

All enquiries related to this Request for Proposals, including any requests for information and clarification, are to be submitted by **August 9, 2024**, and directed, in writing, to procurement@bc-er.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 BCER's option.

RFP# 70025003

Posted: July 19, 2024

Remediation Risk Management Strategy on Orphan Sites

Closing Time: Proposal must be received electronically
before 2:00 PM Pacific Time on: August 16, 2024

Delivery of Proposals

Proposals must be submitted electronically.

To: <https://procurement.bc-er.ca/>

Organization Overview

The BC Energy Regulator (BCER) is the Province of B.C.'s life-cycle energy resources regulator. The BCER is a Crown agency with a mandate to ensure both the environment and public safety are protected, and those with concerns have the opportunity to have their voices heard in the sustainable development of British Columbia's energy resources.

As a cost recoverable, values driven organization, we prioritize safety, stewardship, and Indigenous interests throughout the full project lifecycle – from exploration to reclamation – and support the transition to clean energy. The BCER is committed to reconciliation with Indigenous Peoples, honouring the Provincial commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Declaration on the Rights of Indigenous Peoples Act, and the Truth and Reconciliation Commission's (TRC) Calls to Action. Through fostering respectful and collaborative relationships with Indigenous partners and stakeholders, the BCER delivers on Government's priorities.

The BCER has an innovative forward-thinking workplace that demonstrates our core values. Through continuous improvement and development, the BCER is agile and responsive to the rapidly changing environment in which we operate. We are diverse and inclusive, with transparency, innovation, and integrity as the foundation of our respectful culture. Secured access to BCER information and systems is a foundational consideration in the management of the BCER's infrastructure.

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A. Definitions and Administrative Requirements

1. Definitions

Throughout this Request for Proposals, the following definitions apply:

“Contract” means the written agreement resulting from this Request for Proposals executed by the BCER and the Contractor;

“Contractor” means the successful Proponent to this Request for Proposals who enters into a written Contract with the BCER;

“Must”, or “mandatory” means a requirement that must be met in order for a proposal to receive consideration;

“Proponent” means an individual or a company that submits, or intends to submit, a proposal in response to this Request for Proposals;

“BCER” means British Columbia Energy Regulator;

“Request for Proposals” means the process described in this document; and

“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 BCER may reject proposals that are compressed, cannot be opened or that contain viruses or malware or corrupted attachments.

4. Additional Information Regarding the Request for Proposals

All subsequent information regarding this Request for Proposals, including changes made to this document will be posted on the BC Bid website at www.bcbid.ca. It is the sole responsibility of the Proponent to check for amendments on the BC Bid website.

5. 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.

6. Eligibility

- a) Proposals will not be evaluated if the Proponent’s current or past corporate or other interests may, in the BCER’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 BCER Contract Management Analyst 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.

7. Evaluation

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

8. Negotiation Delay

If a written Contract cannot be negotiated within thirty days of notification of the successful Proponent, the BCER 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.

9. Debriefing

At the conclusion of the Request for Proposals process, all Proponents will be notified of the award by email. Unsuccessful Proponents may request a debriefing meeting with the BCER.

10. Alternative Solutions

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

11. 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 BCER for purposes of clarification.

12. Proponents' Expenses

Proponents are solely responsible for their own expenses in preparing a proposal and for subsequent negotiations with the BCER, if any. If the BCER elects to reject all proposals, the BCER 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.

13. 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.

14. Proposal Validity

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

15. Firm Pricing

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

16. Currency and Taxes

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

17. 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.

18. 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 BCER'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 BCER 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 BCER.

19. Acceptance of Proposals

This Request for Proposals should not be construed as an agreement to purchase goods or services. The BCER 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 BCER will be under no obligation to receive further information, whether written or oral, from any Proponent.

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.

20. 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.

21. Contract

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

22. Liability for Errors

While the BCER 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 BCER, 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.

23. Modification of Terms

The BCER 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.

24. Ownership of Proposals

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

25. Use of Request for Proposals

Any part of this document, or any information provided by the BCER 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 BCER in relation to this Request for Proposals.

26. Reciprocity

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

27. No Lobbying

Proponents must not attempt to convey directly or indirectly with any employee, contractor or representative of the BCER, including the evaluation committee and any elected officials of the BCER, 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 BCER.

B. Requirements and Responses

1. Summary of the Requirement

The BCER is seeking parties qualified to provide an evaluation of risk and regulatory solutions for contaminated soil, sediment and water. These include managing soil material at depth in excavations, managing soil treatment outside of CSR Protocol 19 and providing a risk based remedial options matrix to support BCER’s decision making process.

2. Anticipated Schedule

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

Event	Anticipated Date
Enquiries deadline	August 9, 2024
Request closing time	August 16, 2024, before 2:00PM PST
Review, interviews, and reference checks as required	August 19-23, 2024
Preferred Proponent selected by	August 30, 2024
Commencement of work	September 2024

3. BCER Situation/Overview

The BCER regulates the full life cycle of energy resource activities in B.C., from site planning to restoration. We ensure activities are undertaken in a manner that protects public safety, safeguards the environment, supports meaningful reconciliation, and advances the public interest and contributes to B.C.'s economy. The BCER’s current legislated mandate, regulatory framework, core activities and organizational structure are described in the [2023/24 - 2025/26 Service Plan](#) available on the BCER’s website at www.bc-er.ca.

3.1 BCER Responsibility

The BCER mission is as follows:

We regulate the life cycle of energy resource activities in B.C. from site planning to restoration, ensuring activities are undertaken in a manner that:

- Protects public safety
- Safeguards the environment
- Supports meaningful reconciliation
- Advances the public interest and contributes to B.C.'s economy

4. Requirements

4.1 Scope of Services

The purpose of this Request for Proposal is to seek expert opinion and guidance to provide an evaluation of risk and regulatory solutions with respect to:

- Managing contaminated soil at depth and use in backfilling excavations based on the applicable depth dependant standards, including an evaluation of risk to the BCER if moving soil to different depths within an excavation.
- Soil relocation to a central treatment location for management of contaminated soil with exemptions to the CSR Protocol 19, including providing the applicable requirements and anticipated timeframes if regulatory approvals or authorizations are required.
- Risk based remedial approaches at contaminated sites or area-based programs consistent with the applicable regulatory requirements.
- Providing a risk based remedial options matrix to support BCER's decision making process.
- The above scope of services should consider the prevailing environmental settings (agricultural land reserve, Crown land, natural areas, remote areas, etc.) and potential stakeholder engagement (private landowner and First Nations, etc.). Additionally, Environmental, Social and Governance (ESG) factors should be evaluated that support the proposed remedial approaches.
- Preparation of documentation(s) suitable for stakeholder engagement purposes for the proposed risk management and remedial approaches.

Recommended approaches and guidance may be intended for application to sites under the management of the BCER (Orphan sites), and/or to support regulatory decision making (which may also apply to Orphan treatment). Further clarity will come during project implementation with the successful proponent.

4.2 Format Requirements

The following format, sequence, and instructions must be followed 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) Executive summary.
- c) The body of the proposal in accordance with the below content requirements, to a maximum length of 12 pages.

4.3 Content Requirements

Responses should be succinct and should focus on specific services and deliverables being proposed – please be considerate of the time it will take to review the submission.

In order to expedite a fair and unbiased proposal review process, the BCER's preference is for all proposals to use the following outline:

- 1) Project Approach
 - i) Description of the proposed approach, based on the scope described in Section 3.1.
 - ii) Phases/Milestones of approach
- 2) Budget estimate - breakdown of estimated budget into scope phases/milestones.
- 3) Schedule - referencing proposed phases/milestones.
- 4) Named resources, including:
 - i) Role
 - ii) Hourly Rate (in Canadian dollars)
 - iii) Resumes of experience specific to this project (max half page each)
 - iv) Availability to start and execute project
- 5) Two examples of **relevant** previous work.

5. Evaluation of Proponent Response

The evaluation of responses will be conducted by a team consisting of employees and/or contractors of the BCER. All members of the team will be bound by the same standards of confidentiality.

This section details the mandatory and desirable 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 proposal will not necessarily be accepted. The BCER reserves the right to refuse any and all proposal(s) 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
- Stage Two – Desirable Criteria

5.1 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 received before the designated closing date and time.
- The Proposal must be in English and submitted electronically to <https://procurement.bc-er.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 confirming the Proponent is free of any actual or perceived conflict of interest and free of bias with respect to the BCER, its officers and employees.

Failure to meet all mandatory criteria above will disqualify the Proponent’s Proposal from further review. If you have issues uploading to the procurement portal contact procurement@bc-er.ca before the deadline.

5.2 Desirable Criteria

The BCER seeks to enter into an agreement with the Proponent who, in the opinion of the BCER, has the resources with the knowledge and competence to provide the greatest value. Proposals meeting all of the mandatory criteria will be further assessed against the desirable criteria.

Desirable Criteria	Weight
Price and Schedule <ul style="list-style-type: none"> • Total estimate • Personnel hourly rates • Ability to meet proposed schedule 	30%
Technical Approach <ul style="list-style-type: none"> • Understanding of issues • Application of applicable regulatory guidance • Application of risk-based solutions (including risk to BCER) • Value added 	30%
Proposed Expert Team <ul style="list-style-type: none"> • Qualification of team members • Relevant experience • Experience with applicable regulatory requirements 	30%
Socioeconomic Factors <ul style="list-style-type: none"> • Understanding of stakeholder issues • Application of ESG criteria 	10%

5.3 Informational Interviews

The top ranking (to a maximum of three) Proponents may be asked to attend an interview with the evaluation team. During the interview, the evaluation committee may clarify and/or verify statements made in the written Response.

The requirement for interviews is optional. The BCER reserves the right to complete the evaluation process without Proponent interviews.

Interview Criteria	Weight
Understanding of proposal requirements	30%
Proposed technical approach/solutions	40%
Qualifications and relevant experience of proposed team members	30%

The highest scoring Proponent (Preferred Proponent) will be selected by adding the scores from the desirable criteria and the interview (if conducted).