved in preparation of the RFP, participating on the evaluation committee or in the administration of the Contract. If a Proponent is in doubt as to whether a proposed subcontractor might be in a conflict of interest, the Proponent should consult with the Government Contact prior to submitting a proposal. By submitting a proposal, the Proponent represents that it is not aware of any circumstances that would give rise to a conflict of interest that is actual or potential, in respect of the RFP.

- d) Where applicable, the names of approved subcontractors 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 Province.

2.12 Evaluation

- a) Proposals will be assessed in accordance with the evaluation criteria. The Province will be under no obligation to receive further information, whether written or oral, from any Proponent. The Province is under no obligation to perform any investigations or to otherwise verify any statements or representations made in a proposal.
- b) Proposals from not-for-profit agencies will be evaluated against the same criteria as those received from any other Proponents.
- c) The Province may consider and evaluate any proposals from other jurisdictions on the same basis that the government purchasing authorities in those jurisdictions would treat a similar proposal from a British Columbia supplier.

2.13 Contract

- a) By submitting a proposal, the Proponent agrees that should its proposal be successful the Proponent will enter into a Contract with the Province on substantially the same terms and conditions set out in Appendix A and such other terms and conditions to be finalized to the satisfaction of the Province, if applicable. *[Author: please review Contract options in Appendix A]*

- b) Written notice 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.

2.14 Contract Finalization Delay

If a written Contract cannot be finalized with provisions satisfactory to the Province within thirty days of notification of the successful Proponent, the Province may, at its sole discretion at any time thereafter, terminate discussions with that Proponent and either commence finalization of a Contract with the next qualified Proponent or choose to terminate the RFP process and not enter into a Contract with any of the Proponents.

2.15 Debriefing

At the conclusion of the RFP process, all Proponents will be notified. Proponents may request a debriefing meeting with the Province.

2.16 Proponents' Expenses

Proponents are solely responsible for their own expenses in participating in the RFP process, including costs in preparing a proposal and for subsequent finalizations with the Province, if any. The Province will not be liable to any Proponent for any claims, whether for costs, expenses, damages or losses incurred by the Proponent in preparing its proposal, loss of anticipated profit in connection with any final Contract, or any other matter whatsoever.

2.17 Limitation of Damages

By submitting a proposal, the Proponent 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.

2.18 Liability for Errors

While the Province has used considerable efforts to ensure information in the RFP is accurate, the information contained in the RFP is supplied solely as a guideline for Proponents. The information is not guaranteed or warranted to be accurate by the

Province, nor is it necessarily comprehensive or exhaustive. Nothing in the RFP is intended to relieve Proponents from forming their own opinions and conclusions with respect to the matters addressed in the RFP.

2.19 No Commitment to Award

The RFP should not be construed as an agreement to purchase goods or services. The lowest priced or any proposal will not necessarily be accepted. The RFP does not commit the Province in any way to award a Contract.

2.20 No Implied Approvals

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.

2.21 Legal Entities

The Province reserves the right in its sole discretion to:

- a) disqualify a proposal if the Province is not satisfied that the Proponent is clearly identified;
- b) prior to entering into a Contract with a Proponent, request that the Proponent provide confirmation of the Proponent's legal status (or in the case of a sole proprietorship, the Proponent's legal name and identification) and certification in a form satisfactory to the Province that the Proponent has the power and capacity to enter into the Contract;
- c) not to enter into a Contract with a Proponent if the Proponent cannot satisfy the Province that it is the same legal entity that submitted the Proponent's proposal; and
- d) require security screenings for a Proponent who is a natural person, subcontractors and key personnel before entering into a Contract and decline to enter into a Contract with a Proponent or to approve a subcontractor or key personnel that fail to pass the security screenings to the Province's satisfaction.

2.22 Reservation of Rights

In addition to any other reservation of rights set out in the RFP, the Province reserves the right, in its sole discretion:

- a) to modify the terms of the RFP at any time prior to the Closing Time, including the right to cancel the RFP at any time prior to entering into a Contract with a Proponent;

- b) in accordance with the terms of the RFP, to accept the proposal or proposals that it deems most advantageous to itself;
- c) to waive any non-material irregularity, defect or deficiency in a proposal;
- d) to request clarifications from a Proponent with respect to its proposal, including clarifications as to provisions in its proposal that are conditional or that may be inconsistent with the terms and conditions of the RFP, without any obligation to make such a request to all Proponents, and consider such clarifications in evaluating the proposal;
- e) to reject any proposal due to unsatisfactory references or unsatisfactory past performance under contracts with the Province, or any material error, omission or misrepresentation in the proposal;
- f) at any time, to reject any or all proposals; and
- g) at any time, to terminate the competition without award and obtain the goods and services described in the RFP by other means or do nothing.

2.23 Ownership of Proposals

All proposals and other records submitted to the Province in relation to the RFP become the property of the Province and, subject to the provisions of the *Freedom of Information and Protection of Privacy Act* and the RFP, will be held in confidence. For more information on the application of the Act, go to http://www.cio.gov.bc.ca/cio/priv_leg/index.page.

2.24 Copyright

This document is subject to copyright and may be used, reproduced, modified and distributed to the extent necessary for the Proponent to prepare and submit a proposal.

2.25 Confidentiality Agreement

The Proponent acknowledges that prior to the Closing Time it may be required to enter into a confidentiality agreement with the Province in order to obtain access to confidential materials relevant to preparing a proposal.

2.26 Alternative Solutions

If more than one approach to deliver the services described in the RFP are offered, Proponents should submit the alternative approach in a separate proposal.

2.27 Collection and Use of Personal Information

Proponents are solely responsible for familiarizing themselves, and ensuring that they comply, with the laws applicable to the collection and dissemination of information, including resumes and other personal information concerning employees and employees of any subcontractors. If the RFP requires Proponents to provide the Province with personal information of employees who have been included as resources in response to the RFP, Proponents will ensure that they have obtained written consent from each of those employees before forwarding such personal information to the Province. Such written consents should specify that the personal information may be forwarded to the Province for the purposes of responding to the RFP and used by the Province for the purposes set out in the RFP. The Province may, at any time, request the original consents or copies of the original consents from Proponents, and upon such request being made, Proponents will immediately supply such originals or copies to the Province.

2.28 Trade Agreements

This RFP is covered by the following trade agreements:

[Author: Edit the list of Trade Agreements below to reflect only those that apply to this purchase. Current thresholds for the applicable Trade Agreements can be found at [Posting Threshold Guidelines](#). Exemptions from trade obligations may apply to certain purchases regardless of value. Also, some Trade Agreements have minimum posting periods. For any questions regarding the impact of the Trade Agreements on your procurement or whether a specific trade agreement applies, please contact the [Ministry's Procurement Specialist](#), [Procurement Services Branch](#), or Ministry of Attorney General, [Legal Services Branch](#).

- a) Trade, Investment and Labour Mobility Agreement;
- b) New West Partnership Trade Agreement;
- c) Canadian Free Trade Agreement;
- d) Canada-European Union Comprehensive Economic and Trade Agreement;
- e) World Trade Organization Agreement on Government Procurement; and
- f) Comprehensive and Progressive Agreement for Trans-Pacific Partnership

For more information, Proponents may contact the Government Contact.

2.29 Tax Verification Letter

- a) As a condition of Contract finalization as described in Section 2.14, the successful Proponent (or any successor to that Proponent) will be required to provide the Ministry with a valid Tax Verification Letter, unless an exception applies as described below. If a Proponent is not able to produce the required Tax Verification Letter during Contract finalization, then the Province will be entitled to terminate discussions with that Proponent and proceed as described in Section 2.14.
- b) A Tax Verification Letter will not be required if:
 - (i) the Contract is valued at *less than* CAN\$100,000, including all fees, expenses and all options to extend or renew the Contract; or
 - (ii) the Contract is in relation to a government transfer as described in Chapter 21 of the Province's Core Policy and Procedures Manual.

- c) If a Tax Verification Letter is required, the Contract will contain, in addition to all other applicable schedules, a schedule that describes the Tax Verification Letter requirements of the Contract.

3 SITUATION/OVERVIEW

3.1 Ministry Responsibility

[Author: briefly describe your Ministry's mandate and identify the group within your Ministry that will administer the Contract and any additional clients that will directly or indirectly draw on the services]

3.2 Background

[Author: describe in more detail the current situation (i.e. current contract, Ministry situation) and why the services are required; set out the objectives or goals of the services and other material information not included elsewhere.]

[Transition Activities and Costs:

If the services are currently being delivered by an incumbent contractor, the name of that contractor and how long they have been delivering the services should be identified here. Other sections of the RFP (e.g. section 5 if this information will be evaluated, or a new heading under 3.3 Scope if it is not being evaluated) should include a description of how transition activities and costs will be addressed in the RFP.

The Canadian Free trade Agreement definition of "transition costs": "means the direct and additional costs incurred by a procuring entity in the process of moving from one supplier or good or service to another. These costs may include those for training of employees and system integration."

If uncertain how to address transition activities and costs, contact your [ministry's procurement specialist](#), [Procurement Services](#), or [Legal Services](#).]

3.3 Scope

[Author: describe what service areas are included, location of service delivery; if any service areas are out of scope, state here; duration of Contract (including any options to renew); budget, if disclosing; transition activities, if applicable.]

4 CONTRACT

4.1 Contract Terms and Conditions

Proponents should review carefully the terms and conditions set out in Appendix A, including the Schedules.

[Author: if providing selective Contract clauses only in Appendix A, consult with your Ministry [solicitor](#) about identifying mandatory (non-negotiable) provisions]

4.2 Service Requirements

The Contractor's responsibilities will include the following:

- a)
- b) ...

[Author: List the Contractor’s duties and responsibilities under the Contract that do not require evaluation under this RFP. For example, if the Contract will include reporting requirements (frequency, format, information to be reported) but you do not need to evaluate how the Proponent will perform the reporting, you can state the Contractor reporting requirements here. If the Contractor must meet specific performance standards and Proponents do not have the option of proposing a different approach, you can state what is expected here.]

[Author: Specify Ministry Responsibilities under a separate header, if any]

4.3 Related Documents

[Author: describe any additional documents that will be part of the Contract (example: non-disclosure agreement, Project Charter)]

5 REQUIREMENTS

In order for a proposal to be considered, a Proponent must clearly demonstrate that they meet the mandatory requirements set out in Section 7.1 (Mandatory Criteria) of the RFP.

This section includes “Response Guidelines” which are intended to assist Proponents in the development of their proposals in respect of the weighted criteria set out in Section 7.2 of the RFP. The Response Guidelines are not intended to be comprehensive. Proponents should use their own judgement in determining what information to provide to demonstrate that the Proponent meets or exceeds the Province’s expectations.

[Author: direct Proponents as follows OR if requiring a specific response template, refer to that template and the completion instructions here.]

Please address each of the following items in your proposal in the order presented. Proponents may find it helpful to use the individual Response Guidelines as headings for proposal responses.

5.1 Capabilities

[Author: use this section to identify the requirements that a Proponent should meet in order to demonstrate they are capable of delivering the services described in the RFP. Include headings for relevant categories; for example, relevant organizational experience, key personnel experience, current location, connection to the community, computer capabilities.]

5.1.1 RELEVANT EXPERIENCE

[Author: any section in the RFP that requests experience should include a description of a “meets-requirements” response. For example, the RFP could state: “The Proponent and any subcontractors of the Proponent included in its proposal should have a minimum of x years within the past x years providing services of a similar scope and complexity. Similar scope and complexity is defined as a)....; b).....; c).....; etc.”]

5.1.2 **REFERENCES**

Proponents should provide a minimum of *[insert number]* references (i.e. names and contact information) of individuals who can verify the quality of work provided specific to the relevant experience of the Proponent and of any subcontractors named in the proposal. References from the Proponent's own organization or from named subcontractors are not acceptable.

The Province may in its sole discretion, but is under no obligation to, check Proponent and subcontractor references without first notifying the Proponent or its subcontractors. The Province reserves the right to seek additional references independent of those supplied by the Proponent, including internal references in relation to the Proponent's and any subcontractor's performance under any past or current contracts with the Province or other verifications as are deemed necessary by it to verify the information contained in the proposal and to confirm the suitability of the Proponent.

Further to the Province's reservation of rights under Section 2.22, if the Proponent is deemed unsuitable by the Province in its sole discretion due to unsatisfactory references, or if the proposal is found to contain material errors, omissions or misrepresentations, the Proponent's proposal may be rejected.

Response Guidelines for Capabilities

1. Name a contact person for the Proponent, and include this person's address, phone and fax numbers, and email address. This information will not be evaluated but will be used to contact the Proponent as required.
2. *[Author: Insert one or more questions/instructions here that relate to the requirements identified above]*
3. Provide a minimum of *[insert number]* references specific to the experience cited, each of which includes a contact name, phone number and email address.
4. Describe how the Proponent will meet the environmental requirements set out in Section 5.1.3 *[Author: delete if not including environmental requirements]*

5.2 Approach

[Author: use this section to specify the requirements for service delivery so the Proponent can propose how to deliver the services; add additional headers and sub-headers as appropriate to your procurement. If applicable, include transition activities if you intend to evaluate how the proponent intends to take over the services from your incumbent and/or transition out to another entity at the end of the contract term.]

5.2.1 **[INSERT HEADER]**

[Author: Insert requirements in relation to this header]

5.2.2 **[INSERT HEADER]**

[Author: Insert requirements in relation to this header]

Response Guidelines for [insert appropriate header]

1. *[Author: Insert questions/instructions here relevant to this section]*

5.3 Price

Prices quoted will be deemed to be:

- a) in Canadian dollars;
- b) inclusive of duty, FOB destination, and delivery charges where applicable; and
- c) exclusive of any applicable taxes.

[Author: Clearly describe what is to be included in the price(s) proposed; see sample pricing options in the [Guide to the RFP Process.](#)]

Response Guidelines for Price

1. *[Author: Insert questions/instructions here relevant to this section; include question(s) regarding transition costs, if applicable]*

6 PROPOSAL FORMAT

Proponents should ensure that they fully respond to all requirements in the RFP in order to receive full consideration during evaluation.

The following format, sequence, and instructions should be followed in order to provide consistency in Proponent response and ensure each proposal receives full consideration. All pages should be consecutively numbered.

- a) Signed cover page (see section 7.1 Mandatory Criteria).
- b) Table of contents including page numbers.
- c) A short (one or two page) summary of the key features of the proposal.
- d) The body of the proposal, including pricing, i.e. the “Proponent Response”.
- e) Appendices, appropriately tabbed and referenced.
- f) Identification of Proponent (legal name)
- g) Identification of Proponent contact (if different from the authorized representative) and contact information.

7 EVALUATION

Evaluation of proposals will be by a committee formed by the Province and may include employees and contractors of the Province and other appropriate participants. *[Author: you may require evaluators to sign confidentiality acknowledgments or agreements and provide conflict declarations as a condition of participation on an evaluation committee; please consult with the Ministry’s procurement specialist or Procurement Services Branch if you have any questions]*

The Province’s intent is to enter into a Contract with the Proponent who has met all mandatory criteria and minimum scores (if any) and who has the highest overall ranking. *[Author: if there is a different selection process for the successful Proponent (i.e. top three Proponents with the highest scores), this wording will need to be revised]*

Proposals will be assessed in accordance with the entire requirement of the RFP, including mandatory and weighted criteria.

7.1 Mandatory Criteria

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

[Author: Include any mandatory requirements that all Proponents must meet as of the Closing Time. All RFP-specific mandatory requirements must be capable of evaluation on a pass/fail basis only. If further evaluation is required, then move the requirement into the weighted criteria. If a requirement does not require evaluation and only applies to the successful Proponent who will become the Contractor, do not include it as a mandatory; instead list it in section 4.2 “Service Requirements”.]

Mandatory Criteria
The proposal must be received at the Closing Location before the Closing Time.
The proposal must be in English.
The proposal must be submitted using one of the submission methods set out on the cover page of the RFP and in accordance with Section 2.3.
The proposal must either (1) include a copy of the cover page that is signed by an authorized representative of the Proponent or (2) otherwise identify the RFP, identify the Proponent and include the signature of an authorized representative of the Proponent that confirms the Proponent's intent to be bound, or (3) be submitted by using the e-bidding key on BC Bid (if applicable) in accordance with the requirements set out in Section 2.2.

7.2 Weighted Criteria

Proposals meeting all of the mandatory criteria will be further assessed against the following weighted criteria. *[Author: The following criteria are suggestions only; revise this table to match the Requirements Section of your RFP. If not using Minimum Scores, delete that column.]*

Weighted Criteria	Weight	Minimum score
Capabilities (section 5.1)		(if applicable)
Approach (section 5.2)		
Other		
Price (section 5. 3)		
TOTAL		

Proponents that do not meet a minimum score within a weighted criterion will not be evaluated further.

7.3 Price Evaluation

[Author: Price evaluations should use one of the following evaluation methods: (a) a mathematical formula; (b) the lowest price that meets the minimum score(s), or (c) the lowest price per point, where the overall price is divided by the points awarded to everything else to determine the price per point. Examples of each option are set out in the [Guide to the RFP Process](#).]

Appendix A - Contract Form

[Author: There are three Contract options:

Use Option 1 if using one of the three standard versions of the General Service Agreement (GSA, Information Technology & Management Consulting Professional Services, Financial Review and Assurance Services). Version selection will depend on the nature of the services required. Review the Completion Instructions at the following web site: <http://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/templates-and-tools/service-contract-templates/general-service-agreement-information> or consult with the Ministry's procurement specialist or Legal Services Branch to determine which attachments are relevant to your process. You must get approval from your Ministry solicitor to use the standard GSA for service contracts over \$250,000.

Use Option 2 ONLY if using a custom Contract or a Ministry-specific GSA or Shared Cost Arrangement that has been approved by Legal Services Branch for use with this RFP.

Use Option 3 ONLY if planning on attaching selected Contract clauses. You must consult with your Ministry solicitor to confirm the appropriate clauses.

Select one option that best meets your requirements, and DELETE the other options and corresponding text. Do not combine options. If you are unsure of which option to select, contact your Ministry solicitor.]

Option 1

By submitting a proposal, the Proponent agrees that should its proposal be successful, the Proponent will enter into a Contract with the Province on substantially the same terms and conditions of the following, and such other terms and conditions to be finalized to the satisfaction of the Province: *[Author: Select ONE of the contract forms and delete others]*

- General Services Agreement at <http://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/templates-and-tools/service-contract-templates/general-service-agreement-information>
- Information Technology and Management Consulting Professional Services Agreement at <http://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/templates-and-tools/service-contract-templates/general-service-agreement-information>
- Financial Review and Assurance Services Agreement at <http://www2.gov.bc.ca/gov/content/governments/services-for-government/bc-bid-resources/templates-and-tools/service-contract-templates/general-service-agreement-information>

The following schedules will be included in the Contract: *[Author: Select the applicable schedules for your Contract]*

- Schedule A (Services)
- Schedule B (Fees)
- Schedule C (Subcontractors, if applicable)
- Schedule D *[Author: specify if additional insurance is required]*
- Schedule E (Privacy)
- Schedule F (Additional Terms)
- Schedule G (Security)
- Schedule H (Tax Verification)

Option 2

By submitting a proposal, the Proponent agrees that should its proposal be successful the Proponent will enter into a Contract with the Province on substantially the same terms and conditions of the attached draft agreement, and such other terms and conditions to be finalized to the satisfaction of the Province. *[Author: Attach Draft Agreement which must be approved for use with this RFP by your Ministry solicitor]*

Option 3

By submitting a proposal, the Proponent agrees that should its proposal be successful the Proponent will enter into a Contract with the Province that will include clauses substantially the same as the following selected Contract clauses, and such other terms and conditions to be finalized to the satisfaction of the Province. *[Author: Before selecting this option, selected Contract clauses must be reviewed by your Ministry solicitor]*